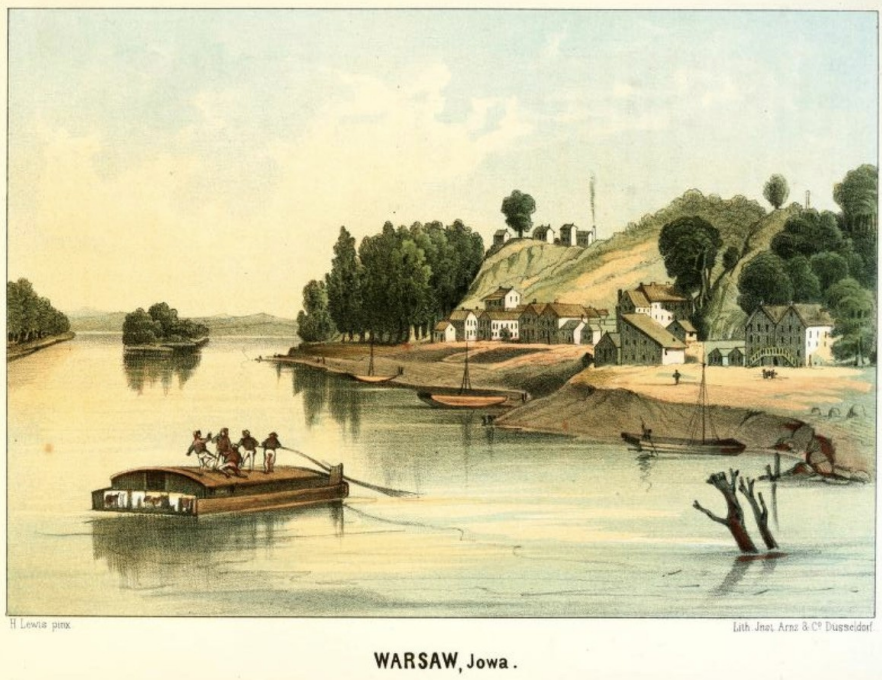
Taken Across the Mississippi

Daniel Avery's Kidnapping and the Fear of Further Missouri Persecutions

A narrative documentary edition from the Daniel Avery research collection
Prepared for David Larsen · October 2026



Henry Lewis's view of Warsaw on the Mississippi, published in Das illustrirte Mississippithal, 1854–1858. The plate's "Warsaw, Iowa" identifies Warsaw, Illinois. This later view evokes the river setting; it does not depict Avery's crossing.

At about midnight, Daniel Avery was brought to a skiff below Warsaw. His captors had promised him a hearing. He had asked for one repeatedly. Now, with Missouri across the water, he understood where they meant to take him.

"I refused to cross," he later testified. They forced him into the boat, bound him, and carried him over. Five men accompanied him. In the account he dictated after his release, he tried to name them all.

For Avery's family, the crossing began another anxious stretch of confinement and separation. For Joseph Smith and the Latter-day Saints at Nauvoo, it raised a larger question: could the safety they had sought in Illinois disappear as soon as armed men reached the river? [1]

The country they had left behind

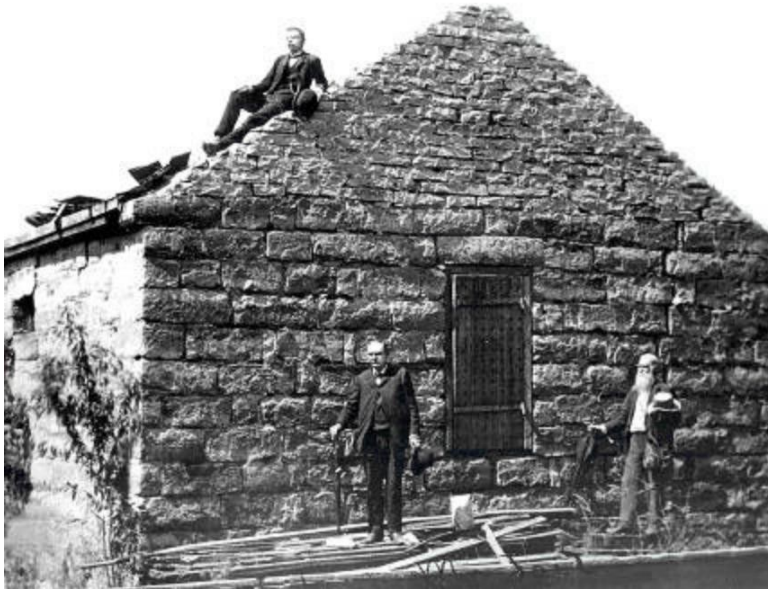
Five years before Daniel Avery's seizure, Missouri's governor had put a threat into writing that the Saints could not easily forget. On 27 October 1838, Lilburn W. Boggs directed General John B. Clark to treat the Mormons as enemies. They were to be "exterminated or driven from the State if necessary for the public peace." The words came amid an escalating conflict involving armed confrontations, expelled families, competing reports of outrages, and deep hostility toward the growing Latter-day Saint settlements. The order turned the power of the state against an entire religious community. [2]

During the winter of 1838–1839 and the following spring, thousands of Saints left Missouri. Families crossed into Illinois with what they could carry or haul. The people of Quincy helped many of the refugees. Farther upriver, the settlement that became Nauvoo offered another place to begin again. Crossing the Mississippi could mean food, shelter, neighbors willing to help, and distance from the men who had driven them out. [3]



Lilburn W. Boggs, governor of Missouri in 1838. Official portrait by Ralph Chesley Ott, 1922; Missouri State Archives reproduction. The painting is a later likeness, not an image made during the crisis.

Joseph Smith did not accompany the main movement of refugees. He and other church leaders remained prisoners in Missouri. From December 1838 until April 1839, Joseph and Hyrum Smith were held in Liberty Jail with fellow prisoners. Joseph's letters from confinement carried anguish over the suffering of the Saints and the separation from their families. The jail became a lasting physical reminder of what Missouri custody could mean. [3]



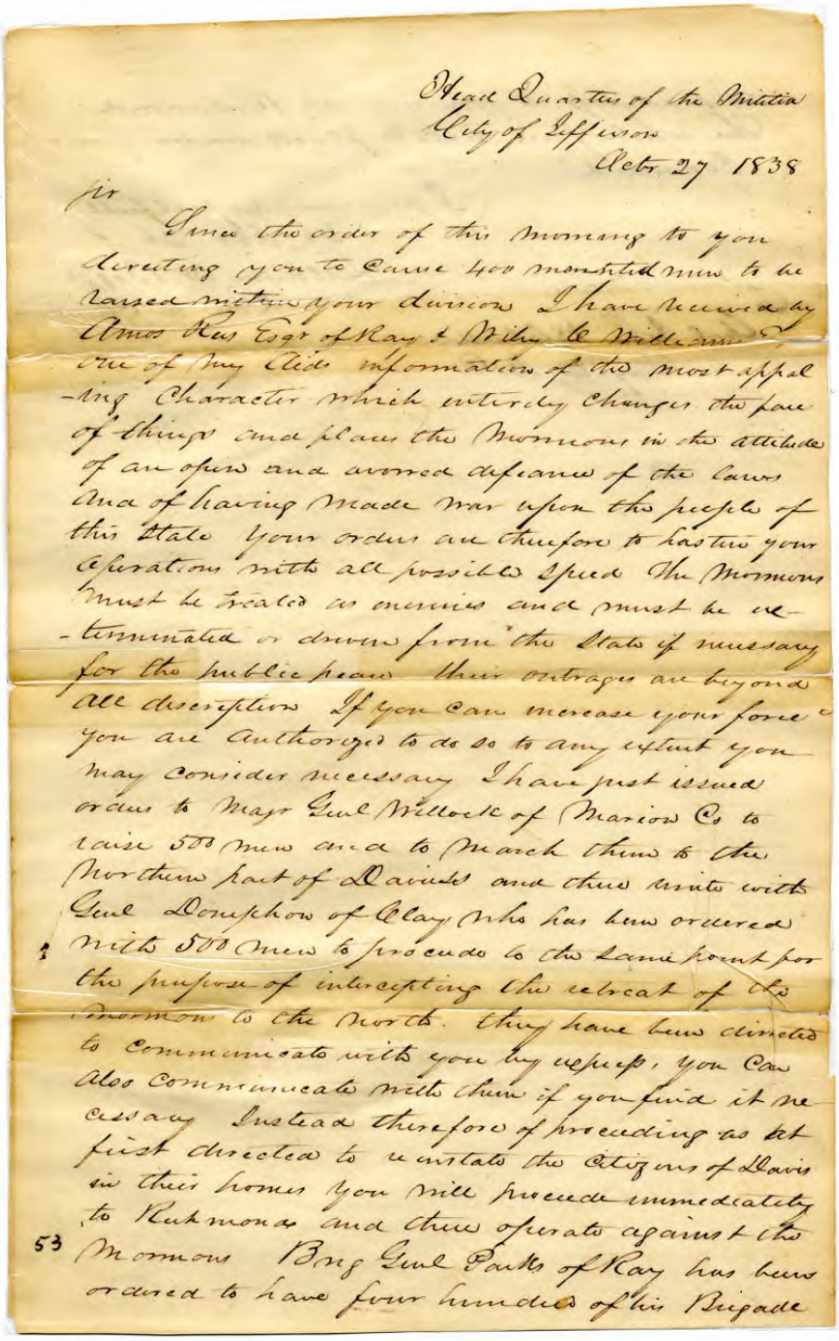
The original Liberty Jail photographed in 1888, almost fifty years after Joseph and Hyrum Smith's imprisonment. The deteriorating building shown here is not a reconstruction. Photograph reproduced through BYU's historical collections and Wikimedia Commons.

The Avery family's known migrations do not establish that Daniel, Margaret, and Philander themselves fled Missouri in 1839. Their story must not be supplied with an experience that the records have not proved. Yet by 1843 they lived within a community whose understanding of danger had been shaped by those expulsions. Daniel, a farmer and carpenter, had presided over an elders quorum at Montrose, Iowa Territory. His family's life crossed the ordinary boundaries of the upper Mississippi region: work, marriage, church membership, and kinship linked Iowa and Illinois. [4]

The river was a road as well as a boundary. Boats carried goods and passengers between nearby settlements, and residents knew people on both banks. In a kidnapping, however, a short crossing could move a prisoner beyond the immediate reach of the officials to whom his family could appeal. Daniel's captors would exploit exactly that vulnerability.

The order in Boggs's own words

The following two leaves preserve the operative text of Boggs's order. They make the background to the Avery story tangible: this was an instruction issued from the governor's office to a militia commander, with directions for concentrating armed forces. The transcription that follows joins the manuscript's line endings and expands a few abbreviations for readability. It preserves the substance of the order, including its allegations against the Saints; those allegations are Boggs's assertions, not findings adopted by this narrative. [2]

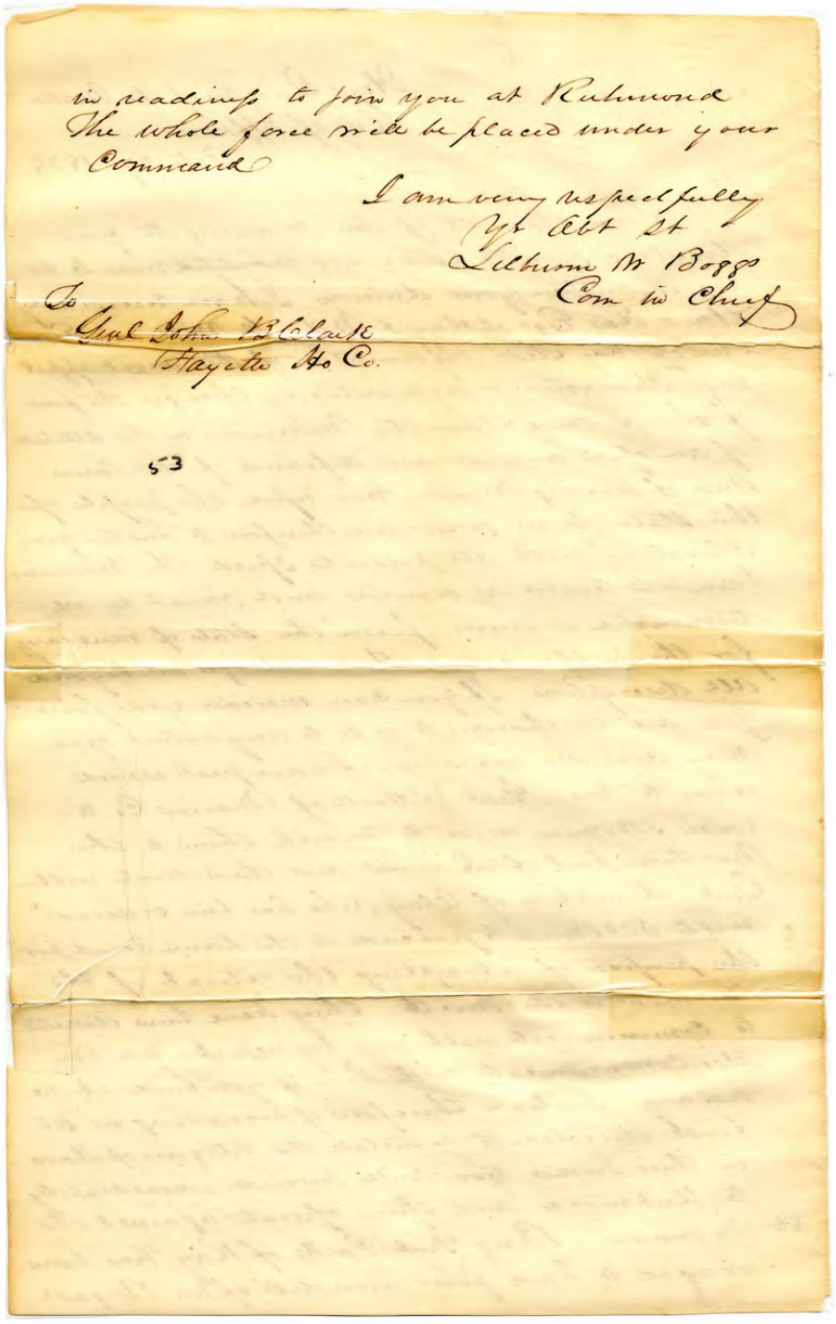


Head Quarters of the Militia
City of Jefferson
Octr 27 1838

Sir

Since the order of this morning to you directing you to cause 400 mounted men to be raised within your division I have received by Amos Rees Esqr of Ray & Wilson & Williams one of my Aids information of the most appal-ing character which entirely changes the face of things and plans the Mormons in the attitude of an open and avowed defiance of the laws and of having made war upon the people of this State Your orders are therefore to hasten your operations with all possible speed The Mormons must be treated as enemies and must be ex-terminated or driven from the State if necessary for the publick peace their outrages are beyond all description If you can increase your force you are authorized to do so to any extent you may consider necessary I have just issued orders to Major Genl Willcock of Marion Co to raise 500 men and to march them to the Northern part of Davies and there unite with Genl Doniphon of Clay who has been ordered with 500 men to proceede to the same point for the purpose of intercepting the retreat of the Mormons to the North. They have been directed to communicate with you by express, you can also communicate with them if you find it ne-cessary Instead therefore of proceeding as at first directed to reinstate the citizens of Davis in their homes you will proceede immediately to Richmond and there operate against the 53 Mormons Brig Genl Parks of Ray has been ordered to have four hundred of his Brigade

Boggs to General John B. Clark, 27 October 1838, first text leaf. Missouri State Archives, Mormon War Papers; public-domain scan preserved by Internet Archive and Wikimedia Commons.



in readiness to join you at Richmond
The whole force will be placed under your
Command

I am very respectfully
Yr Obt St
Lithurn W Boggs
Com in Chief

To
Gen John B Clark
Fayette Mo Co.

5-3

Second text leaf, with Boggs's signature and the address to General John B. Clark. The mostly blank area is part of the surviving leaf.

Reading transcription of the order

Head Quarters of the Militia
City of Jefferson
Oct. 27, 1838

Sir,

Since the order of this morning to you directing you to cause 400 mounted men to be raised within your division, I have received by Amos Rees Esq. of Ray Co. and Wiley C. Williams, one of my aids, information of the most appalling character, which entirely changes the face of things and places the Mormons in the attitude of an open and avowed defiance of the laws and of having made war upon the people of this State.

Your orders are therefore to hasten your operations with all possible speed. The Mormons must be treated as enemies and must be exterminated or driven from the State if necessary for the public peace—their outrages are beyond all description. If you can increase your force you are authorized to do so to any extent you may consider necessary.

I have just issued orders to Maj. Genl. Willock of Marion Co. to raise 500 men and to march them to the northern part of Daviess and there unite with Genl. Doniphan of Clay who has been ordered with 500 men to proceed to the same point for the purpose of intercepting the retreat of the Mormons to the north. They have been directed to communicate with you by express; you can also communicate with them if you find it necessary.

Instead therefore of proceeding as at first directed to reinstate the citizens of Daviess in their homes, you will proceed immediately to Richmond and then operate against the Mormons. Brig. Genl. Parks of Ray has been ordered to have four hundred of his brigade in readiness to join you at Richmond. The whole force will be placed under your command.

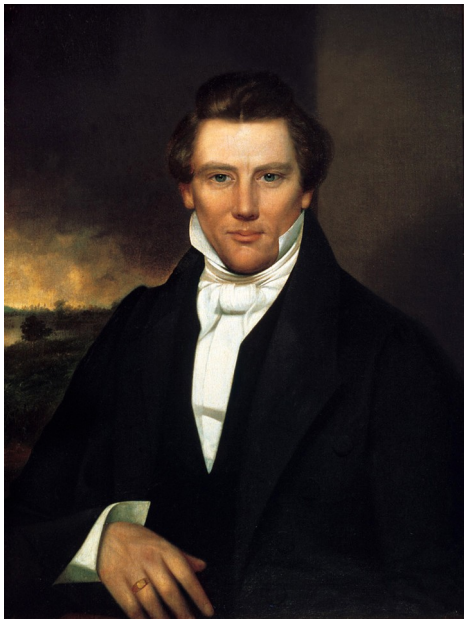
I am very respectfully
Yr. obt. st.
Lilburn W. Boggs
Com. in Chief

To Genl. John B. Clark
Fayette, Ho. Co.

A threat that followed Joseph into Illinois

By the autumn of 1843, Joseph Smith had already faced repeated attempts to return him to Missouri. Illinois residence had not ended the struggle over his freedom. Efforts in 1841, in 1842 and early 1843, and again in June 1843 brought Missouri accusations into Illinois courts. Joseph and his supporters answered with lawyers, petitions, and writs of habeas corpus—orders requiring the person holding a prisoner to bring him before a court so that the legality of his detention could be examined. [5]

The June 1843 episode made the danger particularly immediate. While Joseph was visiting the Dixon area of Illinois, Joseph H. Reynolds of Missouri and Harmon T. Wilson of Illinois arrested him under extradition process. The arrest, his treatment in custody, and the struggle to obtain legal assistance renewed fears that he might be carried across the state line before his defenders could secure a hearing. He eventually reached Nauvoo and obtained discharge through its municipal court. Missouri officials and Nauvoo's opponents disputed that use of municipal authority. [5]



Joseph Smith, portrait associated with his son Joseph Smith III and dated about 1842. His attempts to avoid renewed Missouri custody shaped his response to the Avery abductions.

These contests left two fears facing one another. The Saints feared that an accusation from Missouri could lead to imprisonment, violence, or death. Their opponents feared that Nauvoo's courts and armed strength allowed Joseph to resist outside authority. Neither fear made every rumor true. Both affected what people believed when news arrived that an Illinois resident had been taken into Missouri without an Illinois hearing.

Avery's seizure also presented a danger that a victory in an extradition hearing could not resolve. If a group could seize a man, bind him, and row him across the river, there might be no time for an Illinois judge to act. Legal protection depended on being able to reach the law before the boat left the bank.

First the son

The first Avery taken was Philander, Daniel and Margaret's young adult son. Married to Elizabeth Meeks in 1842, he lived in the Bear Creek neighborhood of Hancock County. The affair began with an

allegation about a stolen horse. A man whose name appears as Childs or Chiles implicated the Averys in a claim involving Joseph McCoy of Clark County, Missouri. A man called Richardson then helped draw Philander into the hands of those who meant to take him across the river. [6]

The exact date has acquired conflicting versions. Some accounts give 19 November 1843. The Missouri custody evidence used by the Joseph Smith Papers places Philander before a magistrate on 13 November, supporting a seizure about 12 November instead. The earlier date fits the surviving sequence; the later date should remain visible as a discrepancy rather than be silently repeated as certain. [6]

Once in Missouri, Philander was vulnerable to men who controlled his confinement. According to the accounts preserved in the case, threats involving a Bowie knife, death, and prolonged imprisonment helped produce a statement implicating his father. Daniel later said that a promise of release also lay behind the statement. An accusation carrying the son’s name could now be used to pursue the father.

Philander eventually escaped and returned to Illinois before his father’s release. On 20 December he swore an affidavit at Nauvoo retracting the accusation against Daniel: he said the statement had been extorted through fear and was false. His own voice now stood against the words that had helped put his father in custody. [6]

The records give us the coercion as testimony, not a scene witnessed by a neutral narrator. They do not supply every word spoken in the room or permit us to reconstruct Philander’s private thoughts. But the sequence is clear enough to be disturbing: a young man was removed from Illinois; while confined in Missouri he supplied an accusation; that accusation became part of the justification for taking another member of his family.

Daniel would not learn the whole of his son’s account until they met in confinement. By then, the same chain of events had caught them both.

A Saturday at Doty’s mill

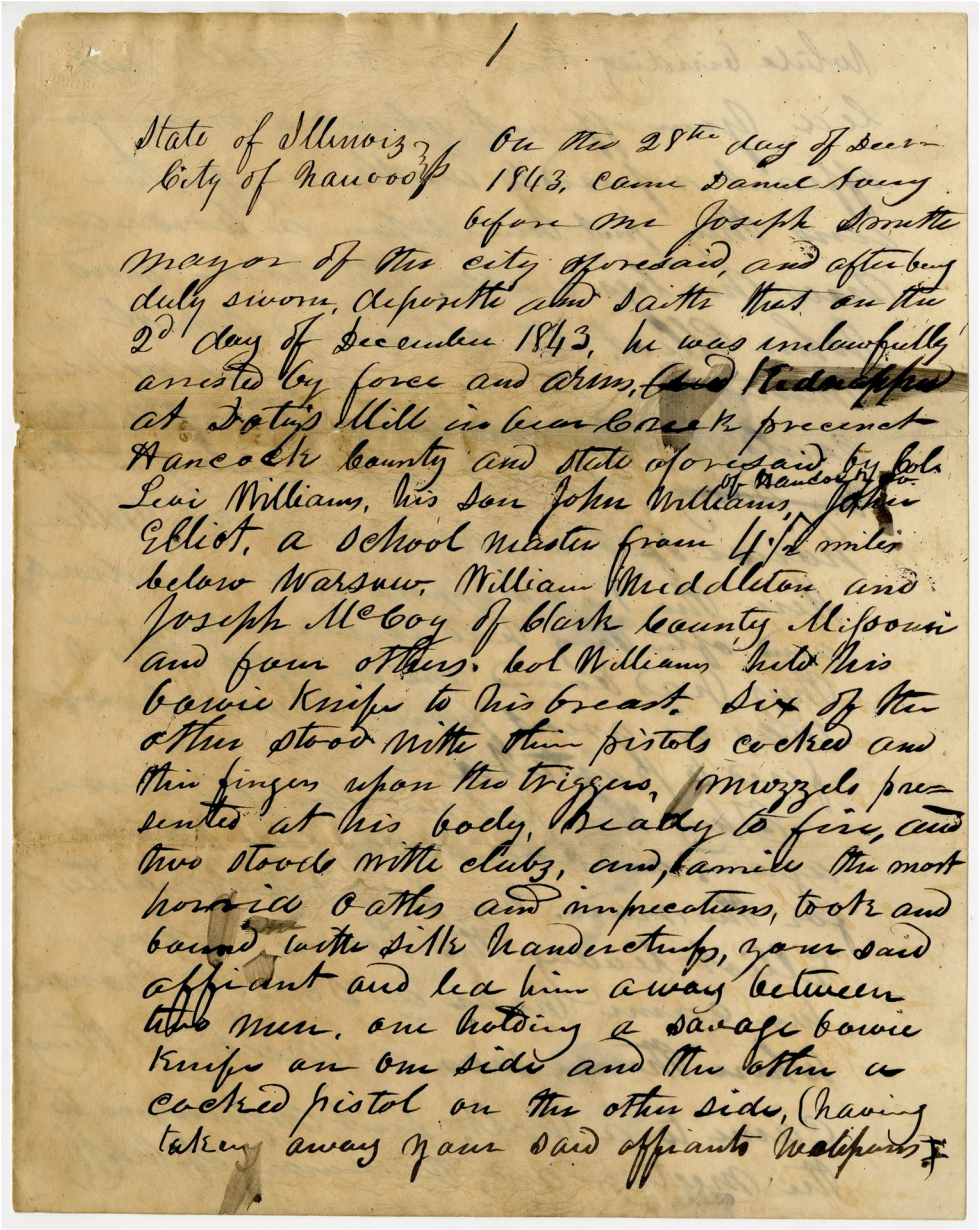
On 2 December 1843, Daniel Avery was at Vernon Doty’s mill in Bear Creek Precinct. Men arrived with weapons. In his later affidavit, Daniel named Colonel Levi Williams, Williams’s son John, the schoolmaster John Elliott, William Middleton, and Joseph McCoy, together with other men. He described a Bowie knife against his breast, cocked pistols pointed at his body, and two men with clubs. His own weapons were taken away. His hands were bound with silk handkerchiefs. [1]

Levi Williams was no stranger passing through the county. He farmed at Green Plains, held militia rank, and served as the neighborhood’s postmaster. His standing helped give the seizure the appearance of organized authority. Daniel nevertheless insisted that his captors show the authority under which they were taking him. In his account, an Illinois writ was never produced.

They led him away between armed men. After about a mile, Daniel refused to walk farther. They placed him on a horse and tied his legs beneath it. Elliott led the animal through a thicket and along a byway toward Williams’s house. There the party ate and drank. Daniel was briefly unbound because the restraints were causing him pain, and he too was allowed to eat. Then he was bound again and the journey resumed.

The group stopped near a schoolhouse where a meeting was taking place. Messengers went inside. After roughly half an hour, Daniel recalled, enough armed men returned to make the company about twenty. They rode with him in the center. As they went, he told the people he encountered that he was being kidnapped.

The detail matters. Daniel was not claiming that he had refused every form of legal arrest. His repeated demand was for lawful authority and an opportunity to appear before a magistrate. He wanted others to know that his removal was involuntary. His words were an appeal for intervention as well as a protest.



Opening page of Daniel Avery’s affidavit, 28 December 1843, in William W. Phelps’s handwriting. Church History Library, through the Joseph Smith Papers. The complete ten-page text, including the final docket, appears later in this edition.

Across the water

The party reached a house on the point below Warsaw. Daniel said that he was cold from being bound and that they took him indoors to warm. Again he demanded a hearing. His captors said they were looking for a magistrate. He answered that he understood their purpose: they meant to force him into Missouri.

McCoy returned and announced that they were ready. It was about midnight. They went some three hundred yards upriver to a skiff. Daniel refused to cross. The promise of a trial had not been kept. He was forced into the boat and bound. In his affidavit he named William Middleton, William Clark, Joseph McCoy, John Elliott, and Charles Coolidge as the five men who took him across. Coolidge was a Warsaw physician; the familiar occupations of the participants make the episode no less violent. [1]

Henry Lewis's Warsaw view gives this passage a useful setting. The town stood above the river, and boats connected its shore with the settlements opposite. The print was published more than a decade after the kidnapping and cannot identify the landing or the precise course of Avery's boat. Daniel's words, however, establish that the crossing occurred below Warsaw. The image can therefore illuminate a documented place without pretending to illustrate the event itself.

On the Missouri side, Daniel said, they took him to a tavern south of the Des Moines River. A buffalo robe was thrown down for his bed. His arms hurt so much that he could not rest. He protested to Middleton, reminding him that he had received different treatment at Daniel's house. Eventually the bonds were loosened and Daniel slept under guard before the fire.

The next day the party traveled to McCoy's home in Clark County, a journey Daniel estimated at twelve miles. He was ill and exhausted. After he had gone to bed, an officer arrived from Waterloo, the county seat, with a writ. McCoy and Middleton objected to moving him that night because he was sick. The writ was executed, but Daniel remained in their keeping until morning.

Here the narrative turns on the order of events. Missouri process appeared after Daniel had already been seized in Illinois and carried across the Mississippi. Whatever the legal force of the later writ, it could not serve as the Illinois authority that Daniel had repeatedly requested before the crossing.

Father and son in Missouri custody

At Waterloo, a magistrate committed Daniel on the substance of Philander's accusation. Bail was set at one thousand dollars. For a stranger with no local sureties, the sum offered little immediate prospect of freedom. Because Clark County lacked a jail suitable for keeping him, Daniel was sent toward confinement elsewhere. [1]

His first effort to obtain release by habeas corpus failed. In Monticello he saw Philander in jail. The son told the father that a Bowie knife and threats had forced the accusation from him, and that he knew Daniel was innocent. Daniel asked to remain there with his son. The request was refused.

He was taken on to Palmyra. His account describes being thrust into the jail before he could eat or warm himself. The next morning, a blacksmith fastened him to a heavy chain attached to the floor. He remained there for about two weeks. When he was taken back toward Clark County, the restraints followed him: on part of the journey a chain ran from his right leg to his left hand; later it was shifted to the horse's neck. At night he was chained to a guard or a bedpost.

Daniel's affidavit is a protest written after these experiences, and its language is openly accusatory. Even so, its descriptions are specific enough to direct comparison with the court records: the places, the officers, the bail amounts, the successive hearings, and the date of discharge can all be investigated. Its force comes from these particulars as much as from its anger.

The underlying horse charge also had a chronology problem. The research assembled by the Joseph Smith Papers places the original alleged theft in 1840, beyond the applicable three-year limitation by the time Daniel was prosecuted. The later indictment used a date in January 1843. That shift should

not be smoothed away. It was central to the weakness of the accusation as reconstructed from the Missouri records; it does not establish that a jury ever tested the competing accounts. [6]

By 23 December, Daniel faced another discouraging prospect: his case was being put over for six months. He blamed his lawyer, Ellison, and believed his lack of money explained the delay. That was Daniel's interpretation. We do not have to accept his explanation of the lawyer's motive to understand why the continuance terrified him. He had already experienced the Palmyra jail. A reduction of bail to five hundred dollars still did not produce a surety.

Then, on Christmas Day, another habeas proceeding brought a different result. The order copied into Daniel's affidavit directed Sheriff Samuel Musgrove to discharge him from imprisonment on the indictment for allegedly stealing McCoy's mare. It named the date, 25 December 1843, and the clerk, Willis Card. The legal record of release is one of the most consequential pieces of paper in the story.

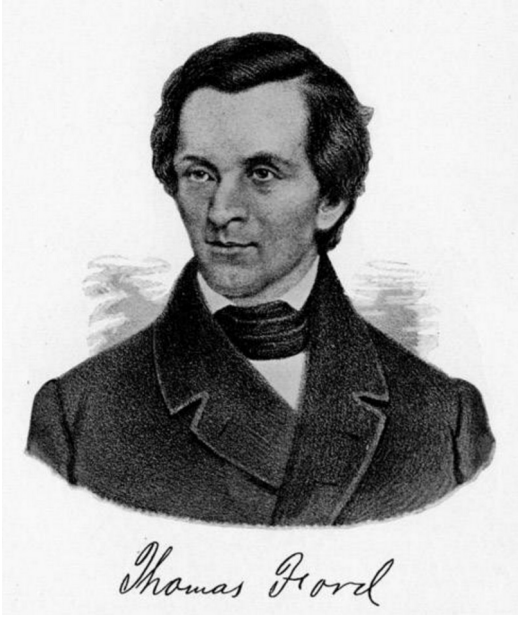
Very early the next morning Daniel started for Nauvoo. He said he arrived near sundown, after a journey of nearly twenty miles, so injured by the restraints and his treatment that he could hardly walk. He offered thanks to those who had helped him obtain release. The affidavit does not give us a domestic reunion scene, and none needs to be invented. His arrival was enough: a man whom his family and neighbors had feared losing to Missouri was back in Illinois.

While Daniel was gone

Daniel's narrative follows the prisoner. Other documents show what happened among the people waiting for him. Margaret Avery brought news of her husband's seizure to Nauvoo on 5 December. With a son already taken and a husband now missing, she connected the family's emergency to officials and neighbors who might act. On 6 December, Dellmore Chapman supplied an affidavit. He was a longtime Hancock County resident and apparently not a Latter-day Saint. His statement helped carry the complaint beyond the circle of those whom opponents dismissed as merely defending their own church. He was not an eyewitness to the seizure, and the distinction matters. [7]

Chapman's affidavit also reported a threat to take Nelson Turner from Nauvoo next. It was a report of intended action, not proof that another kidnapping had occurred. For a community trying to decide who might be next, however, a named prospective victim made the danger harder to dismiss. [7]

Petitions and affidavits went to Illinois governor Thomas Ford. The request was fundamentally about protection: Illinois residents had been taken out of the state by force. Nauvoo's leaders wanted the governor to recognize the danger and to clarify how they could defend the city and its people.



Thomas Ford, governor of Illinois, in a portrait published in an 1899 Illinois state history. Appeals to Ford sought state protection and guidance as fears of further seizures spread.

The fear reached beyond the Avery household. Rumors of another Missouri requisition for Joseph Smith circulated, although the December rumor did not establish that a new requisition had actually been issued. Reports of threats against Joseph were more immediate. To people who remembered Liberty Jail and the recent arrest near Dixon, the distinction between an officer with papers and an armed captor without them did not always offer reassurance. Either might begin a journey they feared would end in Missouri. [8]

Nauvoo responded through its own institutions as well as by appealing to the governor. On 8 December, the city adopted a measure aimed at protecting Joseph from forcible removal. The Nauvoo Legion prepared to defend the community. On 12 December, the city created a forty-man police force. Later that month, municipal rules placed additional restrictions on the service of outside process. These were practical expressions of alarm: who would watch, who would intervene, and who would determine whether a paper presented as lawful really authorized an arrest? [8]

Those measures also deepened suspicion outside Nauvoo. Opponents saw a city gathering legal and military powers around its leader. The Avery affair did not produce a single shared lesson about the rule of law. The Saints saw the danger of inadequate protection. Their opponents saw the danger of concentrated municipal power. The quarrel over one family’s seizure entered a much larger argument about whose officers and courts could be trusted.

The man who said he had caught a turkey

Sisson A. Chase supplied one of the most unsettling accounts. He said that, at Schrench Freeman’s house near Warsaw on 2 December, Elliott spoke of going out to shoot turkeys. When Chase questioned the usefulness of Elliott’s pistols and hickory cane, Elliott allegedly replied that there was a particular “cock” he intended to take before night. The next evening, Chase said, Elliott reported that he had caught the one he wanted—a Mormon elder, Daniel Avery. [9]

Chase had not watched the abduction at the mill. His evidence concerned what Elliott allegedly said before and afterward. That distinction is essential, but the statements still gave Illinois officials a

specific man to investigate. On 11 December, Chase swore a complaint before justice of the peace Aaron Johnson. Johnson issued process for Elliott.

King Follett and a party of armed men went to take him. The newspaper accounts differ over the character of the encounter and the exact dating of the arrest, placing it around 17–18 December. Elliott initially resisted and displayed a pistol. According to the Nauvoo account, he surrendered after being told that the men were peace officers and had a writ. The Warsaw account said he had at first believed a Danite band was upon him, and that his request to go before a magistrate at Warsaw was refused. The disagreement shows how readily each side feared abduction when the other side approached under arms.

Elliott’s examination took place on 18 December in the large room above Joseph Smith’s store. Chase testified. Stephen Markham and King Follett described the arrest and statements they attributed to Elliott. Johnson held Elliott to answer in the circuit court on three thousand dollars bail. Joseph suggested reducing the amount because Elliott was a stranger who might have difficulty obtaining sureties. Johnson declined.

This was a preliminary examination, not a jury trial deciding guilt. It established whether Elliott should be held for the next stage. A separate proceeding arose from alleged threats against Joseph’s life. Joseph eventually withdrew that peace complaint, offered to pay the costs, and invited Elliott and his companions to his house. The act was an attempt to ease a dangerous confrontation; it did not erase the kidnapping accusation. [9]

The two local presses told the episode with sharply different emphases. The Nauvoo Neighbor described an outrage against the Averys and praised Nauvoo’s response. The Warsaw Message mocked Joseph, criticized the way Elliott had been brought to Nauvoo, and treated the city’s alarm with contempt. Yet its article also conceded that Daniel Avery had been sent across the river without legal process and called that wrong. A hostile paper’s admission of that point deserves to be read beside Daniel’s own testimony. [10]

What the later file actually contains

The surviving file carries the story beyond the December hearing. In May 1844, a Hancock County grand jury returned a false-imprisonment indictment against six men: Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams, and John Williams. The endorsement calls it a “true Bill,” identifies Daniel Avery as prosecutor, and records filing on 24 May. Bail was set at three hundred dollars for each defendant. The indictment is reproduced immediately after this narrative. [11]

The charge speaks of imprisoning Daniel against his will, without legal warrant, authority, or justifiable cause. Its formal date is 1 December 1843, while Daniel’s affidavit places the seizure on 2 December. The indictment alleges a detention of four hours. Those are the words of the charging paper, not a replacement for the longer sequence Daniel described. An indictment is an accusation approved by a grand jury; it is not a conviction.

This is where the question of a retrial needs a careful answer. The December 1843 examination of Elliott was an earlier stage of prosecution. The May 1844 papers concern a broader six-defendant charge. The Joseph Smith Papers notes uncertainty about whether that false-imprisonment case continued the earlier kidnapping prosecution or constituted a new proceeding. The file supplied here contains no verdict followed by an order for a new trial. It therefore supports a later prosecution and renewed court process, but does not establish a retrial after an earlier completed trial. [9, 11]

The later dates are especially important. Process issued in 1844 was followed by subpoenas and returns in May 1845. Still later, a subpoena dated 1 September 1845 summoned Daniel Avery, Andrew M. Hamilton, James Hamilton, and Sisson A. Chase for 20 October. An alias capias of the same September date sought McCoy, Middleton, and Clark for the October term. Its return, signed by J. B. Backenstos as sheriff, reported the defendants not found. Both October returns bear filing dates of 27 October 1845. [12]

Earlier versions of the research contained conflicting descriptions of these papers. One section mislabeled the indictment photograph as an unrelated land matter; it is the Avery indictment itself. Another attributed the September 1845 capias return to Deming; the reproduced return bears Backenstos's name. Reading the originals together allows those errors to be corrected without discarding the valuable research around them.

The returns reveal effort and obstruction at the ordinary level of court business. Some witnesses were served; others could not be found. Three Illinois defendants were taken and gave bail in October 1844. The Missouri-associated defendants continued to appear in writs directing the Hancock sheriff to find them within his county. A "not found" return records a failure to serve particular process. It does not establish flight, innocence, or what happened outside the sheriff's jurisdiction.

The Joseph Smith Papers concludes that the false-imprisonment case never went to trial. The documents in this collection are consistent with an unfinished prosecution, and show that its paperwork continued through October 1845. A final disposition would require the corresponding circuit-court minutes. For now, the responsible ending is a documented release for Daniel, repeated attempts at Illinois prosecution, and no established verdict against his captors. [9, 12]

The fear that remained

Daniel regained his liberty. His family's experience nevertheless demonstrated how quickly the river could cease to protect an Illinois resident. No broad invasion was necessary. Men with local knowledge, weapons, horses, and a skiff could remove someone before neighbors secured help. A Missouri accusation and a Missouri writ could follow the seizure, giving later custody an official form.

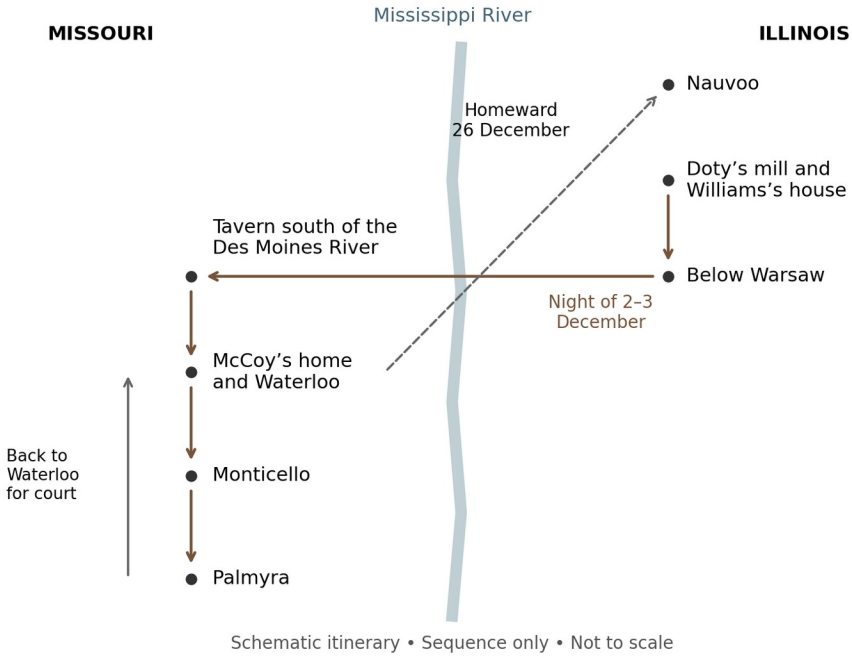
For Joseph Smith, the case joined personal experience to a danger now visible in another household. His fear of Missouri was rooted in imprisonment, expulsion, disputed extradition efforts, and reports of threats. The Avery story helps explain the urgency with which he and Nauvoo's leaders sought police protection, militia readiness, and legal control over arrests. It also helps explain why the county's arguments about jurisdiction became so bitter.

Several men in the Avery story reappear in the conflicts of 1844 and 1845. Levi Williams stood trial and was acquitted in the prosecution arising from the murders of Joseph and Hyrum Smith. Elliott became active in organized opposition to Nauvoo and was arrested in connection with the murders but not tried. These connections matter, but they do not make the Avery kidnapping an inevitable first act of the killings. They show people, fears, and habits of confrontation recurring in a county where confidence in lawful protection was breaking down. [13]

The last word need not belong to the men who made the threats. Daniel's affidavit closes with his return to Nauvoo and his thanks to those who helped him. Its pages preserve an injured man's effort to give names, places, and a sequence to what had happened. The documents that follow allow him —and the witnesses, officers, clerks, and opposing newspapers—to remain audible. They also leave room for what the record cannot yet tell us.

Following Daniel’s journey

Avery described the places below in his affidavit. The diagram follows his movements through custody and back toward Nauvoo. It is an itinerary, not a measured map; the locations of the mill, house, tavern, and crossing are not fixed here.



Itinerary based on Daniel Avery’s affidavit, 28 December 1843. The return from Palmyra passed through Monticello before Waterloo.

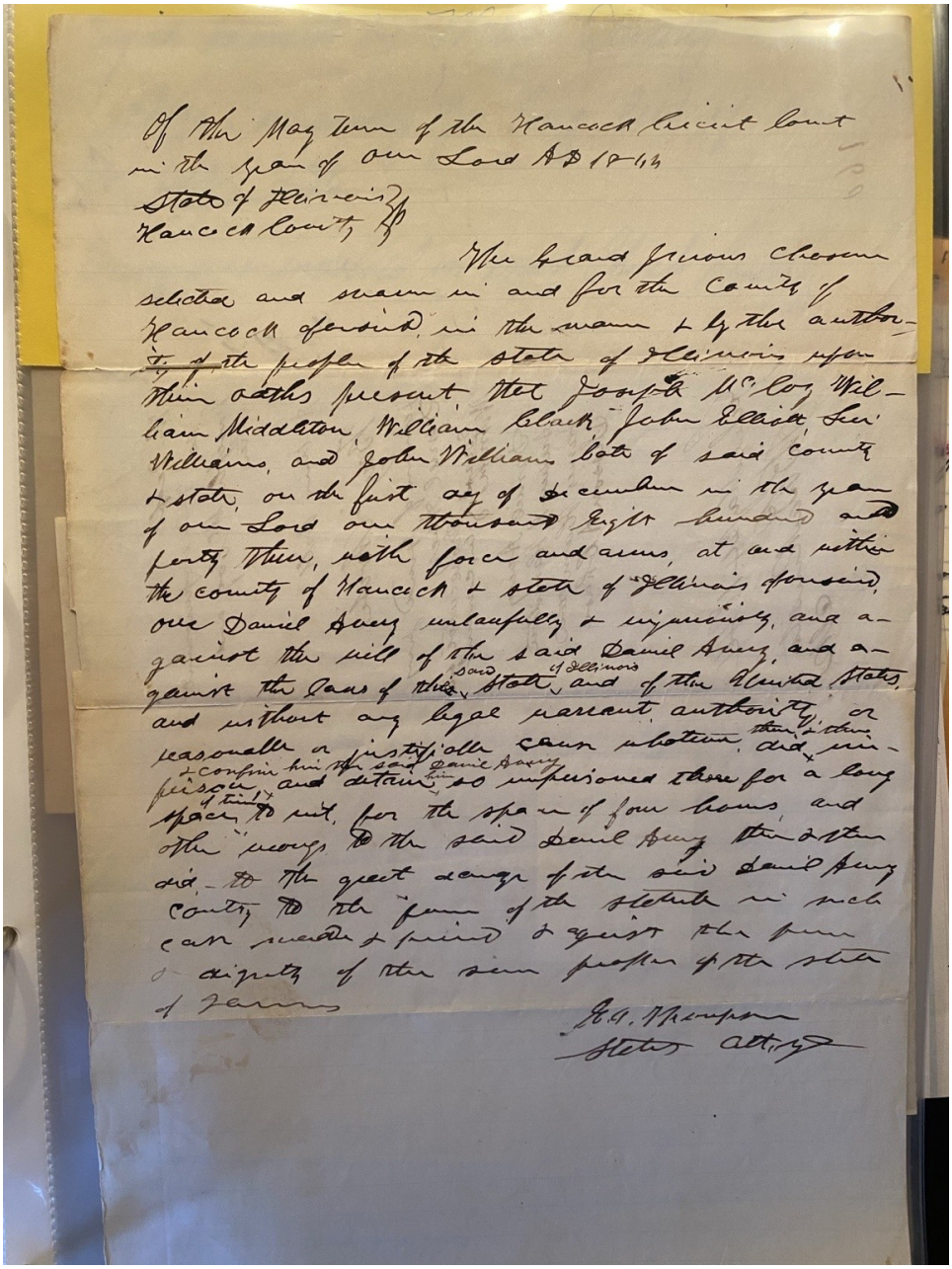
The surviving case papers

The indictment comes first because it states what Illinois prosecutors alleged. The remaining papers follow the progress of the case, with the newspaper material at the end. All thirty-one photographs in the supplied master set are reproduced. Their original image numbers remain in the captions.

The transcriptions are reading editions, not facsimile typography. Printed and handwritten text are combined in their reading order; line endings and superscripts are simplified. Square brackets identify editorial notes, blank fields, uncertain readings, and cancellations. Modern research cards and web printouts are explicitly identified. Unfilled alternative return forms are described rather than repeated as though an officer had completed them. The original photographs remain the authority for spelling, punctuation, fees, and doubtful handwriting.

1 The indictment and the grand jury endorsement

May 1844. This is the central charging instrument, case no. 56. It alleges 1 December; Avery's affidavit gives 2 December. The indictment is an accusation, not a verdict.



Of the May Term of the Hancock Circuit Court in the year of our Lord AD 1844

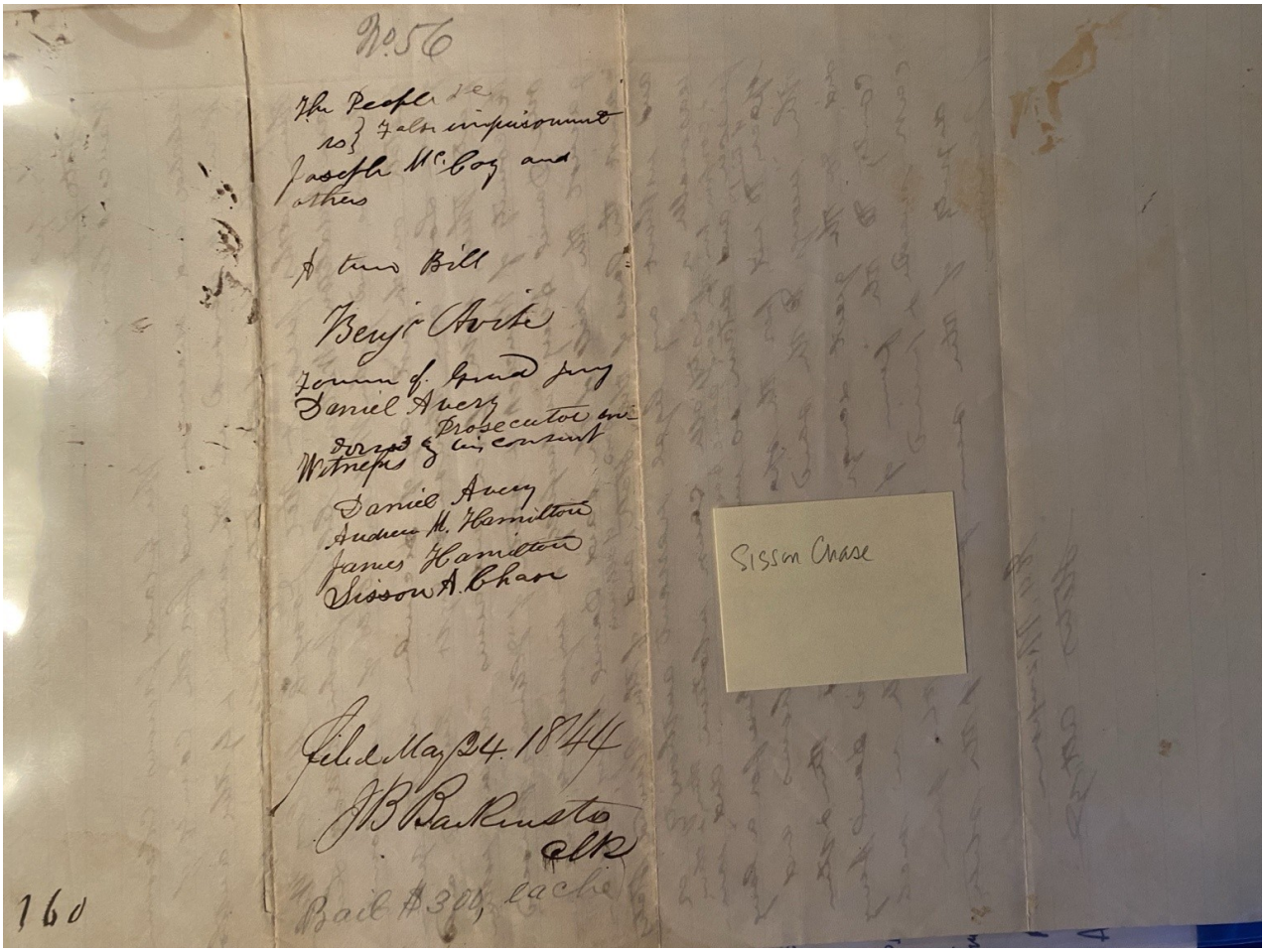
State of Illinois }
Hancock County }

The Grand Jurors Chosen selected and sworn in and for the County of Hancock aforesaid in the name & by the authority of the people of the State of Illinois upon their oaths present that Joseph H. Coy, William Middleton, William Clark, John Ellis, Lee Williams, and John Williams late of said County & state, on the first day of December in the year of our Lord one thousand eight hundred and forty three, with force and arms, at and within the county of Hancock & state of Illinois aforesaid, one Daniel Avery unlawfully & injuriously, and against the will of the said Daniel Avery, and against the laws of this said State of Illinois, and of the United States, and without any legal warrant authority, or reasonable & just cause whatever did seize & confine him the said Daniel Avery & imprison and detain him so imprisoned there for a long space of time, to wit, for the space of four hours, and other wrongs to the said Daniel Avery then & there did, to the great danger of the said Daniel Avery to the evil example of the statute in such case made & provided & against the peace & dignity of the same people of the State of Illinois

J. A. Thompson
State Attorney

Case photograph IMG_3351. First side or leaf.

1 The indictment and the grand jury endorsement continued



Case photograph IMG_3352. Reverse or continuation.

1 Reading transcription

Of the May term of the Hancock Circuit Court
in the year of our Lord AD 1844
State of Illinois
Hancock County, ss.

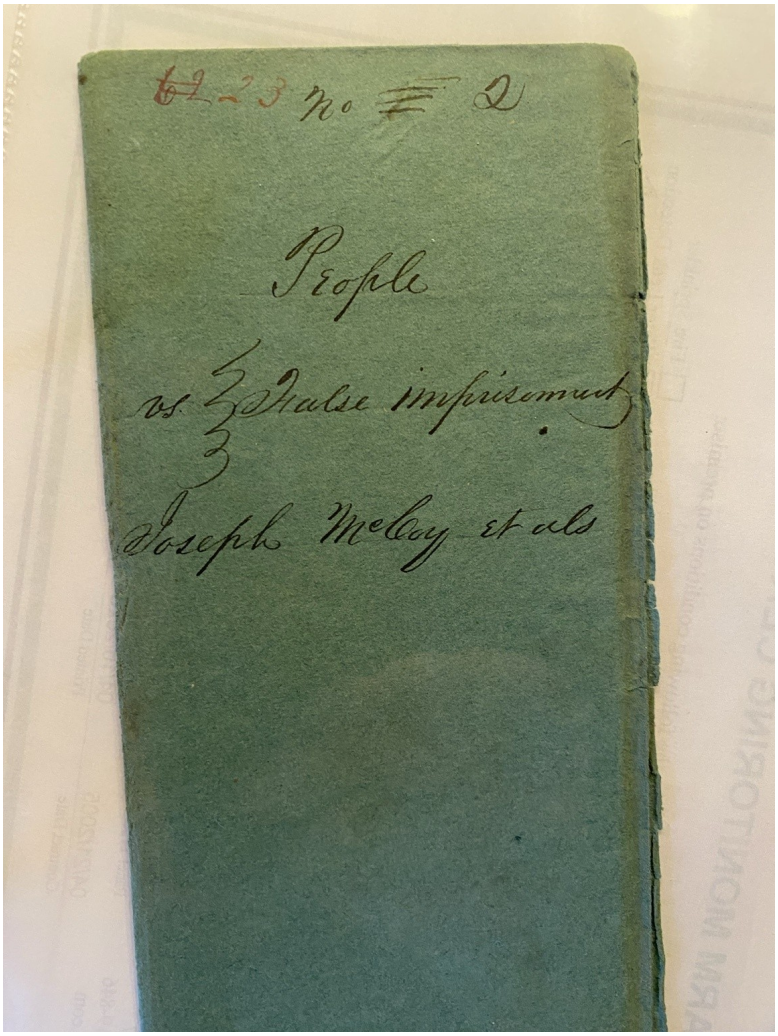
The Grand Jurors chosen selected and sworn in and for the County of Hancock aforesaid, in the name & by the authority of the people of the state of Illinois upon their oaths present, that Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams, and John Williams late of said County & state, on the first day of December in the year of our Lord one thousand Eight hundred and forty three, with force and arms, at and within the County of Hancock & state of Illinois aforesaid, one Daniel Avery unlawfully & injuriously, and against the will of the said Daniel Avery, and against the laws of the [inserted: said] state [inserted: of Illinois; cancelled: and] of the United States, and without any legal warrant authority or reasonable or justifiable cause whatsoever, then & there did imprison [inserted: & confine him the said Daniel Avery] and detained imprisoned there for a long space of time to wit, for the space of four hours and other wrongs to the said Daniel Avery then & there did. To the great damage of the said Daniel Avery contrary to the form of the statute in such case made & provided & against the peace & dignity of the same people of the state of Illinois.

E. A. Thompson
States Atty.

[Reverse]
No 56
The People
vs } False imprisonment
Joseph McCoy and others
A true Bill
Benj. Cook
Foreman of Grand Jury
Daniel Avery
Prosecutor [remainder of short endorsement uncertain]
Witnesses
Daniel Avery
Andrew M. Hamilton
James Hamilton
Sisson A. Chase
Filed May 24, 1844
J B Backenstos Clk
Bail $300 each
[Modern loose note: Sisson Chase. Other pencil figures are not part of the charge.]

2 The file wrapper

The wrapper preserves the case’s short title. Pencil numbers and cancellations are filing marks.



Case photograph IMG_3336.

2 Reading transcription

People
vs } False imprisonment
Joseph McCoy et als.
[Earlier numbers and docket marks partly cancelled or indistinct.]

3 Summoning Avery and the prosecution witnesses

Subpoena issued 16 July 1844 for 25 October. The reverse records service, Chase's illness, and failure to find James Hamilton.



State of Illinois, } Set. The People of the State of Illinois,
HANCOCK COUNTY. }

TO THE SHERIFF OF SAID COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

David Avery, Andrew M Hamilton, James Hamilton & Reuben A Chase

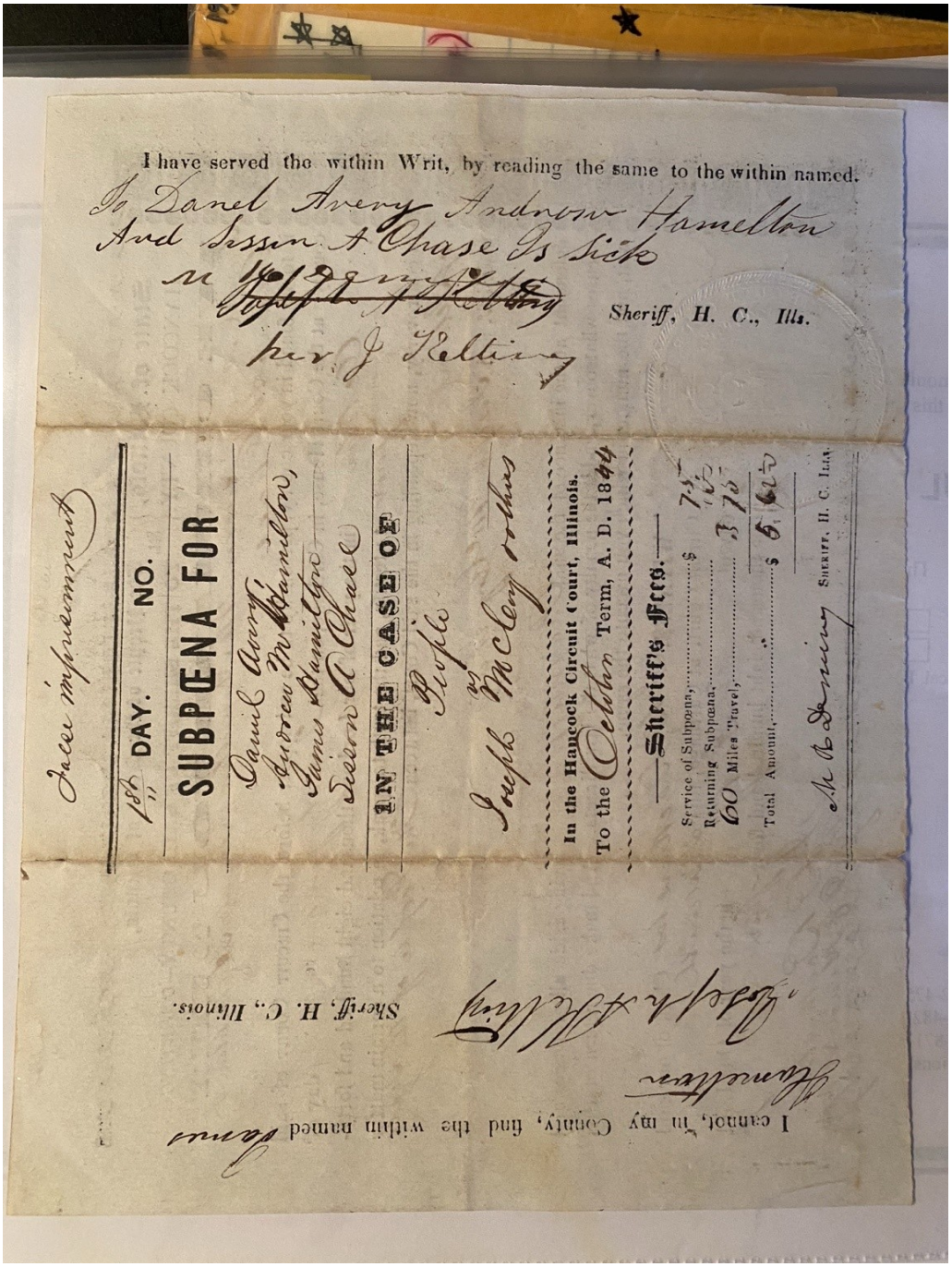
if to be found in your county, personally to be and appear before the CIRCUIT COURT of said county, at the Court House, in Carthage, on the Twenty fifth ——— day of October in the year of our Lord one thousand eight hundred and forty-four to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of the State of Illinois plaintiffs, and Joseph McCoy et al defendant at the instance of the said Plaintiffs 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 Sixteenth day of July in the year of Our Lord one thousand eight hundred and forty-four

J B Backenstos Clerk.
By D G Nauvoo D.C.

Case photograph IMG_3346. First side or leaf.

3 Summoning Avery and the prosecution witnesses continued



Case photograph IMG_3345. Reverse or continuation.

3 Reading transcription

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 Daniel Avery, Andrew M Hamilton, James Hamilton & Sisson A Chase

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 Twenty fifth day of October in the year of our Lord one thousand eight hundred and forty-four, 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, plaintiffs, and Joseph McCoy et als, defendant, at the instance of the said Plaintiffs, 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 Sixteenth day of July in the year of Our Lord one thousand eight hundred and forty-four.
J B Backenstos Clerk / By D E Head Depy
[Embossed court seal]

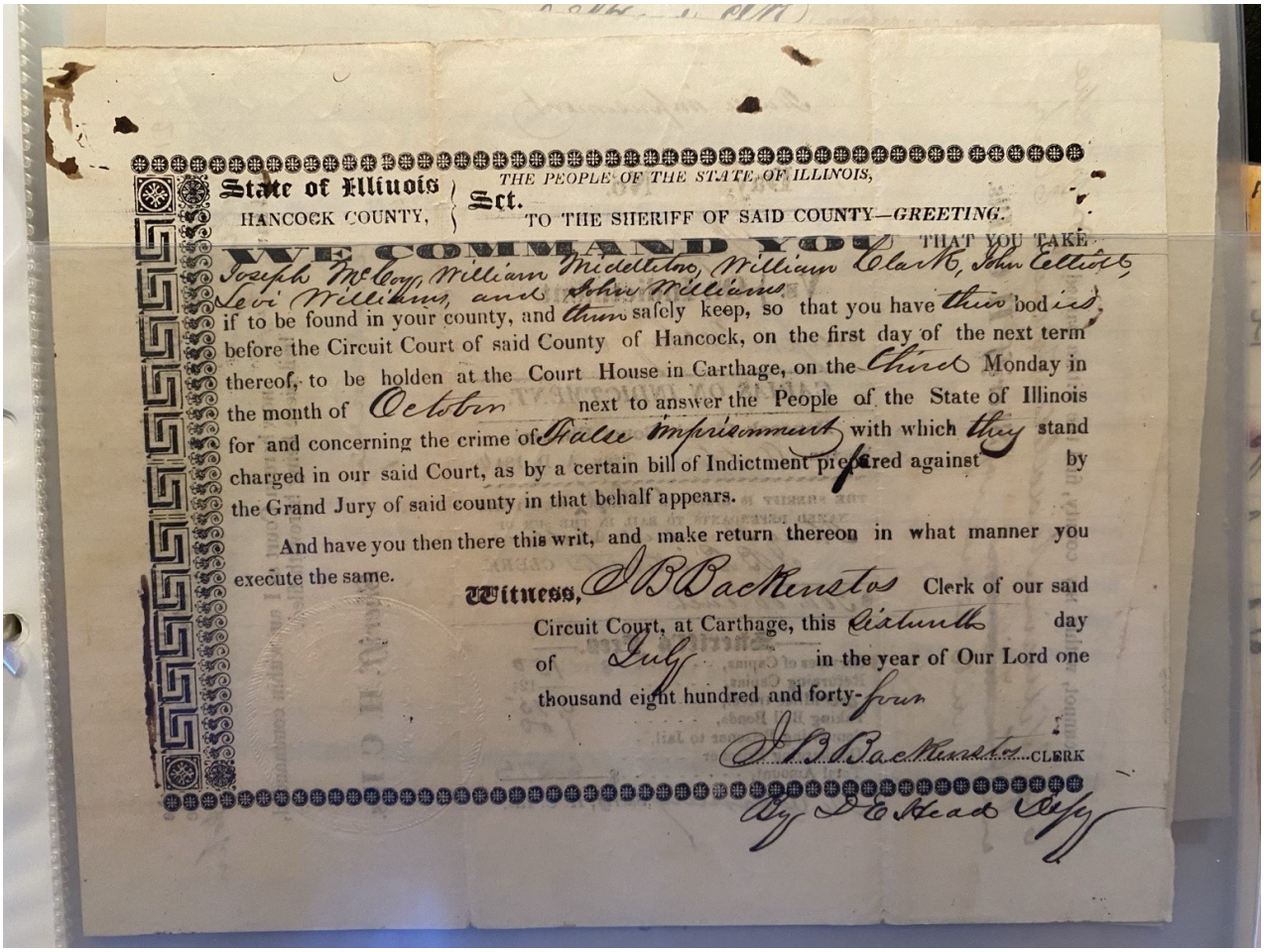
[Reverse]
I have served the within Writ, by reading the same to the within named.
To Daniel Avery Andrew Hamilton
And Sisson A Chase Is Sick
M R Deming
[cancelled name, apparently Joseph A Kelting]
per J Kelting

I cannot, in my county, find the within named James Hamilton.
Joseph A Kelting

SUBPENA FOR Daniel Avery, Andrew M Hamilton, James Hamilton, Sisson A Chase
IN THE CASE OF People vs Joseph McCoy & others
To the October Term A.D. 1844.
[Margin: False imprisonment]
Sheriff's Fees: service .75; returning .12½; 60 miles travel 3.75; total [unclear].
M R Deming

4 An arrest order for the six defendants

Issued 16 July 1844. The return records Levi Williams, John Elliott, and John Williams taken on 21 October; McCoy, Middleton, and Clark were not found.



State of Illinois } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } TO THE SHERIFF OF SAID COUNTY—GREETING.

WE COMMAND YOU THAT YOU TAKE Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams, and John Williams if to be found in your county, and them safely keep, so that you have their bodies 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 third Monday in the month of October next to answer the People of the State of Illinois for and concerning the crime of False imprisonment with which they stand charged in our said Court, as by a certain bill of Indictment prefered against by the Grand Jury of said county in that behalf appears.

And have you then there this writ, and make return thereon in what manner you execute the same.

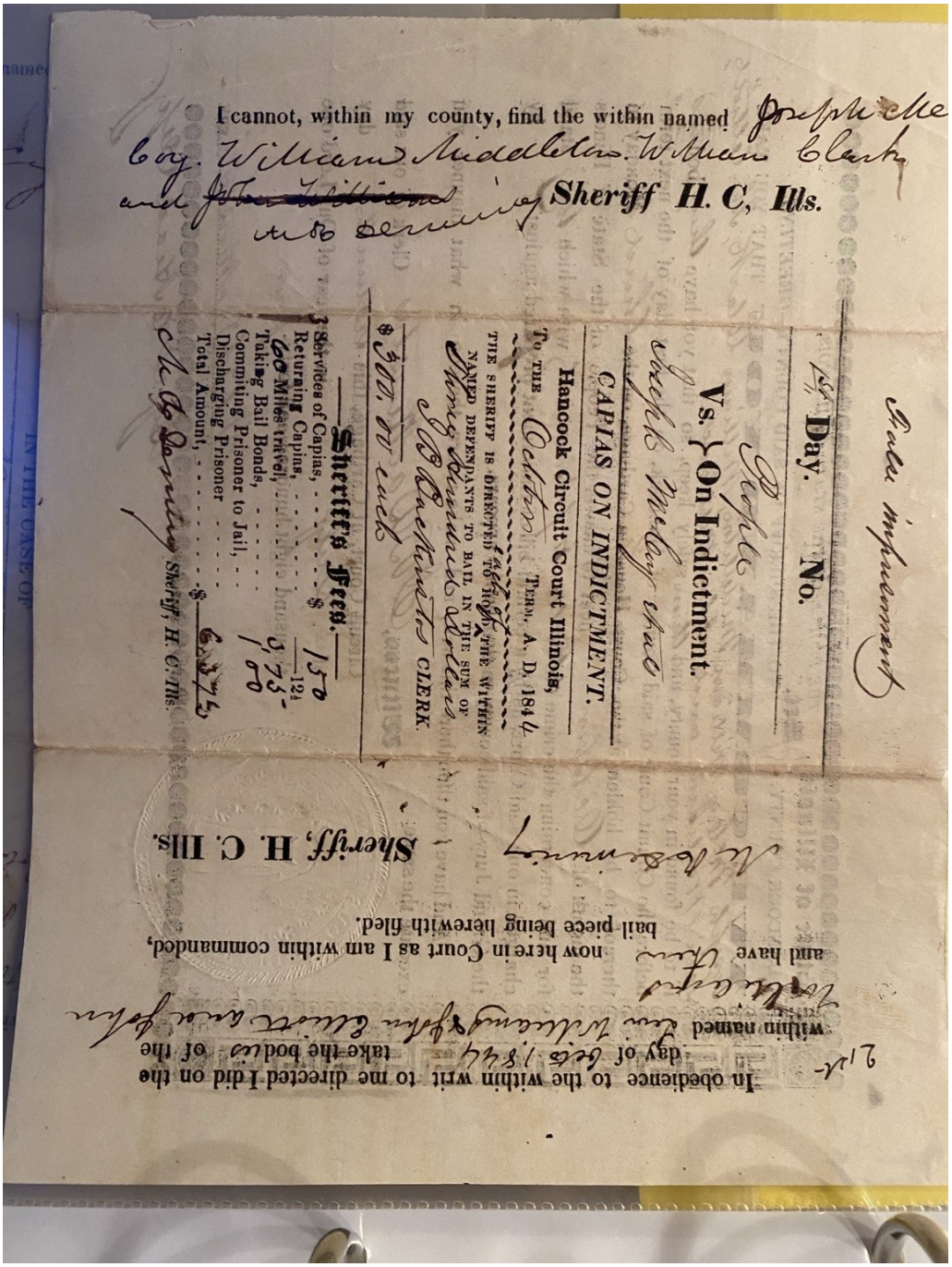
Witness, J B Backenstos Clerk of our said Circuit Court, at Carthage, this sixteenth day of July in the year of Our Lord one thousand eight hundred and forty-four

J B Backenstos CLERK

By D E Head Dep

Case photograph IMG_3355. First side or leaf.

4 An arrest order for the six defendants continued



Case photograph IMG_3356. Reverse or continuation.

4 Reading transcription

State of Illinois, Hancock County, Sct.
THE PEOPLE OF THE STATE OF ILLINOIS,
TO THE SHERIFF OF SAID COUNTY—GREETING:
WE COMMAND YOU, THAT YOU TAKE Joseph McCoy, William Middleton, William Clark, John Elliott, Levi Williams, and John Williams, if to be found in your county, and them safely keep, so that you have their bodies 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 Third Monday in the month of October next to answer the People of the State of Illinois for and concerning the crime of False imprisonment with which they stand charged in our said Court, as by a certain bill of Indictment preferred against them by the Grand Jury of said county in that behalf appears.

And have you then there this writ, and make return thereon in what manner you execute the same.

Witness, J B Backenstos, Clerk of our said Circuit Court, at Carthage, this Sixteenth day of July in the year of Our Lord one thousand eight hundred and forty-four.
J B Backenstos CLERK / By D E Head Depy
[Embossed court seal]

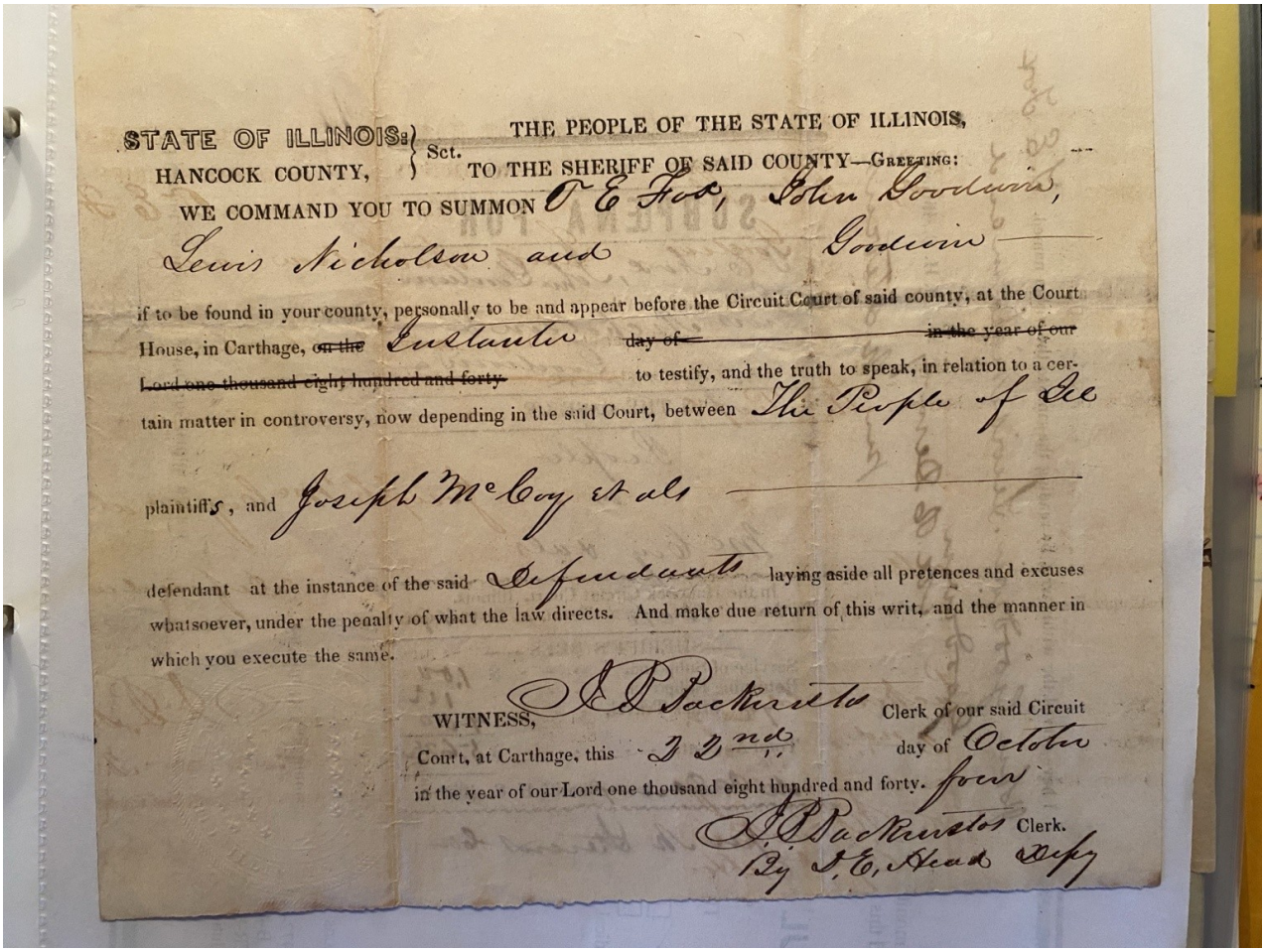
[Reverse]
In obedience to the within writ to me directed I did on the 21st day of Oct 1844 take the bodies of the within named Levi Williams & John Elliott and John Williams and have them now here in Court, as I am within commanded, bail piece being herewith filed.
M R Deming

I cannot, within my county, find the within named Joseph McCoy, William Middleton, William Clark and [cancelled: John Williams].
M R Deming, Sheriff H. C. Ills.

People vs Joseph McCoy et al / On Indictment
CAPIAS ON INDICTMENT / October Term A.D. 1844
The sheriff is directed to admit the within named defendants to bail in the sum of Three Hundred dollars, $300.00 each.
J B Backenstos CLERK
Sheriff's Fees: 3 services 1.50; returning capias .12½; 60 miles travel 3.75; taking bail bonds 1.00; total 6.37½.
M R Deming

5 The defense calls witnesses

22 October 1844. “Instanter” means immediately. The fourth witness’s given name is left blank.



STATE OF ILLINOIS, } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } TO THE SHERIFF OF SAID COUNTY—GREETING:

WE COMMAND YOU TO SUMMON O E Fox, John Goodwin,
Lewis Nicholson and Goodwin

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 Ill

plaintiffs, and Joseph McCoy et als

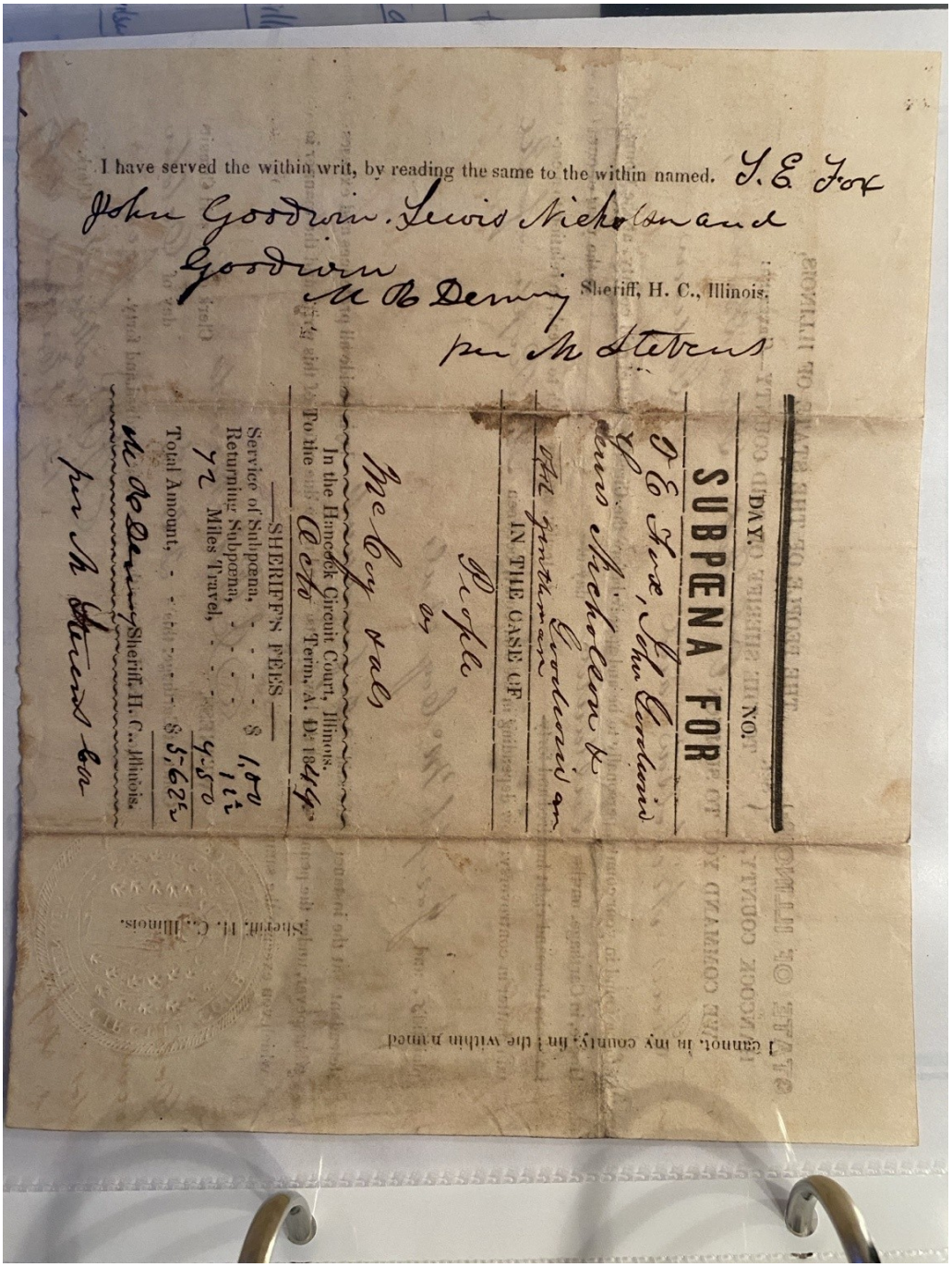
defendant at the instance of the said Defendants laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, J. D. Backenstos Clerk of our said Circuit Court, at Carthage, this 22nd day of October in the year of our Lord one thousand eight hundred and forty four

J. D. Backenstos Clerk.
By J. E. Head Dep.

Case photograph IMG_3347. First side or leaf.

5 The defense calls witnesses continued



Case photograph IMG_3348. Reverse or continuation.

5 Reading transcription

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 T E Fox, John Goodwin, Lewis Nicholson and [blank] Goodwin

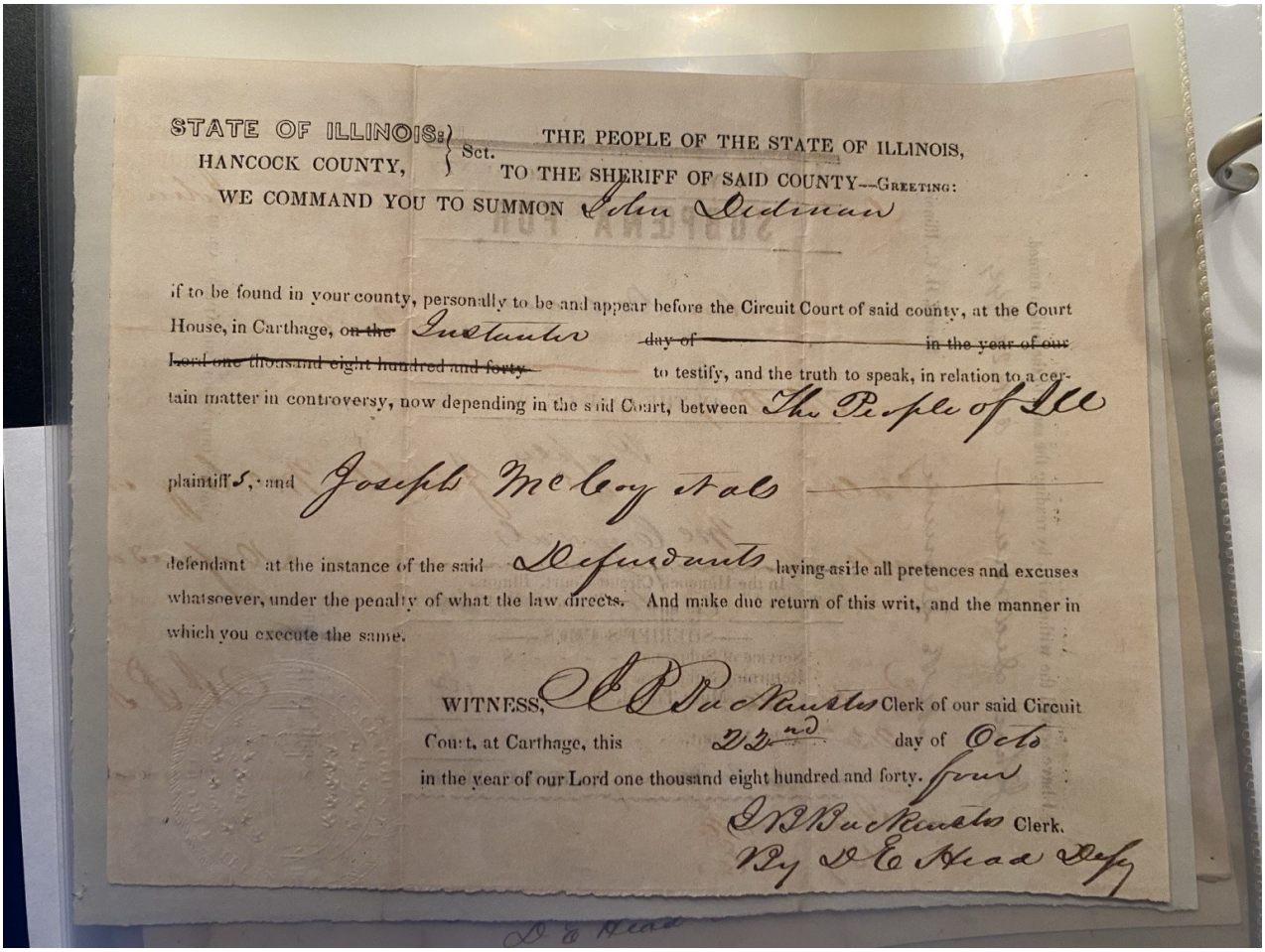
if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, Instanter [printed date clause struck through], to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of Ill, plaintiffs, and Joseph McCoy et als, defendant, at the instance of the said Defendants, 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 22nd day of October in the year of our Lord one thousand eight hundred and forty-four.
J B Backenstos Clerk / By D E Head Depy
[Embossed court seal]

[Reverse]
I have served the within writ, by reading the same to the within named. T. E. Fox, John Goodwin, Lewis Nicholson and [blank] Goodwin.
M R Deming / per M Stevens
SUBPENA FOR T E Fox, John Goodwin, Lewis Nicholson & [blank] Goodwin [small notation: the gentleman’s son?]
IN THE CASE OF People vs McCoy & als
October Term A.D. 1844
Sheriff’s Fees: service 1.00; returning .12½; 72 miles travel 4.50; total 5.62½.
M R Deming / per M Stevens [last letters unclear]

6 John Dedman is summoned for the defense

22 October 1844. The reverse records service on the same day.



STATE OF ILLINOIS, } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } TO THE SHERIFF OF SAID COUNTY—GREETING:
WE COMMAND YOU TO SUMMON John Dedman

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 Ill

plaintiffs, and Joseph McCoy et al

defendant at the instance of the said Defendants 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.

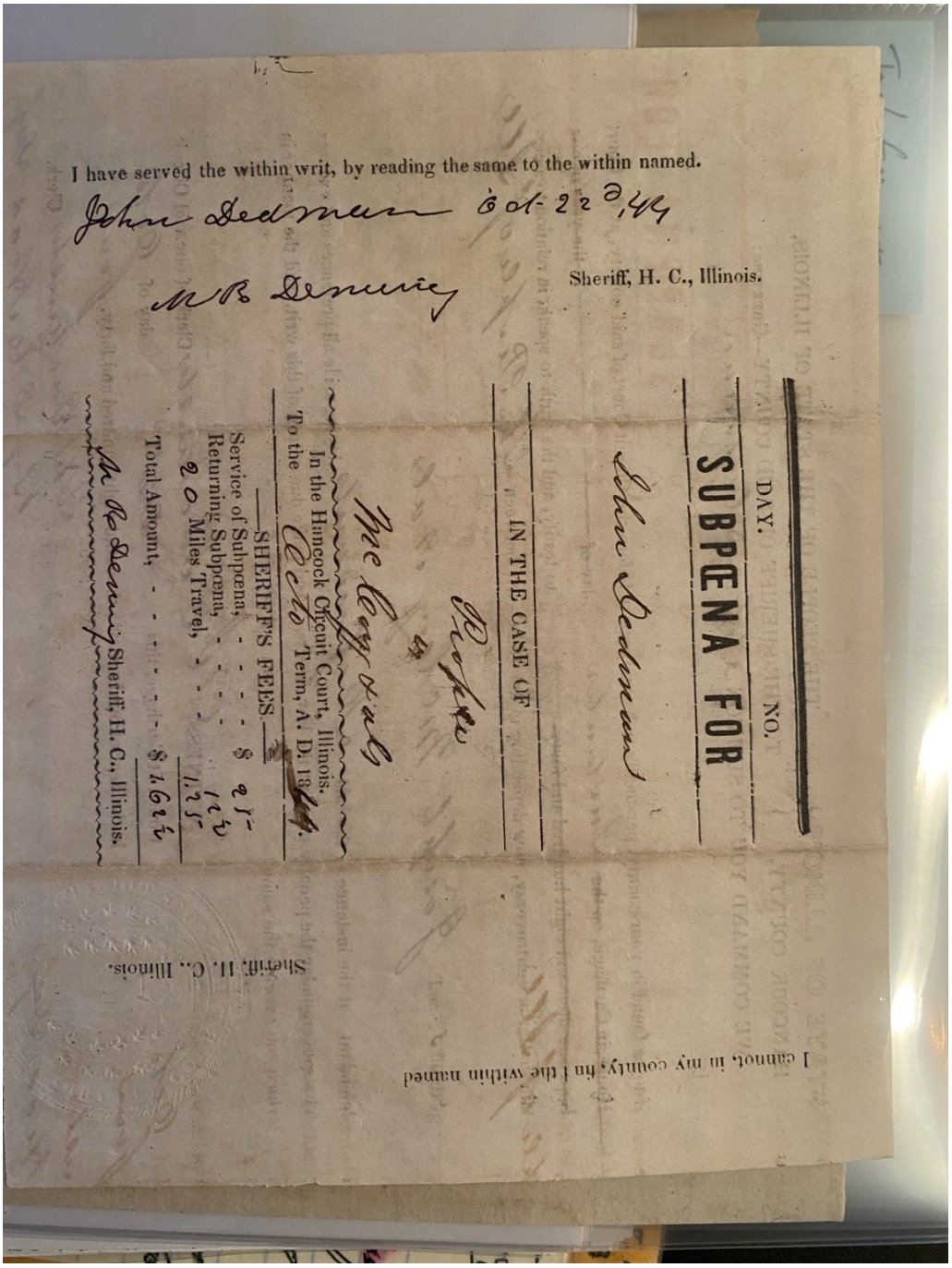
WITNESS, I B Buckmaster Clerk of our said Circuit Court, at Carthage, this 22nd day of Octo in the year of our Lord one thousand eight hundred and forty four

I B Buckmaster Clerk.
By D E Head Dep

D E Head

Case photograph IMG_3364. First side or leaf.

6 John Dedman is summoned for the defense continued



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

John Dedman Oct 22 1849

M B Denning Sheriff, H. C., Illinois.

DAY. NO.

SUBPŒNA FOR

John Dedman

IN THE CASE OF

Rufus

vs

Bee Leggett

In the Hancock Circuit Court, Illinois.

To the Oct Term, A. D. 1849.

SHERIFF'S FEES.

Service of Subpœna, - - - - - $ 25

Returning Subpœna, - - - - - 12½

20 Miles Travel, - - - - - 12½

Total Amount, - - - - - - - $ 1.62½

M B Denning Sheriff, H. C., Illinois.

I cannot, in my county, find the within named

Sheriff, H. C., Illinois.

Case photograph IMG_3363. Reverse or continuation.

6 Reading transcription

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 John Dedman

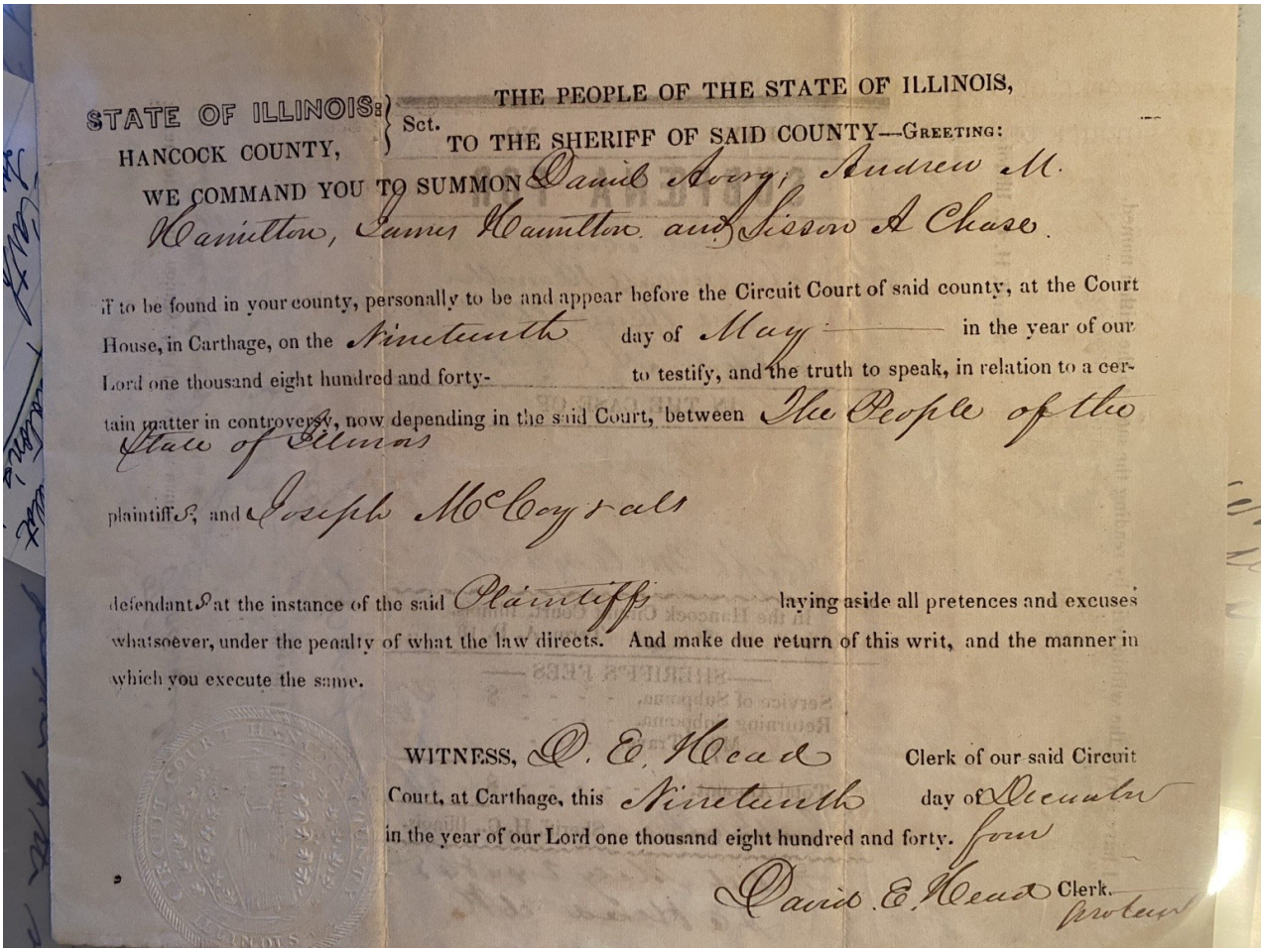
if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, Instanter [printed date clause struck through], to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of Ill, plaintiffs, and Joseph McCoy et als, defendant, at the instance of the said Defendants, 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 22nd day of Oct in the year of our Lord one thousand eight hundred and forty-four.
J B Backenstos Clerk / By D E Head Depy
[Embossed court seal]

[Reverse]
I have served the within writ, by reading the same to the within named.
John Dedman Oct 22d 44
M R Deming
SUBPENA FOR John Dedman
IN THE CASE OF People vs McCoy & als
October Term A.D. 1844
Sheriff's Fees: service .25; returning .12½; 20 miles travel 1.25; total 1.62½.
M R Deming

7 A new summons for the May term

Issued 19 December 1844. The appearance year is blank on the face; the reverse says May term 1845 and was filed 24 May 1845.



STATE OF ILLINOIS } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } TO THE SHERIFF OF SAID COUNTY—GREETING:

WE COMMAND YOU TO SUMMON David Aoorgi, Andrew M. Hamilton, James Hamilton and Sisson A Chase.

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 Nineteenth day of May ——— 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

plaintiffs, and Joseph McCoy & als

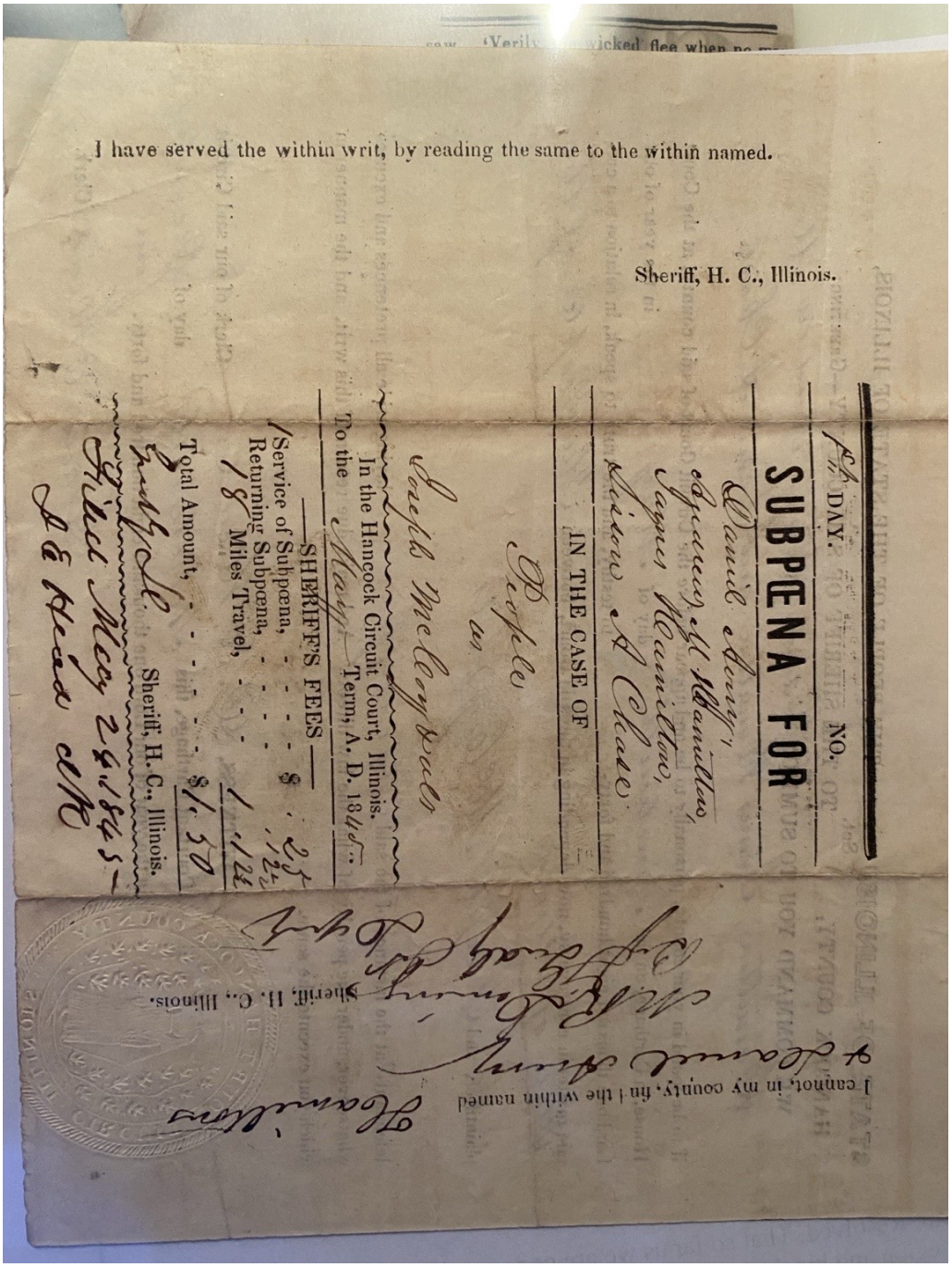
defendants, at the instance of the said Plaintiffs laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, D. E. Mead Clerk of our said Circuit Court, at Carthage, this Nineteenth day of December in the year of our Lord one thousand eight hundred and forty. four

David E. Mead Clerk.
Prot Cert

Case photograph IMG_3341. First side or leaf.

7 A new summons for the May term continued



Case photograph IMG_3342. Reverse or continuation.

7 Reading transcription

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 Daniel Avery, Andrew M. Hamilton, James Hamilton and Sisson A Chase

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 Nineteenth day of May in the year of our Lord one thousand eight hundred and forty-[blank], 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, plaintiffs, and Joseph McCoy & als, defendants, at the instance of the said Plaintiffs, 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.

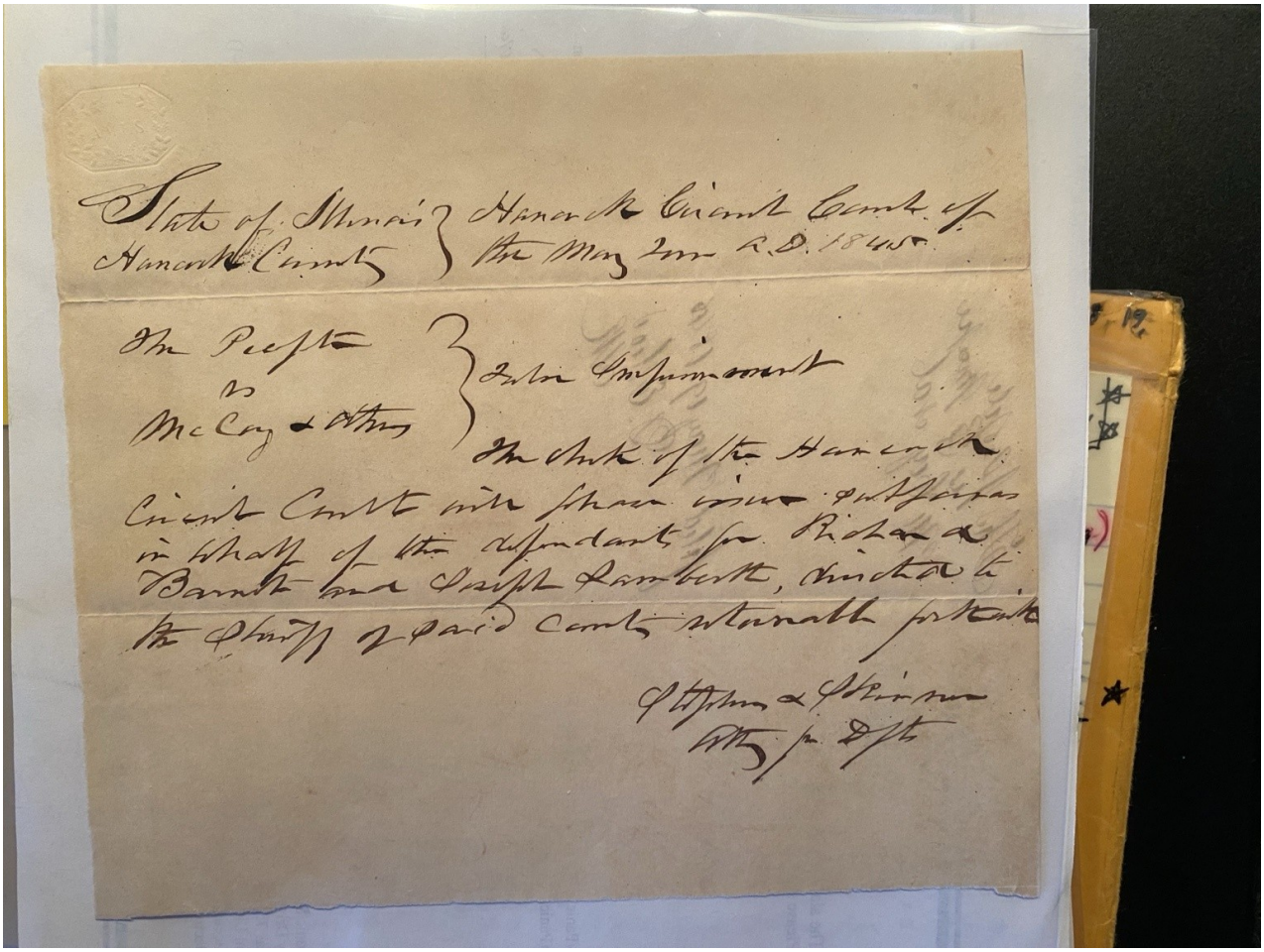
WITNESS, D. E. Head, Clerk of our said Circuit Court, at Carthage, this Nineteenth day of December in the year of our Lord one thousand eight hundred and forty-four.
David E. Head Clerk / pro tem
[Embossed court seal]

[Reverse]
I have served the within writ, by reading the same to the within named. [Uncompleted service panel.]
I cannot, in my county, find the within named Hamiltons & Daniel Avery.
M R Deming / By [J. B. Brady?] Depy

SUBPENA FOR Daniel Avery, Andrew M Hamilton, James Hamilton, Sisson A Chase
IN THE CASE OF People vs Joseph McCoy & als
May Term A.D. 1845
Sheriff's Fees: service .25; returning .12½; 18 miles travel 1.12½; total 1.50.
[Signature: initials unclear] Sh.
Filed May 24 1845 / D E Head Clk

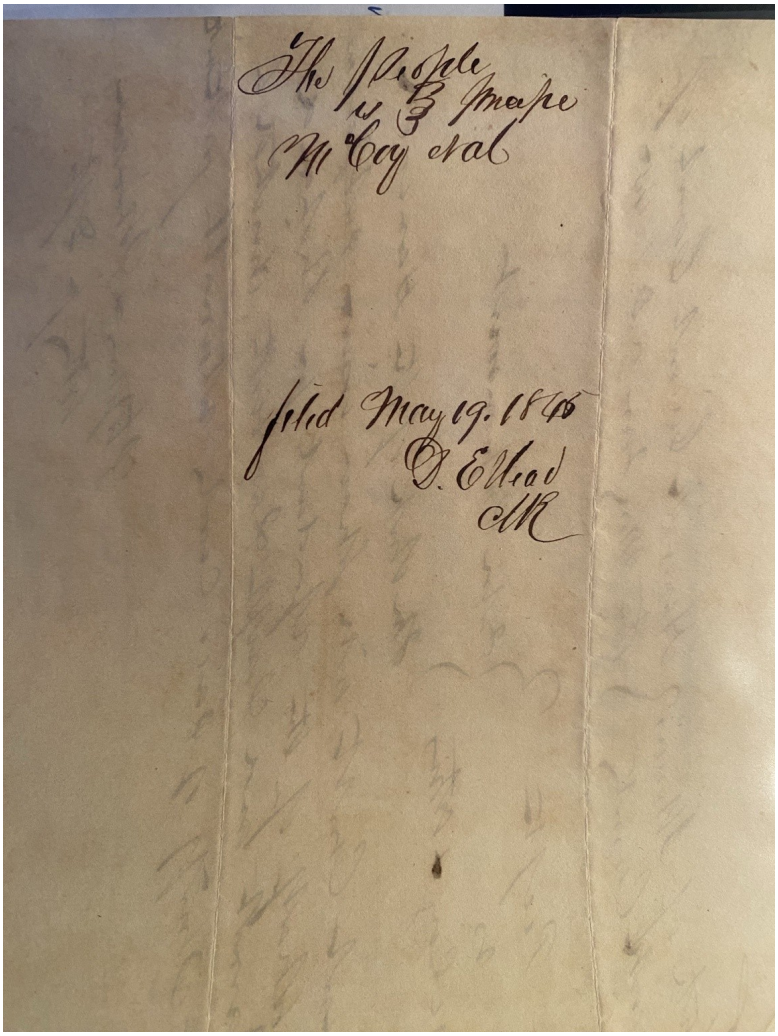
8 The defense requests Barnett and Lambeth

May term 1845. The request is signed by Stephens & Skinner; the surname of the first witness is read as Barnett in comparison with the issued subpoena.



Case photograph IMG_3349. First side or leaf.

8 The defense requests Barnett and Lambeth continued



Case photograph IMG_3350. Reverse or continuation.

8 Reading transcription

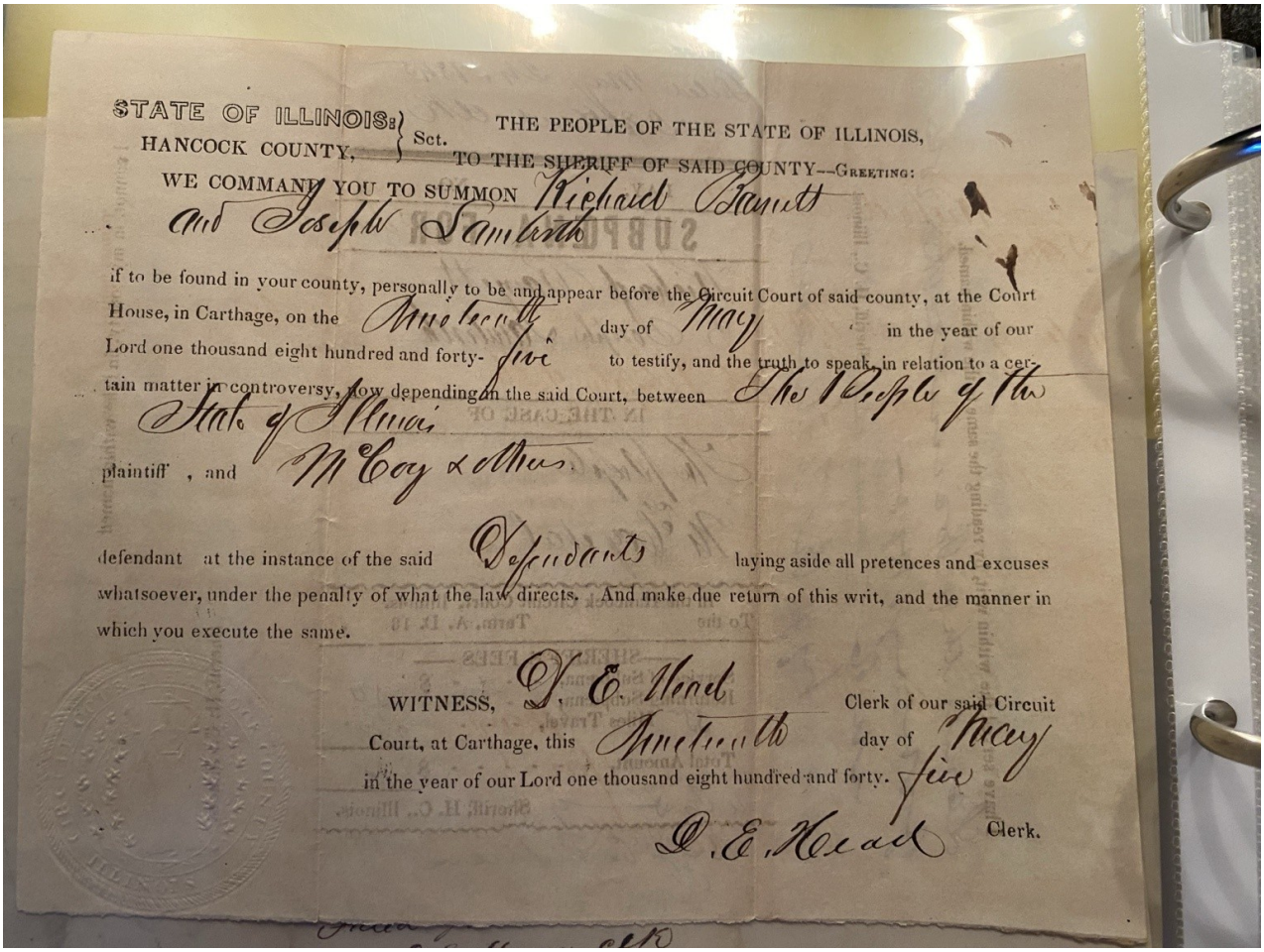
State of Illinois, Hancock County
Hancock Circuit Court of the May term A.D. 1845
The People vs McCoy & others } False Imprisonment

The Clerk of the Hancock Circuit Court will please issue subpoenas in behalf of the defendants for Richard Barnett and Joseph Lambeth, directed to the Sheriff of said County returnable forthwith.
Stephens & Skinner
Attys for Defts

[Reverse, IMG_3350]
[Case docket: The People / vs / McCoy & others]
Filed May 19 1845
D E Head Clk
[Some docket lettering is faint.]

9 Barnett and Lambeth and the service return

Issued 19 May 1845. The return names Lambeth and Barnett; the day of service appears to be the 25th, while the filing reads 24 May. The discrepancy is retained rather than repaired.



STATE OF ILLINOIS, } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } TO THE SHERIFF OF SAID COUNTY--GREETING:

WE COMMAND YOU TO SUMMON Richard Barnett
and Joseph Lambeth

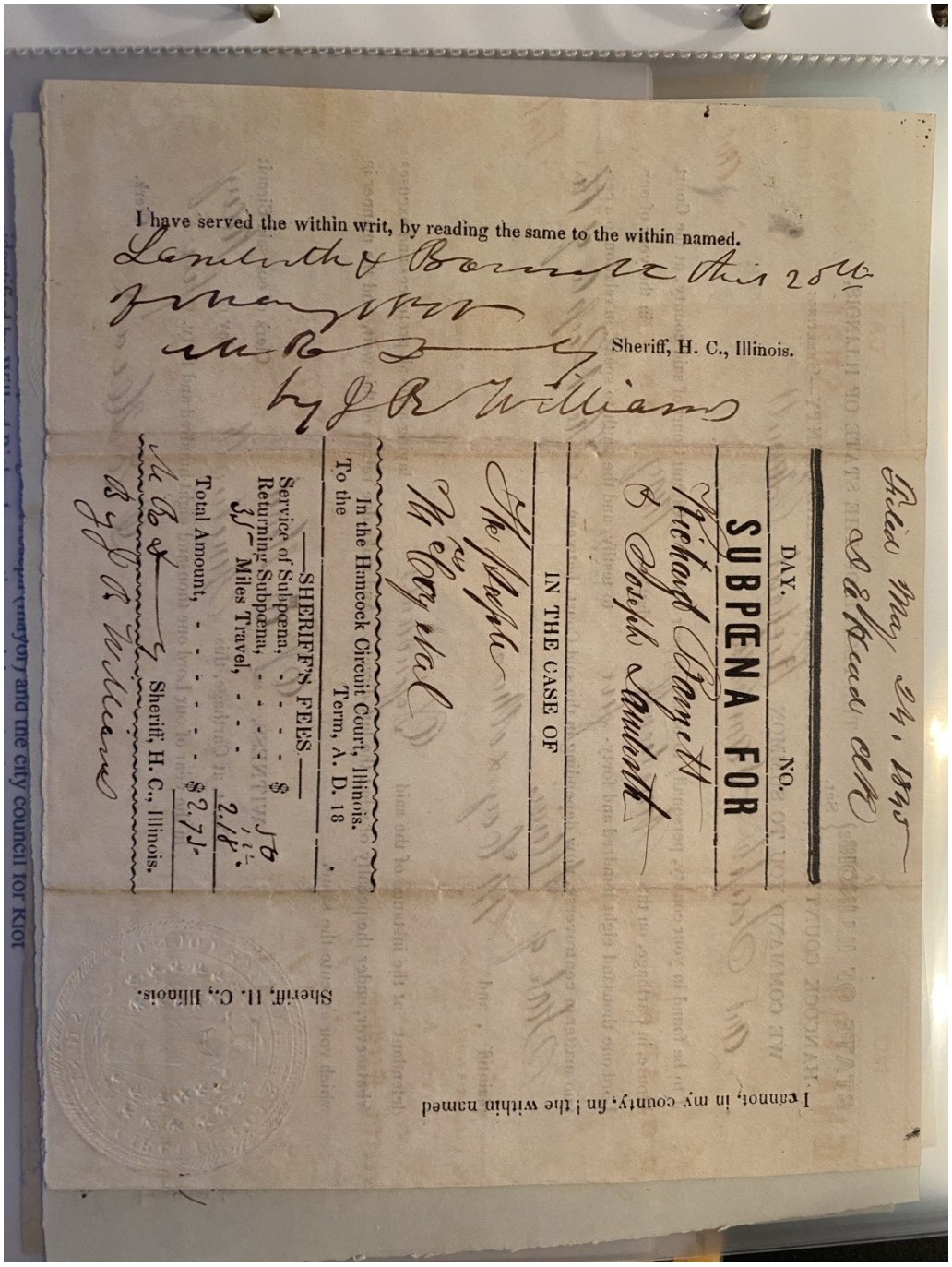
if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, on the Second Monday day of May in the year of our Lord one thousand eight hundred and forty-five to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of the State of Illinois plaintiff, and McCoy & others defendants at the instance of the said 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, D. E. Head Clerk of our said Circuit Court, at Carthage, this Second Monday day of May in the year of our Lord one thousand eight hundred and forty-five.

D. E. Head Clerk.

Case photograph IMG_3360. First side or leaf.

9 Barnett and Lambeth and the service return continued



Case photograph IMG_3359. Reverse or continuation.

9 Reading transcription

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 Richard Barnett and Joseph Lambeth

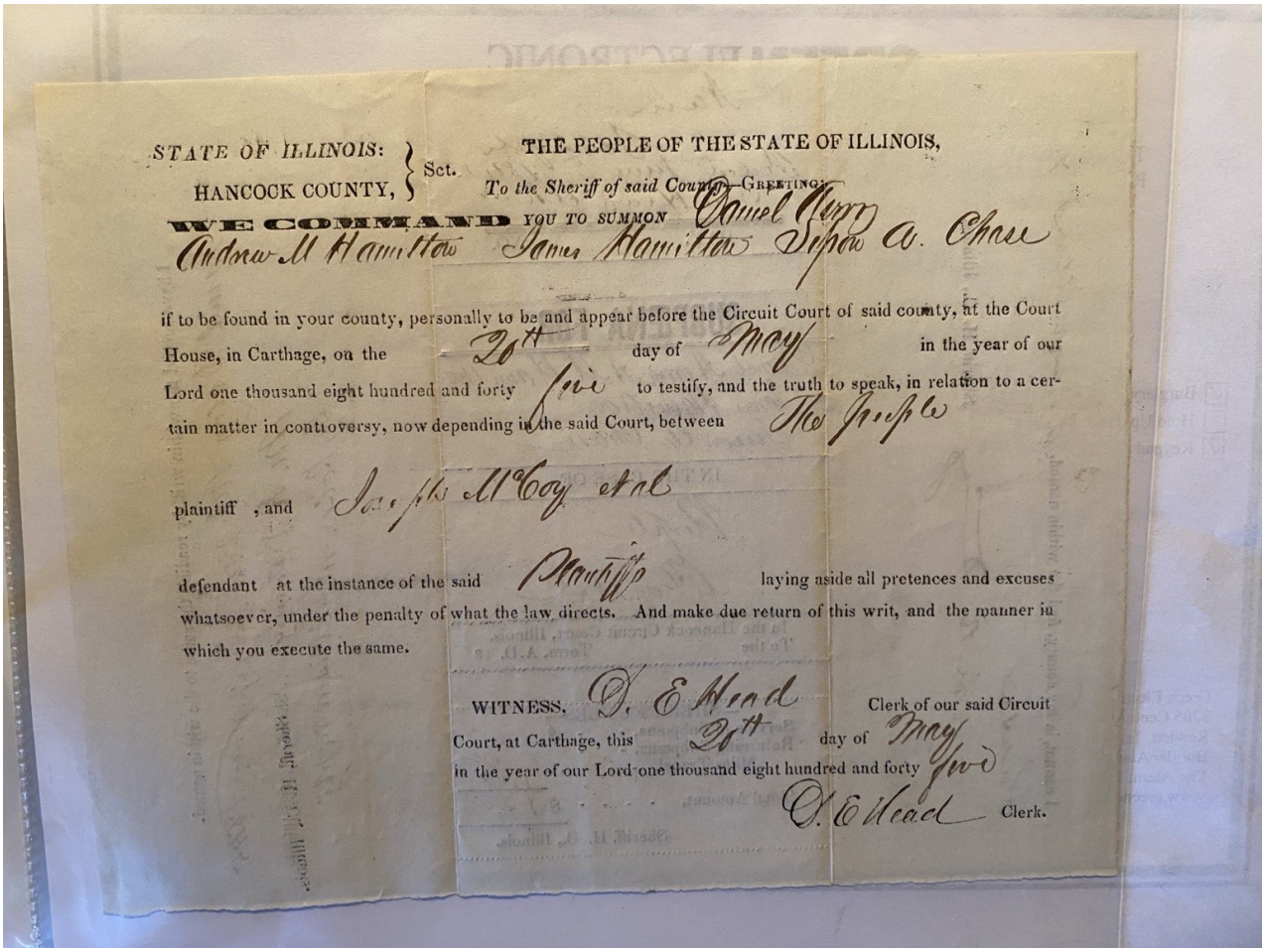
if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, on the Nineteenth day of May in the year of our Lord one thousand eight hundred and forty-five, to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of the State of Illinois, plaintiff, and McCoy & others, defendant, at the instance of the said Defendants, 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, D. E. Head, Clerk of our said Circuit Court, at Carthage, this Nineteenth day of May in the year of our Lord one thousand eight hundred and forty-five.
D. E. Head Clerk
[Embossed court seal]

[Reverse]
I have served the within writ, by reading the same to the within named.
Lambeth & Barnett this 25th [day uncertain] of May 1845.
M R Deming / by J R Williams
SUBPENA FOR Richard Barnett & Joseph Lambeth
IN THE CASE OF The People vs McCoy et al
[Term fields blank]
Sheriff's Fees: service .50; returning [amount unclear]; 35 miles travel 2.18¾ [last fraction unclear]; total 2.71 [last mark unclear].
M R Deming / By J R Williams
Filed May 24, 1845 / D E Head Clk

10 Avery is served in May 1845

Issued 20 May 1845. Avery's service is dated 24 May; the Hamiltons and Chase are returned not found.



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 Samuel Avery Andrew M Hamilton James Hamilton Dyson A. Chase

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 26th day of May in the year of our Lord one thousand eight hundred and forty five 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 Joseph McCoy et al

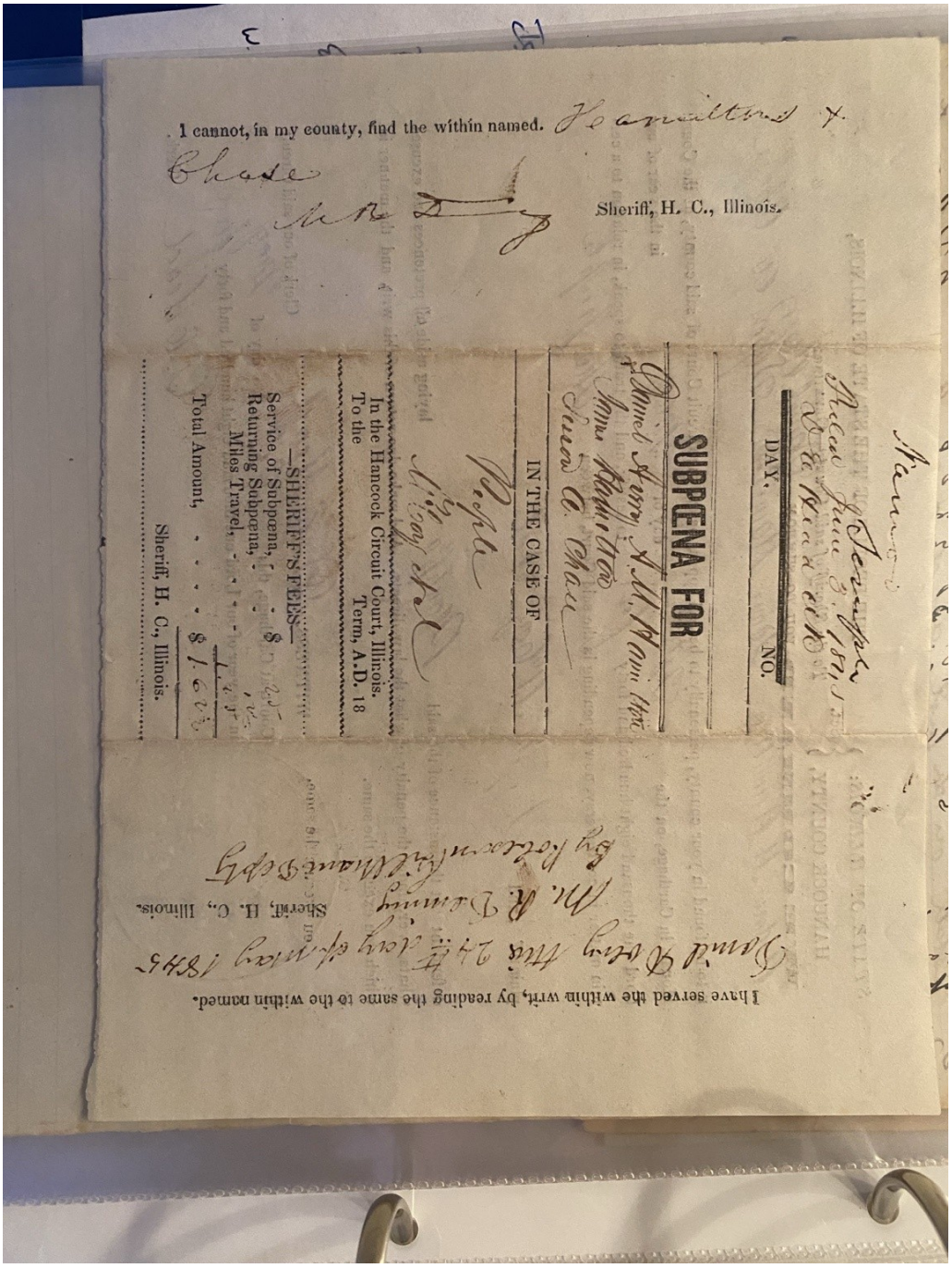
defendant at the instance of the said Plaintiffs laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, D. E Mead Clerk of our said Circuit Court, at Carthage, this 26th day of May in the year of our Lord one thousand eight hundred and forty five

D. E Mead Clerk.

Case photograph IMG_3353. First side or leaf.

10 Avery is served in May 1845 continued



Case photograph IMG_3354. Reverse or continuation.

10 Reading transcription

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 Daniel Avery, Andrew M Hamilton, James Hamilton, Sisson A. Chase

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 20th day of May in the year of our Lord one thousand eight hundred and forty-five, 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 Joseph McCoy et al, 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.

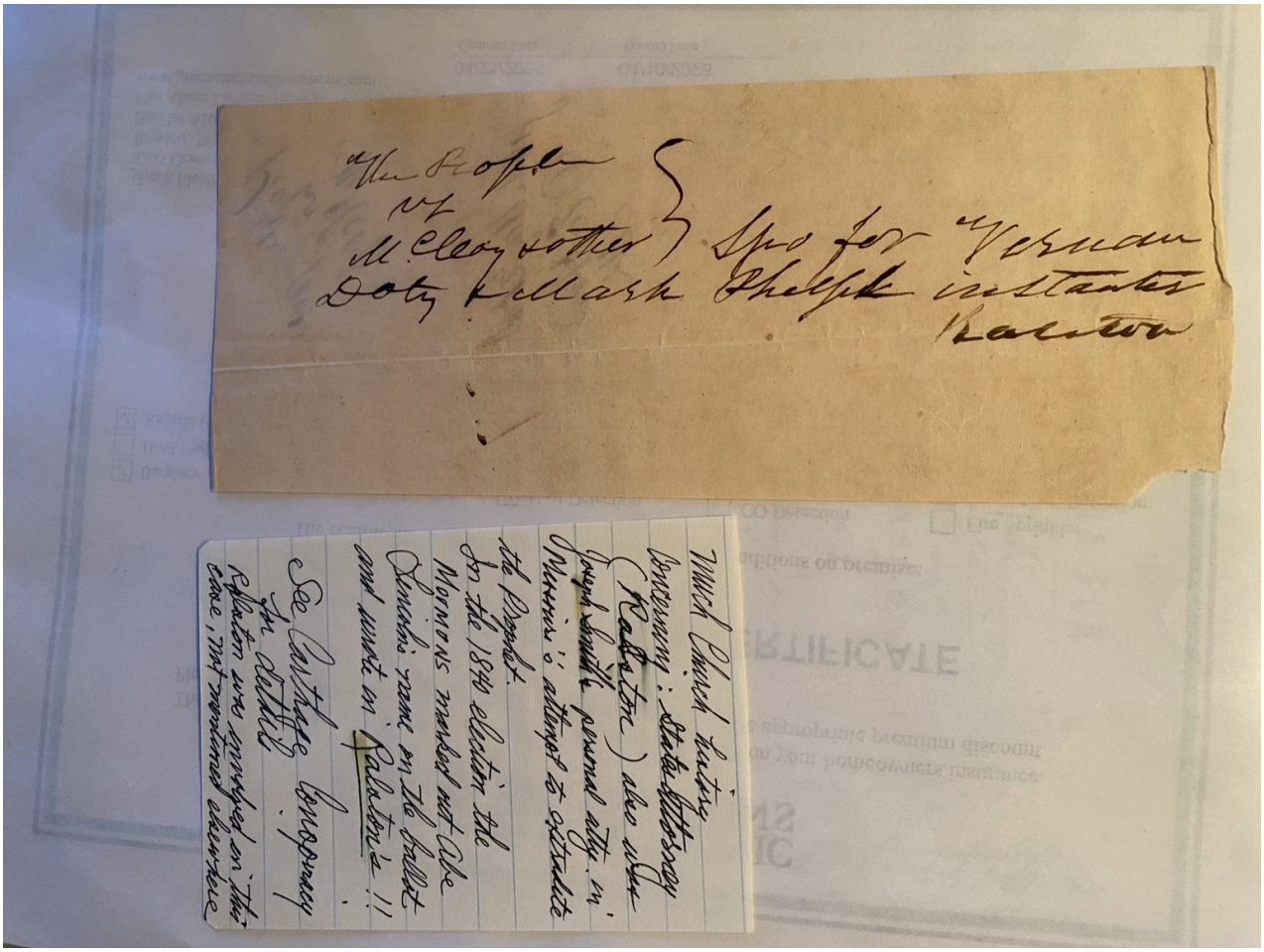
WITNESS, D. E. Head, Clerk of our said Circuit Court, at Carthage, this 20th day of May in the year of our Lord one thousand eight hundred and forty-five.
D. E. Head Clerk
[Embossed court seal]

[Reverse]
I have served the within writ, by reading the same to the within named.
Daniel Avery this 24th day of May 1845.
M R Deming / By [first name uncertain] Williams Depy

I cannot, in my county, find the within named Hamiltons & Chase.
M R Deming
SUBPENA FOR Daniel Avery, A. M. Hamilton, James Hamilton, Sisson A Chase
IN THE CASE OF People vs McCoy et al
[Term blank]
Sheriff's Fees: service .25; returning .12½; travel [unclear]; total 1.62½ [last fraction uncertain].
Filed June 3 1845 / D E Head Clk

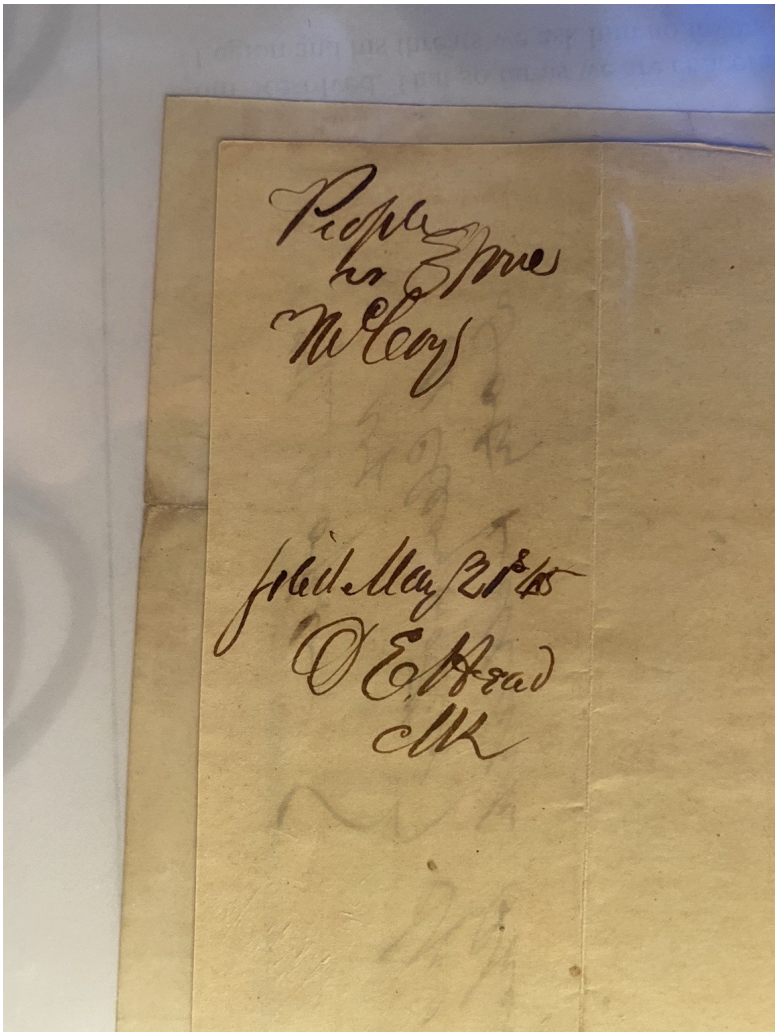
11 A request for Doty and Mark Child

The filing endorsement is 28 May 1845. A separate modern research card appears in the photograph and is transcribed separately from the original.



Case photograph IMG_3343. First side or leaf.

11 A request for Doty and Mark Child continued



Case photograph IMG_3344. Reverse or continuation.

11 Reading transcription

The People
vs
McCoy & others } Spo for Vernon
Doty & Mark Child [surname uncertain] instanter
Ralston

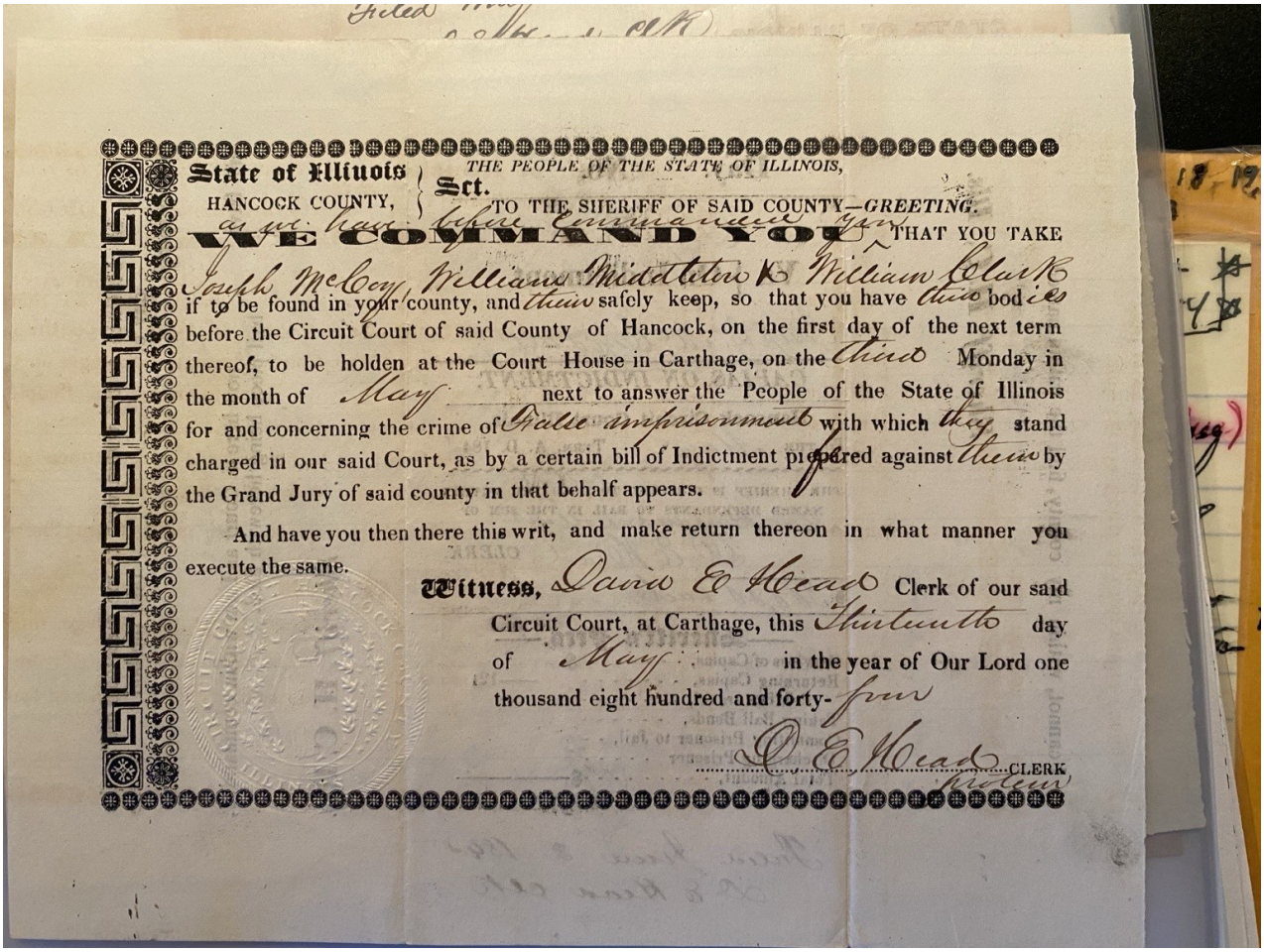
[Reverse]
People vs McCoy } Spo
Filed May 28 45
D E Head Clk

[Modern annotation card, not part of the 1845 paper]
Mark Child, [unclear word] Accompanying: States Attorney (Ralston) also was Joseph Smith's personal atty in Missouri's attempt to extradite the Prophet. In the 1844 election the Mormons marked out the Democrat's name on the ballot and wrote in Ralston's!! See Carthage Conspiracy for detail. Ralston was involved in this case, not mentioned elsewhere.

[The card's historical assertions are research annotations, not findings established by this brief praecipe.]

12 An alias capias with conflicting dates

The face reads 30 May 1844; the reverse identifies the May 1845 term and filing on 3 June 1845. “Alias” signifies another writ, not another trial.



State of Illinois } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } TO THE SHERIFF OF SAID COUNTY—GREETING.

WE COMMAND YOU THAT YOU TAKE Joseph McCoy, Williams Middleton & William Clark if to be found in your county, and them safely keep, so that you have their bodies 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 third Monday in the month of May next to answer the People of the State of Illinois for and concerning the crime of False imprisonment with which they stand charged in our said Court, as by a certain bill of Indictment prepared against them by the Grand Jury of said county in that behalf appears.

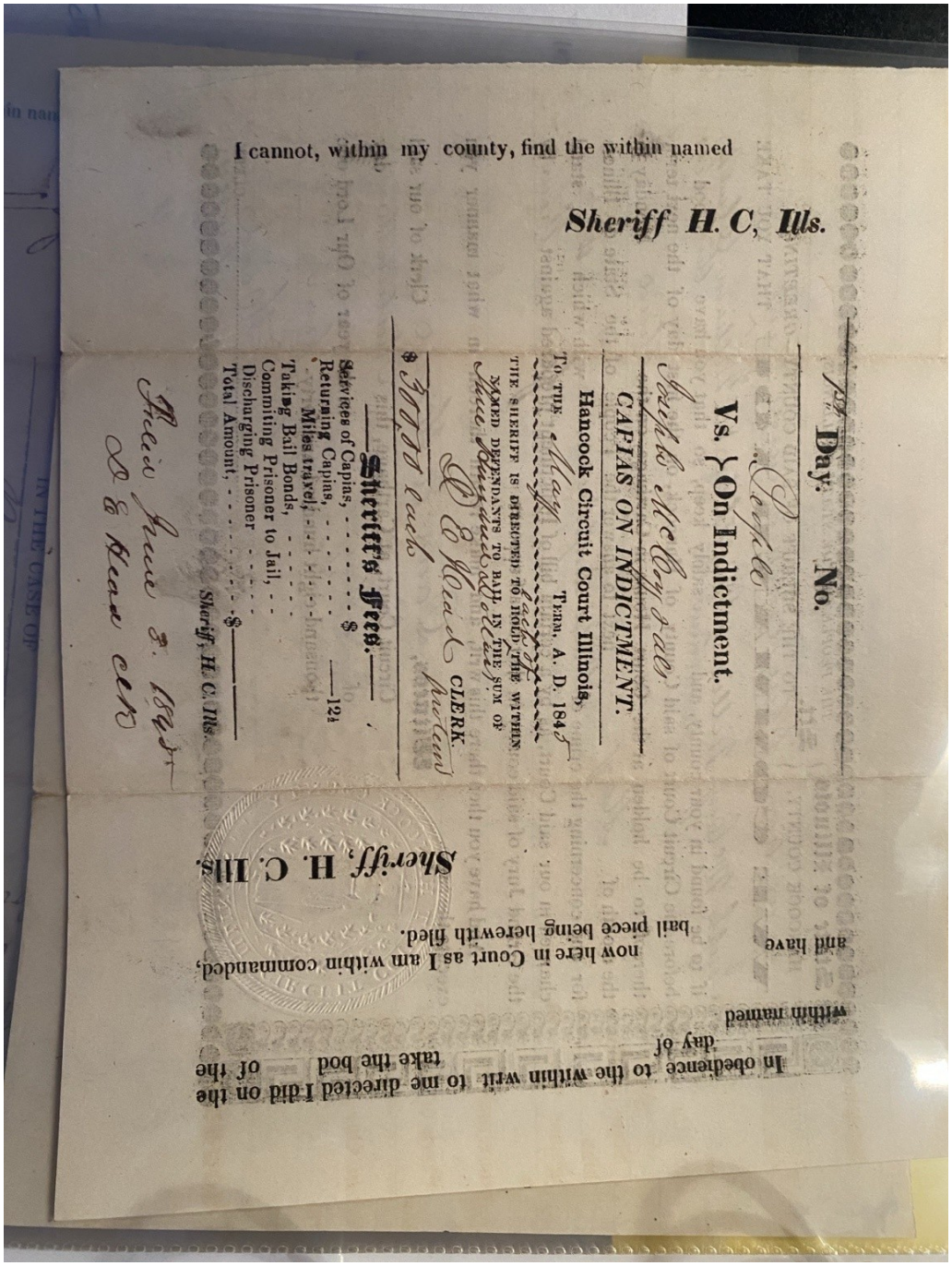
And have you then there this writ, and make return thereon in what manner you execute the same.

Witness, David E Mead Clerk of our said Circuit Court, at Carthage, this Thirteenth day of May in the year of Our Lord one thousand eight hundred and forty-four

D E Mead CLERK

Case photograph IMG_3357. First side or leaf.

12 An alias capias with conflicting dates continued



I cannot, within my county, find the within named

Sheriff H. C, Ills.

No.

Day.

Vs. } On Indictment.

CAPIAS ON INDICTMENT.

Hancock Circuit Court Illinois,

TERM, A. D. 184

THE SHERIFF IS DIRECTED TO HOLD THE WITHIN NAMED DEFENDANTS TO BAIL IN THE SUM OF

CLERK.

Sheriff's Fees.

Services of Capias, - - - - - - - $

Returning Capias, - - - - - - - - 124

Miles travel, - - - - - - -

Taking Bail Bonds, - - - -

Committing Prisoner to Jail, - -

Discharging Prisoner - - - - -

Total Amount, - - - - - - - $

Sheriff, H. C. Ills.

In obedience to the within writ to me directed I did on the day of take the bod of the within named and have now here in Court as I am within commanded, bail piece being herewith filed.

Sheriff, H. C. Ills.

Case photograph IMG_3358. Reverse or continuation.

12 Reading transcription

State of Illinois, Hancock County, Sct.
THE PEOPLE OF THE STATE OF ILLINOIS,
TO THE SHERIFF OF SAID COUNTY—GREETING:
[Inserted: as we have before commanded you] WE COMMAND YOU, THAT YOU TAKE Joseph McCoy, William Middleton & William Clark, if to be found in your county, and them safely keep, so that you have their bodies 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 Third Monday in the month of May next to answer the People of the State of Illinois for and concerning the crime of False imprisonment with which they stand charged in our said Court, as by a certain bill of Indictment preferred against them by the Grand Jury of said county in that behalf appears.

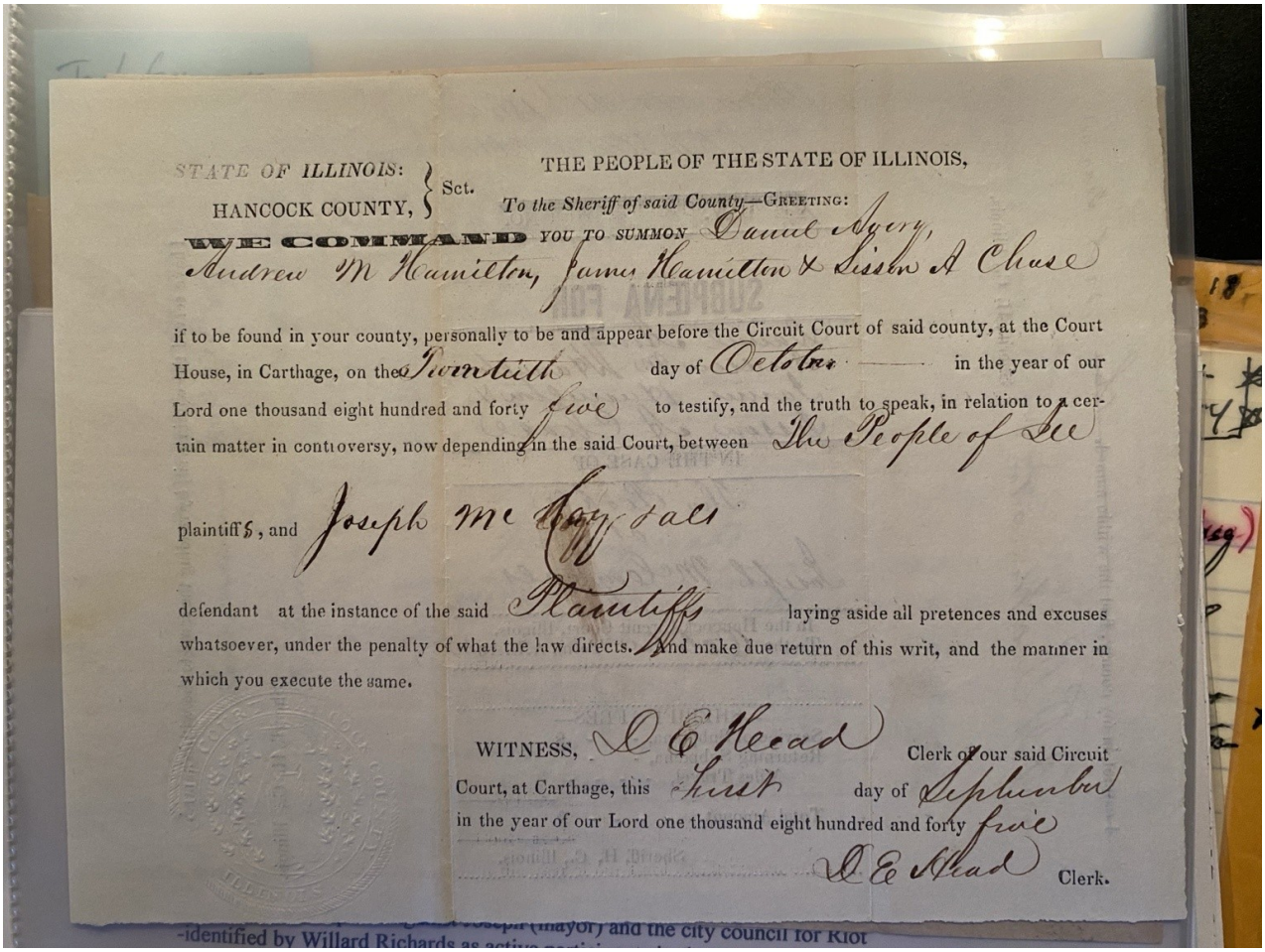
And have you then there this writ, and make return thereon in what manner you execute the same.

Witness, David E Head, Clerk of our said Circuit Court, at Carthage, this Thirtieth day of May in the year of Our Lord one thousand eight hundred and forty-four.
D E Head CLERK / pro tem
[Embossed court seal]

[Reverse]
People vs Joseph McCoy & als / On Indictment
CAPIAS ON INDICTMENT / To the May Term A.D. 1845
The sheriff is directed to admit the within named defendants to bail in the sum of Three Hundred dollars, $300.00 each.
D E Head CLERK pro tem
Filed June 3 1845 / D E Head Clk
[Service and nonservice panels uncompleted; fee form blank except printed returning-capias amount of 12½.]

13 The witnesses are called for October 1845

Issued 1 September 1845 for 20 October. Backenstos's return is marked "not served," filed 27 October.



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 Daniel Avery, Andrew M Hamilton, James Hamilton & Lisle A Chase

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 Fourtieth day of October in the year of our Lord one thousand eight hundred and forty five 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 See

plaintiffs, and Joseph McKnight & als

defendant at the instance of the said Plaintiffs 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.

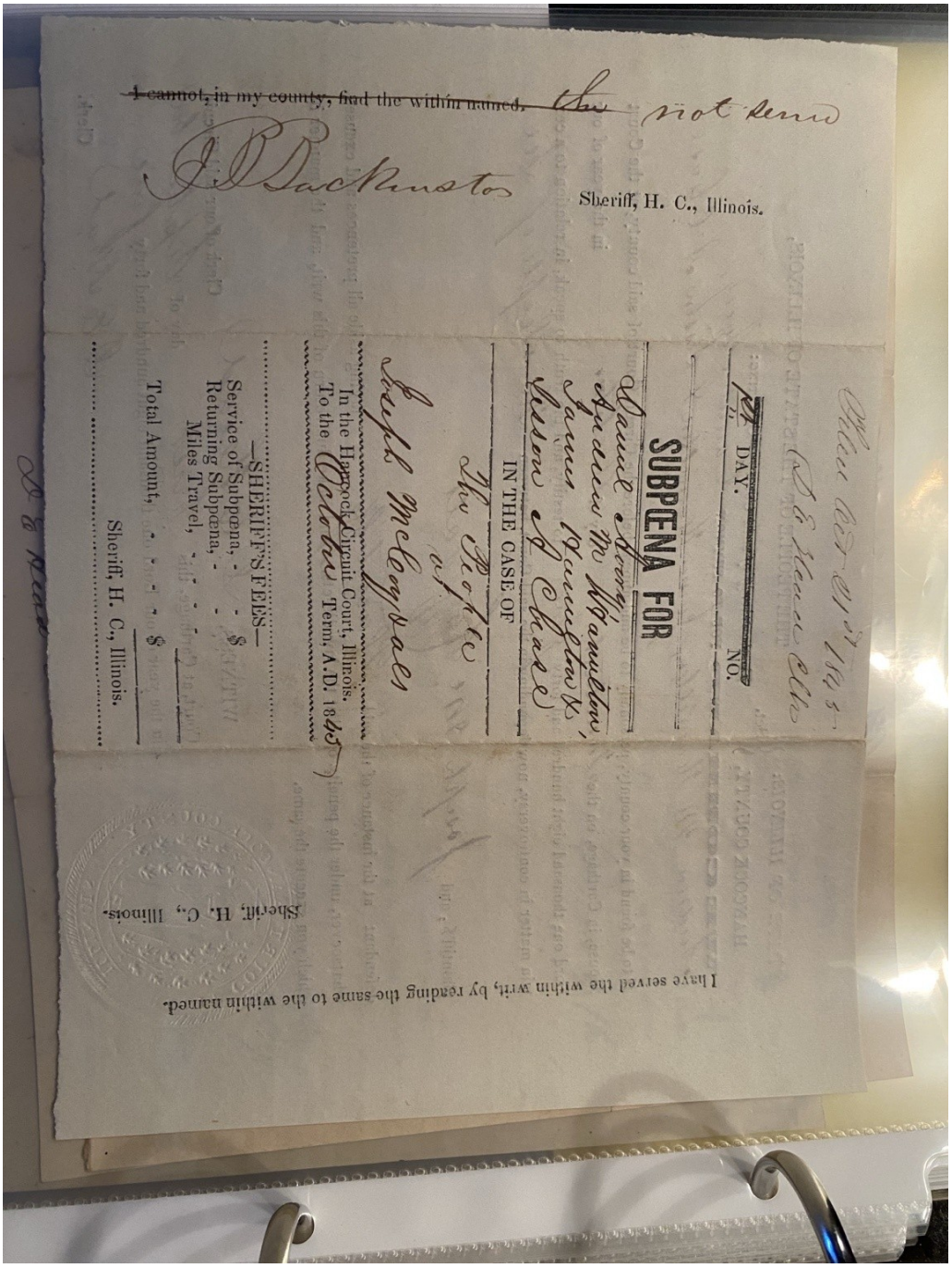
WITNESS, D E Head Clerk of our said Circuit Court, at Carthage, this First day of September in the year of our Lord one thousand eight hundred and forty five

D E Head Clerk.

-identified by Willard Richards as active ... (mayor) and the city council for Riot

Case photograph IMG_3361. First side or leaf.

13 The witnesses are called for October 1845 continued



I cannot, in my county, find the within named, the not found

I. P. Backhouse Sheriff, H. C., Illinois.

Oct 21st 1845.
D. & Mann Clk

DAY. NO.

SUBPŒNA FOR

Daniel Avery Hamilton
James Houghton &
Jason G Chase

IN THE CASE OF

The State
of
Hugh McGoyoes

In the Hancock Circuit Court, Illinois.
To the October Term, A.D. 1845

—SHERIFF'S FEES—

Service of Subpœna, - - $
Returning Subpœna, - -
Miles Travel, - - - -
Total Amount, - - - - $

Sheriff, H. C., Illinois.

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

Sheriff, H. C., Illinois.

Case photograph IMG_3362. Reverse or continuation.

13 Reading transcription

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 Daniel Avery, Andrew M Hamilton, James Hamilton & Sisson A Chase

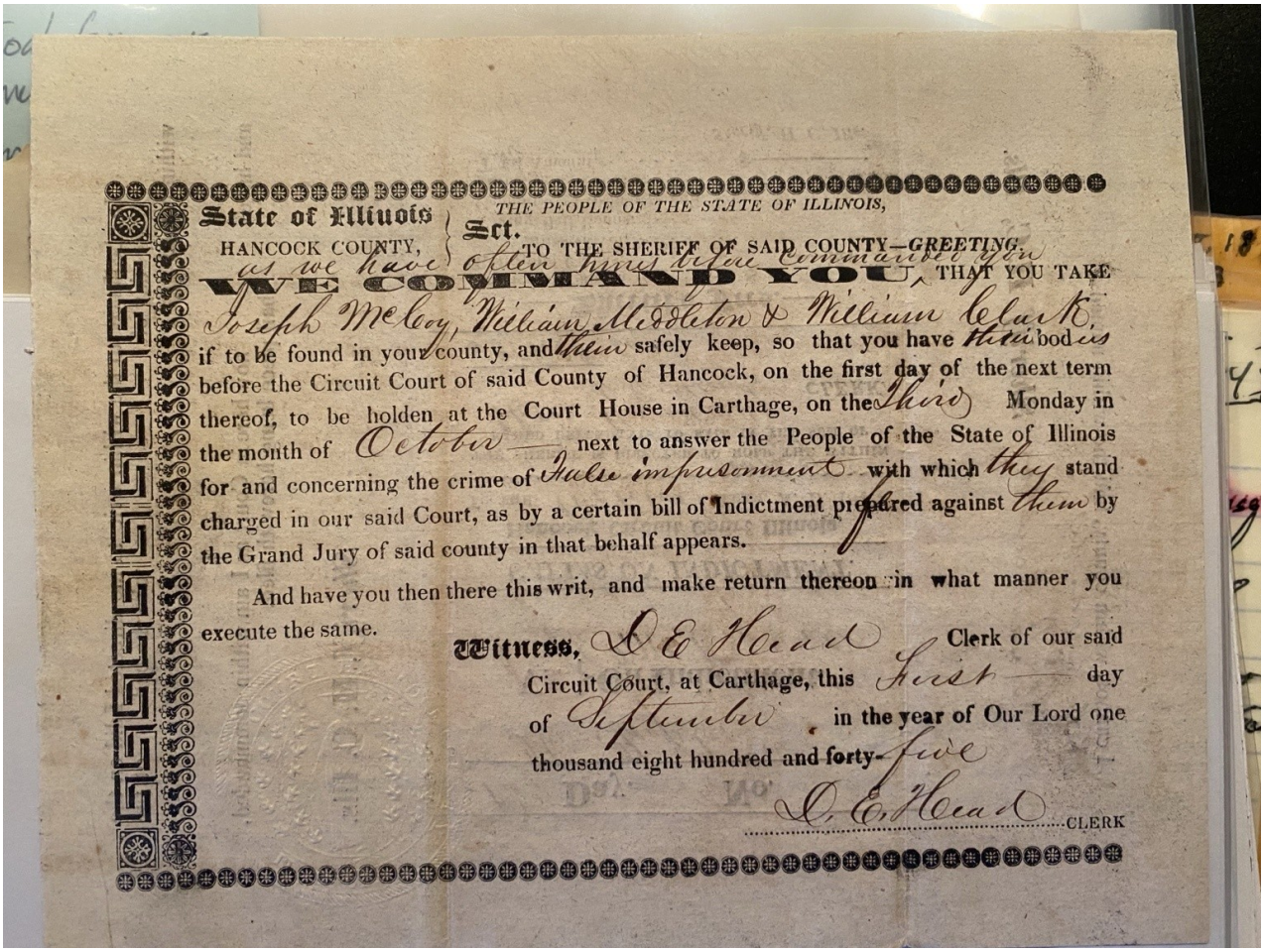
if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, on the Twentieth day of October in the year of our Lord one thousand eight hundred and forty-five, to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of Ill, plaintiffs, and Joseph McCoy & als, defendant, at the instance of the said Plaintiffs, 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, D E Head, Clerk of our said Circuit Court, at Carthage, this First day of September in the year of our Lord one thousand eight hundred and forty-five.
D E Head Clerk
[Embossed court seal]

[Reverse]
[Cancelled: I cannot, in my county, find the within named the]
not served
J B Backenstos / Sheriff, H. C., Illinois
SUBPENA FOR Daniel Avery, Andrew M Hamilton, James Hamilton & Sisson A Chase
IN THE CASE OF The People vs Joseph McCoy & als
October Term A.D. 1845
Filed Oct 27 1845 / D E Head Clk
[Fee and completed-service panels blank.]

14 The last arrest order in the photographed file

Issued 1 September 1845 for the third Monday in October. The return was filed 27 October 1845 and is signed by J. B. Backenstos as sheriff.



State of Illinois } Sct.
HANCOCK COUNTY, }

THE PEOPLE OF THE STATE OF ILLINOIS,

TO THE SHERIFF OF SAID COUNTY—GREETING.

as we have often times before Commanded You, WE COMMAND YOU, THAT YOU TAKE Joseph McCoy, William Middleton & William Clark, if to be found in your county, and them safely keep, so that you have their bodies 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 Third Monday in the month of October next to answer the People of the State of Illinois for and concerning the crime of False imprisonment with which they stand charged in our said Court, as by a certain bill of Indictment prepared against them by the Grand Jury of said county in that behalf appears.

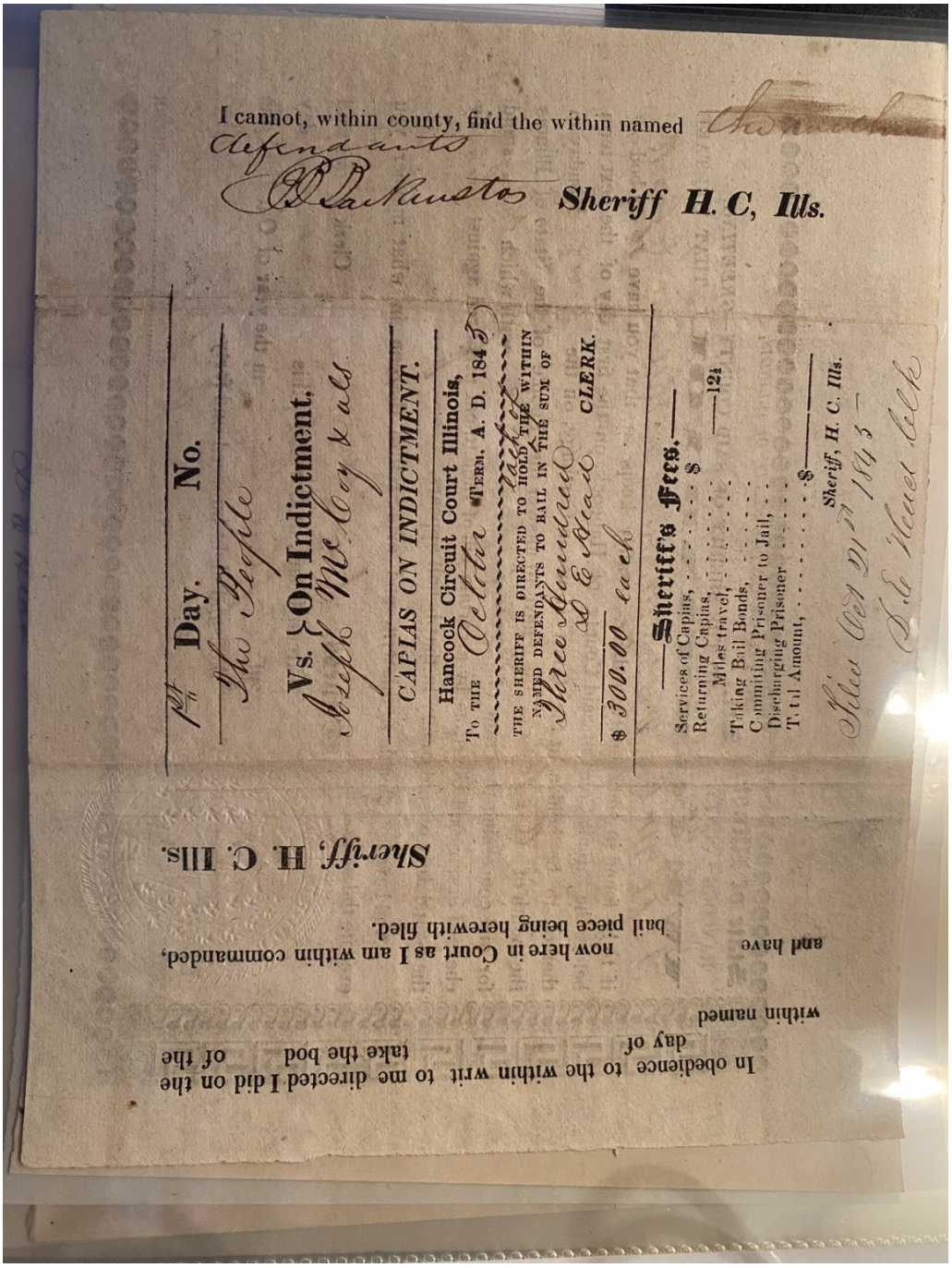
And have you then there this writ, and make return thereon in what manner you execute the same.

Witness, D. E. Head Clerk of our said Circuit Court, at Carthage, this First day of September in the year of Our Lord one thousand eight hundred and forty-five

D. E. Head ..... CLERK

Case photograph IMG_3365. First side or leaf.

14 The last arrest order in the photographed file continued



Case photograph IMG_3366. Reverse or continuation.

14 Reading transcription

State of Illinois, Hancock County, Sct.
THE PEOPLE OF THE STATE OF ILLINOIS,
TO THE SHERIFF OF SAID COUNTY—GREETING:
[Inserted: as we have before commanded you] WE COMMAND YOU, THAT YOU TAKE Joseph McCoy, William Middleton & William Clark, if to be found in your county, and them safely keep, so that you have their bodies 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 Third Monday in the month of October next to answer the People of the State of Illinois for and concerning the crime of False imprisonment with which they stand charged in our said Court, as by a certain bill of Indictment preferred against them by the Grand Jury of said county in that behalf appears.

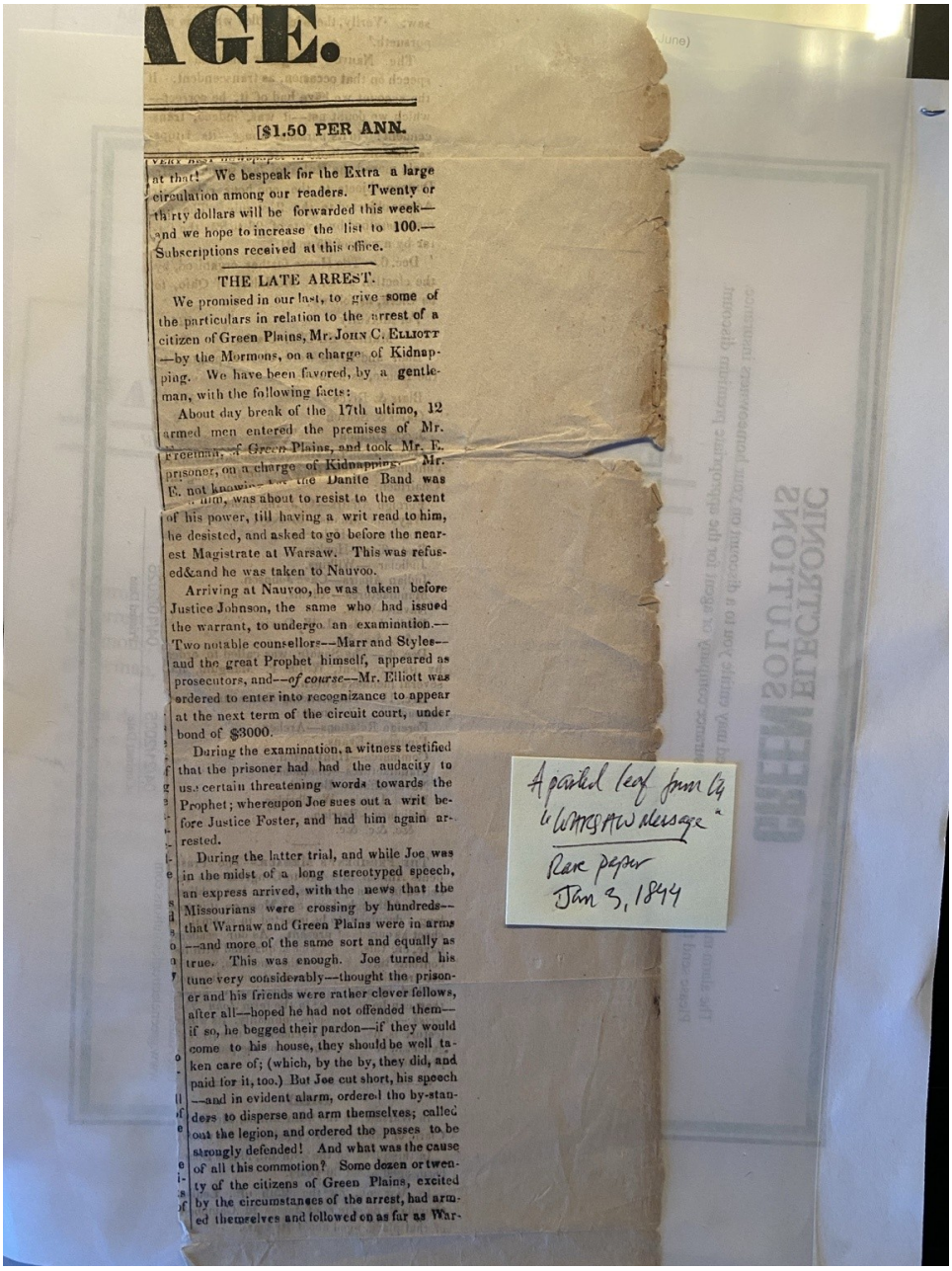
And have you then there this writ, and make return thereon in what manner you execute the same.

Witness, D E Head, Clerk of our said Circuit Court, at Carthage, this First day of September in the year of Our Lord one thousand eight hundred and forty-five.
D E Head CLERK
[Embossed court seal]

[Reverse]
I cannot, within county, find the within named [cancelled words: the within?] defendants.
J B Backenstos / Sheriff H. C. Ills.
The People vs Joseph McCoy & als / On Indictment
CAPIAS ON INDICTMENT / To the October Term A.D. 1845
The sheriff is directed to hold the within named defendants to bail in the sum of Three Hundred dollars, $300.00 each.
D E Head CLERK
Filed Oct 27 1845 / D E Head Clk
[Completed-arrest panel blank. Fee form blank except printed returning-capias amount of 12½.]

15 The surviving newspaper clipping

The Late Arrest, Warsaw Message, 3 January 1844. This fragment ends mid-sentence. The following reading follows the visible article; the supplied modern transcription supplies the continuation in the next item.



AGE.

[$1.50 PER ANN.

at that! We bespeak for the Extra a large circulation among our readers. Twenty or thirty dollars will be forwarded this week—and we hope to increase the list to 100.—Subscriptions received at this office.

THE LATE ARREST.

We promised in our last, to give some of the particulars in relation to the arrest of a citizen of Green Plains, Mr. JOHN C. ELLIOTT—by the Mormons, on a charge of Kidnapping. We have been favored, by a gentleman, with the following facts:

About day break of the 17th ultimo, 12 armed men entered the premises of Mr. Freeman, of Green Plains, and took Mr. E. prisoner, on a charge of Kidnapping. Mr. E. not knowing [illegible] the Danite Band was [illegible] him, was about to resist to the extent of his power, till having a writ read to him, he desisted, and asked to go before the nearest Magistrate at Warsaw. This was refused&and he was taken to Nauvoo.

Arriving at Nauvoo, he was taken before Justice Johnson, the same who had issued the warrant, to undergo an examination.—Two notable counsellors—Marr and Styles—and the great Prophet himself, appeared as prosecutors, and—*of course*—Mr. Elliott was ordered to enter into recognizance to appear at the next term of the circuit court, under bond of $3000.

During the examination, a witness testified that the prisoner had had the audacity to use certain threatening words towards the Prophet; whereupon Joe sues out a writ before Justice Foster, and had him again arrested.

During the latter trial, and while Joe was in the midst of a long stereotyped speech, an express arrived, with the news that the Missourians were crossing by hundreds—that Warnaw and Green Plains were in arms—and more of the same sort and equally as true. This was enough. Joe turned his tune very considerably—thought the prisoner and his friends were rather clever fellows, after all—hoped he had not offended them—if so, he begged their pardon—if they would come to his house, they should be well taken care of; (which, by the by, they did, and paid for it, too.) But Joe cut short, his speech—and in evident alarm, ordered the by-standers to disperse and arm themselves; called out the legion, and ordered the passes to be strongly defended! And what was the cause of all this commotion? Some dozen or twenty of the citizens of Green Plains, excited by the circumstances of the arrest, had armed themselves and followed on as far as War-

A parted leaf from Ch
of Warsaw Message
Rare paper
Jan 3, 1844

Case photograph IMG_3337.

15 Reading transcription

THE LATE ARREST.
We promised in our last, to give some of the particulars in relation to the arrest of a citizen of Green Plains, Mr. JOHN C. ELLIOTT—by the Mormons, on a charge of Kidnapping. We have been favored, by a gentleman, with the following facts:

About day break of the 17th ultimo, 12 armed men entered the premises of Mr. Freeman, of Green Plains, and took Mr. E. prisoner, on a charge of Kidnapping. Mr. E. not knowing but the Danite Band was upon him, was about to resist to the extent of his power, till having a writ read to him, he desisted, and asked to go before the nearest Magistrate at Warsaw. This was refused & and he was taken to Nauvoo. [Words at the fold partly obscured.]

Arriving at Nauvoo, he was taken before Justice Johnson, the same who had issued the warrant, to undergo an examination.—Two notable counsellors—Marr and Styles—and the great Prophet himself, appeared as prosecutors, and—of course—Mr. Elliott was ordered to enter into recognizance to appear at the next term of the circuit court, under a bond of $3000.

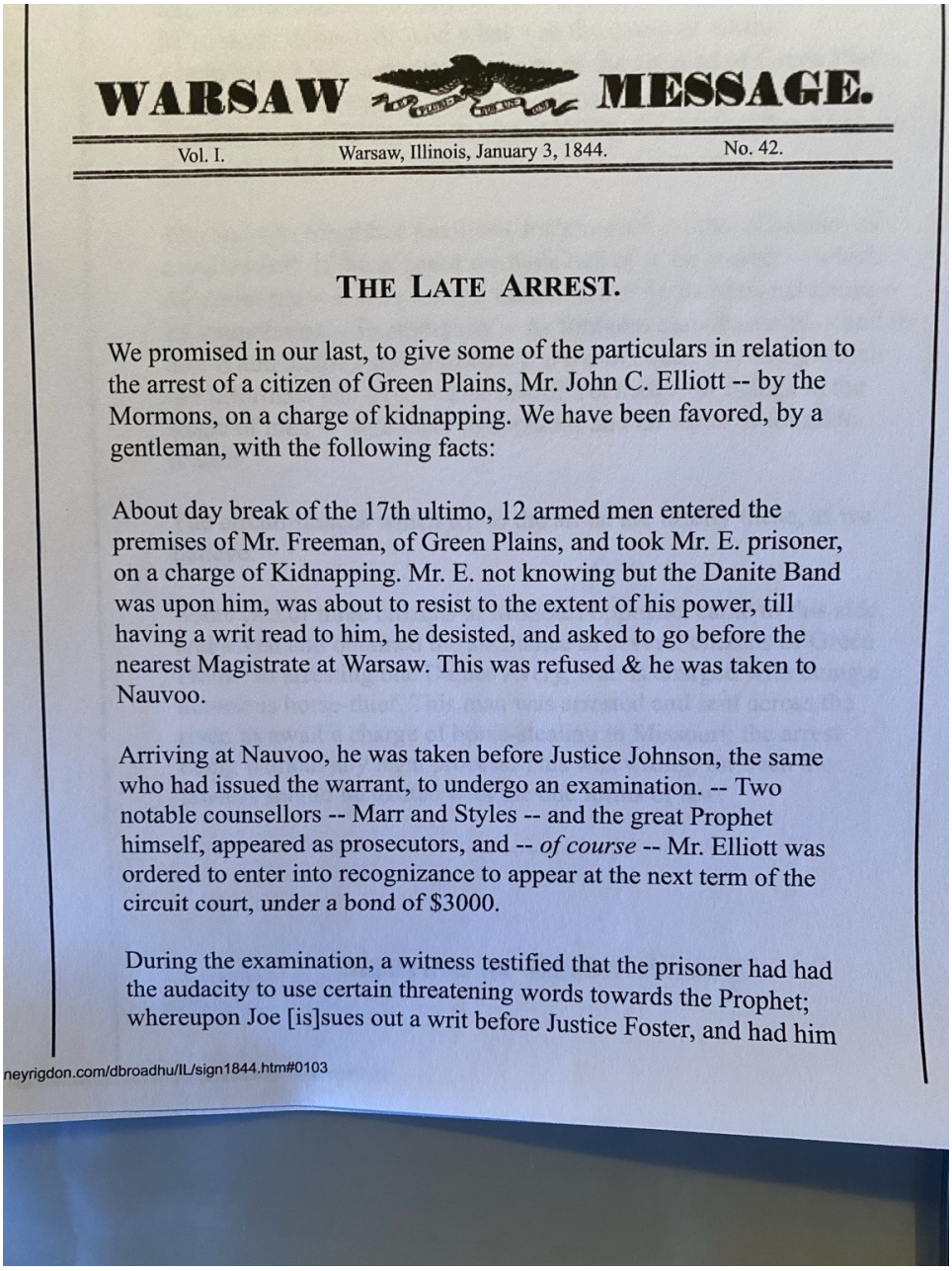
During the examination, a witness testified that the prisoner had had the audacity to use certain threatening words towards the Prophet; whereupon Joe sues out a writ before Justice Foster, and had him again arrested.

During the latter trial, and while Joe was in the midst of a long stereotyped speech, an express arrived, with the news that the Missourians were crossing by hundreds—that Warsaw and Green Plains were in arms—and more of the same sort and equally as true. This was enough. Joe turned his tune very considerably—thought the prisoner and his friends were rather clever fellows, after all—hoped he had not offended them—if so, he begged their pardon—if they would come to his house, they should be well taken care of; (which, by the bye, they did, and paid for it, too.) But Joe cut short his speech—and in evident alarm, ordered the by-standers to disperse and arm themselves; called out the legion, and ordered the passes to be strongly defended! And what was the cause of all this commotion? Some dozen or twenty of the citizens of Green Plains, excited by the circumstances of the arrest, had armed themselves and followed on as far as War- [clipping ends]

[Separate modern note identifies the clipping as Warsaw Message, Jan. 3, 1844. Text above the article concerns subscriptions and is unrelated to the case.]

16 The Warsaw article in the supplied modern transcription

These are modern printouts in the research collection, not original newspaper leaves. They are retained as such; the wording below follows them, with line-end hyphens joined. The clipping provides a partial check.



WARSAW MESSAGE.

Vol. I. Warsaw, Illinois, January 3, 1844. No. 42.

THE LATE ARREST.

We promised in our last, to give some of the particulars in relation to the arrest of a citizen of Green Plains, Mr. John C. Elliott -- by the Mormons, on a charge of kidnapping. We have been favored, by a gentleman, with the following facts:

About day break of the 17th ultimo, 12 armed men entered the premises of Mr. Freeman, of Green Plains, and took Mr. E. prisoner, on a charge of Kidnapping. Mr. E. not knowing but the Danite Band was upon him, was about to resist to the extent of his power, till having a writ read to him, he desisted, and asked to go before the nearest Magistrate at Warsaw. This was refused & he was taken to Nauvoo.

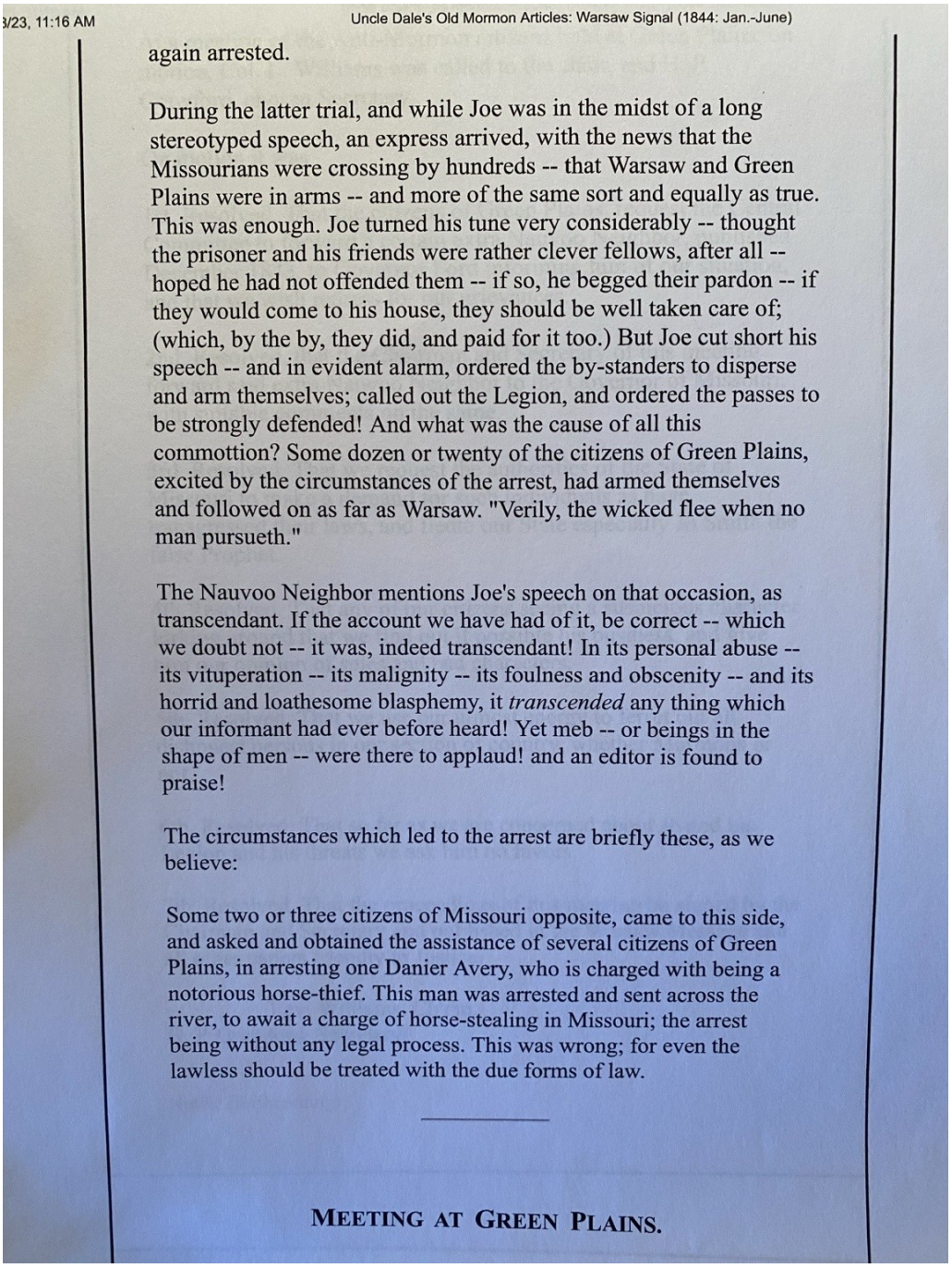
Arriving at Nauvoo, he was taken before Justice Johnson, the same who had issued the warrant, to undergo an examination. -- Two notable counsellors -- Marr and Styles -- and the great Prophet himself, appeared as prosecutors, and -- *of course* -- Mr. Elliott was ordered to enter into recognizance to appear at the next term of the circuit court, under a bond of $3000.

During the examination, a witness testified that the prisoner had had the audacity to use certain threatening words towards the Prophet; whereupon Joe [is]sues out a writ before Justice Foster, and had him

neyrigdon.com/dbroadhu/IL/sign1844.htm#0103

Case photograph IMG_3338. First side or leaf.

16 The Warsaw article in the supplied modern transcription continued



again arrested.

During the latter trial, and while Joe was in the midst of a long stereotyped speech, an express arrived, with the news that the Missourians were crossing by hundreds -- that Warsaw and Green Plains were in arms -- and more of the same sort and equally as true. This was enough. Joe turned his tune very considerably -- thought the prisoner and his friends were rather clever fellows, after all -- hoped he had not offended them -- if so, he begged their pardon -- if they would come to his house, they should be well taken care of; (which, by the by, they did, and paid for it too.) But Joe cut short his speech -- and in evident alarm, ordered the by-standers to disperse and arm themselves; called out the Legion, and ordered the passes to be strongly defended! And what was the cause of all this commottion? Some dozen or twenty of the citizens of Green Plains, excited by the circumstances of the arrest, had armed themselves and followed on as far as Warsaw. "Verily, the wicked flee when no man pursueth."

The Nauvoo Neighbor mentions Joe's speech on that occasion, as transcendant. If the account we have had of it, be correct -- which we doubt not -- it was, indeed transcendant! In its personal abuse -- its vituperation -- its malignity -- its foulness and obscenity -- and its horrid and loathesome blasphemy, it *transcended* any thing which our informant had ever before heard! Yet meb -- or beings in the shape of men -- were there to applaud! and an editor is found to praise!

The circumstances which led to the arrest are briefly these, as we believe:

Some two or three citizens of Missouri opposite, came to this side, and asked and obtained the assistance of several citizens of Green Plains, in arresting one Danier Avery, who is charged with being a notorious horse-thief. This man was arrested and sent across the river, to await a charge of horse-stealing in Missouri; the arrest being without any legal process. This was wrong; for even the lawless should be treated with the due forms of law.

MEETING AT GREEN PLAINS.

Case photograph IMG_3339. Reverse or continuation.

16 Reading transcription

WARSAW MESSAGE.
Vol. I. Warsaw, Illinois, January 3, 1844. No. 42.
THE LATE ARREST.

We promised in our last, to give some of the particulars in relation to the arrest of a citizen of Green Plains, Mr. John C. Elliott -- by the Mormons, on a charge of kidnapping. We have been favored, by a gentleman, with the following facts:

About day break of the 17th ultimo, 12 armed men entered the premises of Mr. Freeman, of Green Plains, and took Mr. E. prisoner, on a charge of Kidnapping. Mr. E. not knowing but the Danite Band was upon him, was about to resist to the extent of his power, till having a writ read to him, he desisted, and asked to go before the nearest Magistrate at Warsaw. This was refused & he was taken to Nauvoo.

Arriving at Nauvoo, he was taken before Justice Johnson, the same who had issued the warrant, to undergo an examination. -- Two notable counsellors -- Marr and Styles -- and the great Prophet himself, appeared as prosecutors, and -- of course -- Mr. Elliott was ordered to enter into recognizance to appear at the next term of the circuit court, under a bond of $3000.

During the examination, a witness testified that the prisoner had had the audacity to use certain threatening words towards the Prophet; whereupon Joe [is]sues out a writ before Justice Foster, and had him again arrested.

During the latter trial, and while Joe was in the midst of a long stereotyped speech, an express arrived, with the news that the Missourians were crossing by hundreds -- that Warsaw and Green Plains were in arms -- and more of the same sort and equally as true. This was enough. Joe turned his tune very considerably -- thought the prisoner and his friends were rather clever fellows, after all -- hoped he had not offended them -- if so, he begged their pardon -- if they would come to his house, they should be well taken care of; (which, by the bye, they did, and paid for it too.) But Joe cut short his speech -- and in evident alarm, ordered the by-standers to disperse and arm themselves; called out the Legion, and ordered the passes to be strongly defended! And what was the cause of all this commotion? Some dozen or twenty of the citizens of Green Plains, excited by the circumstances of the arrest, had armed themselves and followed on as far as Warsaw. “Verily, the wicked flee when no man pursueth.”

The Nauvoo Neighbor mentions Joe’s speech on that occasion, as transcendant. If the account we have had of it, be correct -- which we doubt not -- it was, indeed transcendant! In its personal abuse -- its vituperation -- its malignity -- its foulness and obscenity -- and its horrid and loathesome blasphemy, it transcended any thing which our informant had ever before heard! Yet meb -- or beings in the shape of men -- were there to applaud! and an editor is found to praise!

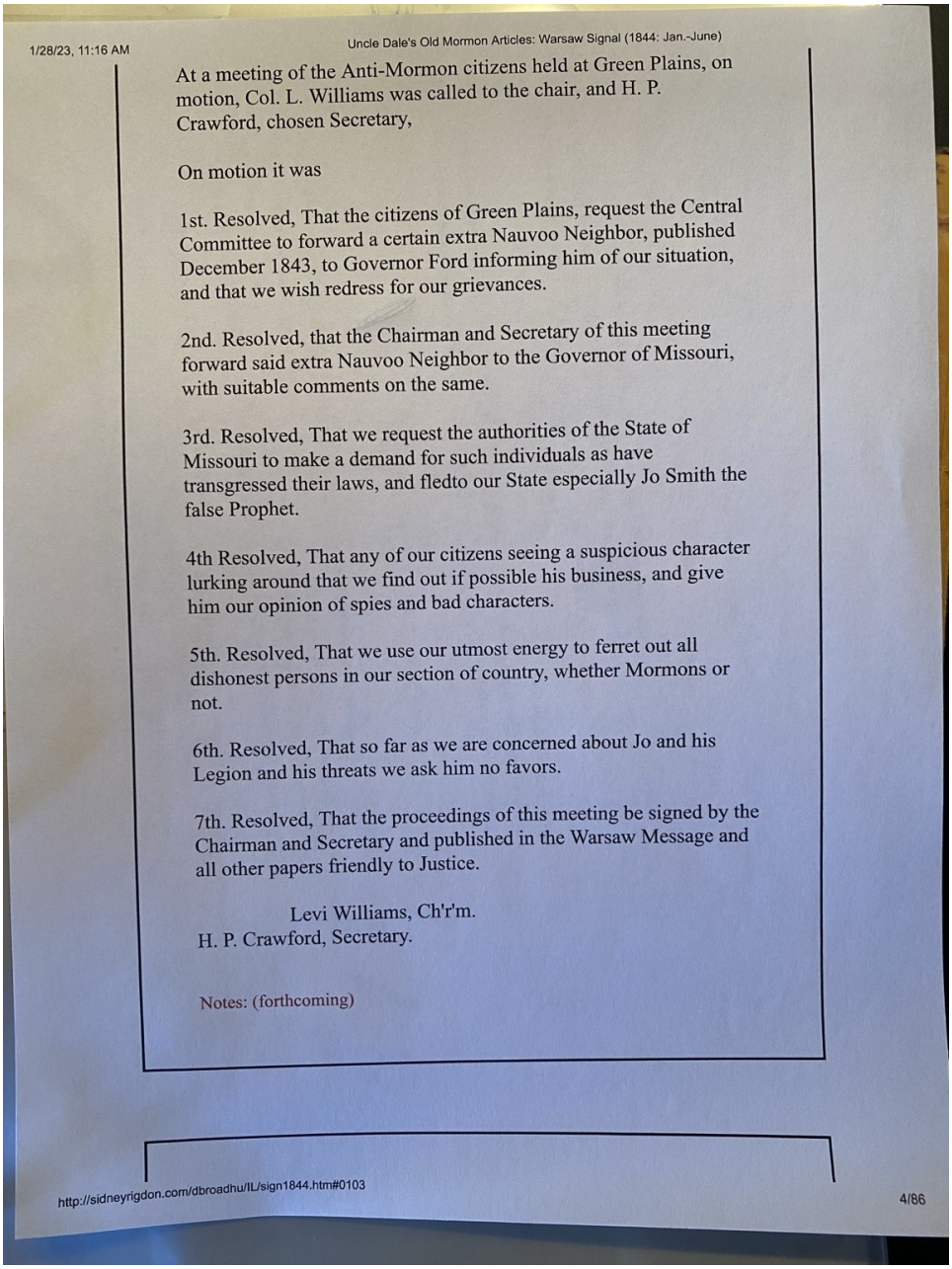
The circumstances which led to the arrest are briefly these, as we believe:

Some two or three citizens of Missouri opposite, came to this side and asked and obtained the assistance of several citizens of Green Plains, in arresting one Danier Avery, who is charged with being a notorious horse-thief. This man was arrested and sent across the river, to await a charge of horse-stealing in Missouri; the arrest being without any legal process. This was wrong; for even the lawless should be treated with the due forms of law.

[The supplied printout reads “meb” and “Danier”; neither is silently repaired here. Footer identifies sidneyrigdon.com/dbroadhu/IL/sign1844.htm#0103.]

17 Resolutions at Green Plains

Modern printout of a meeting report, accompanying the Warsaw material. Its exact issue date is not established by this leaf alone. The resolutions demonstrate organized opposition and a call for Missouri to demand Joseph Smith.



At a meeting of the Anti-Mormon citizens held at Green Plains, on motion, Col. L. Williams was called to the chair, and H. P. Crawford, chosen Secretary,

On motion it was

1st. Resolved, That the citizens of Green Plains, request the Central Committee to forward a certain extra Nauvoo Neighbor, published December 1843, to Governor Ford informing him of our situation, and that we wish redress for our grievances.

2nd. Resolved, that the Chairman and Secretary of this meeting forward said extra Nauvoo Neighbor to the Governor of Missouri, with suitable comments on the same.

3rd. Resolved, That we request the authorities of the State of Missouri to make a demand for such individuals as have transgressed their laws, and fledto our State especially Jo Smith the false Prophet.

4th Resolved, That any of our citizens seeing a suspicious character lurking around that we find out if possible his business, and give him our opinion of spies and bad characters.

5th. Resolved, That we use our utmost energy to ferret out all dishonest persons in our section of country, whether Mormons or not.

6th. Resolved, That so far as we are concerned about Jo and his Legion and his threats we ask him no favors.

7th. Resolved, That the proceedings of this meeting be signed by the Chairman and Secretary and published in the Warsaw Message and all other papers friendly to Justice.

Levi Williams, Ch'r'm.
H. P. Crawford, Secretary.

Notes: (forthcoming)

Case photograph IMG_3340.

17 Reading transcription

MEETING AT GREEN PLAINS.
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On motion it was

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Levi Williams, Ch’r’m.
H. P. Crawford, Secretary.

[The printout has “fledto” without a space; modern page furniture and “Notes: (forthcoming)” are not part of the historical meeting report.]

Daniel Avery tells his story

Affidavit of 28 December 1843. The complete ten-page text follows the Joseph Smith Papers expanded transcription of the manuscript. Historical spelling is retained; line endings are joined for easier reading. Editorial pop-up biographies and footnotes are omitted. Angle brackets mark insertions; “[deleted: …]” records cancelled wording; brackets retain editorial supplied readings. The source’s ◊ marks an unreadable character. The final manuscript page is the document’s docket rather than further testimony.

Source: Church History Library, Joseph Smith Office Papers; Joseph Smith Papers, https://www.josephsmithpapers.org/paper-summary/affidavit-from-daniel-avery-28-december-1843/1

Manuscript page 1

State of Illinois) ss City of Nauvoo) On the 28th day of Decr— 1843, came Daniel Avery before me Joseph Smith Mayor of the city aforesaid, and after being duly sworn, deposeth and saith that on the 2d day of December 1843, he was unlawfully arrested by force and arms, [deleted: and] [deleted: Kidnapped] And Kidnapped at [Vernon] Doty’s Mill in bear Creek precinct Hancock County and state aforesaid by Col. Levi Williams, his Son John Williams, <of Hancock Co.> John Elliot[t], a school master from 4½ miles below Warsaw, William Middleton and Joseph McCoy of Clark County Missouri and four others. Col Williams held his bowie knife to his breast. Six of the other stood with their pistols cocked and th[e]ir fingers upon the triggers, muzzels presented at his body, ready to fire, and two stood with clubs, and, amid the most horrid oaths and imprecations, took and bound [deleted: me] with silk handerchiefs, your said affiant and led him away between two men, one holding a savage bowie knife on one side and the other a cocked pistol on the other side, (having [deleted: taking] taken away your said affiants weapons [p. 1]

Manuscript page 2

while binding him in the Mill.) and led Your affiant about a mile: your affiant refused to walk any further, and they put him upon a horse and tied his legs under the horse, and John Elliot, the aforesaid school Master, led the horse as fast as he could make his way, through a [deleted: by way] thicket and by way to the house of the aforesaid Col. Williams Here the Kidnappers eat and drank, and after they had unbound me, for they had bound me so tight that I was in great pain, I was also suffered to partake They then put me upon the horse again, and bound me, and started for the river. the said schoolmaster Elliot leading the horse, when he came near a school house where there was a meeting they came to a halt: sent messengers to the meeting, and, the course of haff [p. [2]]

Manuscript page 3

an hour they returned with an armed mob, with rifles and other weapons, sufficient to make the whole company number about 20. Being all on horse back they formed a circle, with your affiant in the center, (who, up to this time had [deleted: called] [deleted: upon] <acquainted> every man he saw that “they were Kidnapping him,”) and marched in that order to a house on the piont below Warsaw, And as I was very cold from being bound they took me into the house [deleted: and] [deleted: loosed me] to warm. I now called for a trial, as I had told them all the way thus I never resisted legal authority: They said they were huntng a magistrate: Says I under stand you, you mean to force me into Missouri. McCoy returned, and said we are ready. It was about midnight. We went about 300 yards up the river to a skiff. I refused to cross, as they had promised me a trial. They foreced me into the skiff and bound me, and five men put me across. Their names, so far as I could ascertain, are William Middleton, William Clark, Joseph McCoy [deleted: and] John Elliot [deleted: the School master from] <and Charles Coolidge> [p. [3]]

Manuscript page 4

[deleted: 4½ Miles below Warsaw.] Warsaw. The<y> landed at the tavern on the south side of the Des Moines, and took me into a back room: threw down a buffalo robe for my bed, but as my arms were bound so tight that I could not rest I Complained: [deleted: Told] [deleted: Middleton] Middleton thus was not the way he was used at My house. The<y> felt [deleted: of] <at> my arms and exclaimed:— By God their not too tight. I beg[g]ed to have one arm liberated, and finally they untied both, and I slept (under guard) on the buffalo <robe> before the fire. About noon they got ready and started with [deleted: me bound] <my guard ◊d> upon a horse, for McCoy's about 12 miles distant, in Clark Co Mo. It being night when we arrived, and I unwell through fatigue and confinement, <and the abuses befor recd> I went to bed. The<y> had sent runners ahead and, after I had been in bed awhile, the Sheriff came up from Waterloo, the County Seat, a distance of about 2 miles to [p. [4]]

Manuscript page 5

arrest me and take me before a magistrate that night. but middleton and McCoy objected as I was sick. The Sheriff, however executed his writ and left me in their care till mor[n]ing: It being late before we breakfasted. he came in the Morning and made the second scope of his Authority and took me. He quized me the night before to draw something out for testimony but as innocence can not be effected with truth, he was as wise at one end the story as the other. At Waterloo I was examined by a M[a]gistrate who committed <me> upon <the substance of> an affidavit made by my son in duress with a bowie Knife at his breast, and <upon> a promise thus he should be liberated from Monticello Jail where he was Confined after being Kidnapped [deleted: as] some three or four weeks previous. My bonds were fixed at $1000. And, as I had no bail in such a strange place, I was started for Palmyra Jail in Marion County. The <dept> Sheriff took me to Mustgrove [Samuel Musgrove], <the Sher◊riff> a distance [p. [5]]

Manuscript page 6

of 10 Miles. Here I sued out a writ of Habeas Corpus, but the Jud<ge> remanded [deleted: to] <me> to prison. At Monticello my chains were taken off and I was at liberty (!) in the midst of a strong guard to view the town. Here a lawyer agreed to take me and my son through Court (as the Missourians say) for a horse. Saw my Son in the prison: said he was forced At the point of a bowie Knife to Make an affidavit against me, but he Knew I was innocent. I tried to be left withe him in Jail, but no, I was complled to go to Palmyra, where I arrived the next evening. The Sheriff thrust me into the dungeon without waiting to eat, warm or anything else. The next morning the blacksmith Came into the jail an<d> ironed me to <the middle of> a great chain that was fast to the floor— [deleted: I] Where I remained in the horrid gloom of a Missouri prison two weeks. From thence the deputy sheriff started with me chained upon the horse in this wise:— [p. [6]]

Manuscript page 7

he chained my right leg and then passed the chain [deleted: under the horse's belly and So] So up to my left hand: In this way I travelled 9 miles, when we stopped and he changed the chain from my hand to the horse's neck: we arrived at Monticello and I was chained all night. The next day I was conveyed to Waterloo and delivered into the Custody of the Sheriff of Clark County. I was kept under a strong guard by day and at night, chained to one of the guard or the bed post. I was informed that Middleston and McCoy procured an [deleted: indicted] <indictment> against me by giving bonds to the amount of some two or three hundred dollars, thus they would hunt up testimony to the point for next court, theire b[e]ing nothing against me but the affidavit of my son before alluded to, and so the grand Jury formed a bill. Ellison, my lawyer, deceived me, and put over my case for six months, because, as I suppose, I being Kidnaped [p. [7]]

Manuscript page 8

had no fees for him. I objected to having my trial put off 6 months: I did not fancy the dungeon of Palmyra prison. The court concluded to let me to bail under bonds of $1000 but this I could not obtain: subsequently it was reduced to $500, but all in vain for I was unacquainted with the people. This was on Saturday and I was thus left to meditate on the mischief that may be made out of a little matter by meddlesome men: On Monday I sued out a writ of Habeas Corpus and after a fair hearing of the matter I received the following Order State of Missouri) sct County of Clark) ordered by the Clark County Court, Decer. 25th, 1843, that Samuel [deleted: Morgan], <Musgrove> [deleted: of] sheriff of [deleted: said] <Clark> County, discharge Daniel Avery from imprisonment on an indictment found against him for the alleged crime of stealing a— mare of Joseph McCay's [p. [8]]

Manuscript page 9

L.S. By order of Court Witness Willis Card Clerk of said court and seal of Office this 25th Decer. 1843 Done at office in Waterloo Date Above Willis Card Clerk Hon John W. Dawellen [Lewellen]) Judges Henry Snively [Sniveley]) Very early on Tuesday morning your said affiant Started for Nauvoo and arrived the Same evening about [deleted: Sunday] <Sundown> a distance of near twenty miles so crippled from the Iron bondage and hard usage of Missouri that he is hardly able to walk. To those who[deleted: se] assisted your said affiant to obtain his release from bondage he tenders his greatful acknowledgements, and further your affaint saith not. Daniel Avery Subscribed and Sworn to before me this 28th day of Decr. 1843 W[illiam] W Phelps Clerk M. C— [p. [9]]

Manuscript page 10

<Decr. 28. 1843 Drt. Affidavit of Daniel Avery relative to his being kidnapped. Decr. 29. 1843 Copied for Governor T[homas] Bullock> [p. [10]]

Philander’s sworn retraction

Philander Avery, affidavit, 20 December 1843, Thomas Bullock copy. This document gives the traditional 19 November date. The Missouri custody evidence discussed in the narrative supports an earlier seizure; the affidavit’s wording is preserved here.

State of Illinois) Ss City of Nauvoo)

On the 20th. day of December 1843 personally appeared before me Willard Richards Clerk of the Municipal Court of said City, Philander Avery of Bear Creek precinct in said County, and after being duly sworn deposeth and saith, that on the 19th. day of November 1843, at his house, in the precinct aforesaid, Ebenezer Richardson of Lee County, Territory of Iowa, by false pretences persuaded your Affiant to accompany said Richardson to the Mississippi River, at Warsaw, where your Affiant was seized by one Joseph Mc.Coy of Clark County Missouri, in connection with the said Richardson and about one dozen of other Individuals, whose names are unknown to your affiant, and by them forced across said Mississippi River, where they bound your affiant, and Mark Childs swore that your affiant had stolen said Mc.Coy’s horse and colt, and that his father Daniel Avery had secreted said horse and colt, and said Richardson threatened your affiant with death or seven years imprisonment, in order to persuade him to make false statements, and testify that his father Daniel Avery had stolen said Mc.Coy’s horse and colt, which statements your affiant made, and swore to the same, while in duress, with a Bowie knife presented to intimadate. And your affiant further saith that the testimony he gave concerning his father’s guilt was extorted from him through fear, while in duress, and said testimony was absolutely false, and your affiant fully believes that his father is innocent of the crime of stealing said Mc.Coy’s horse and colt. and further your Affiant saith not.

Philander Avery

L. S.

Subscribed and sworn to before me, In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Nauvoo aforesaid this 20th. day of December A. D. 1843.

Willard Richards

Clerk of the Municipal Court of the City of Nauvoo [p. [1]]

Source: Joseph Smith Papers, https://www.josephsmithpapers.org/paper-summary/affidavit-from-philander-avery-20-december-1843-thomas-bullock-copy/1

A neighbor appeals for help

Dellmore Chapman's affidavit and the accompanying letter to Governor Thomas Ford, 6 December 1843. The first leaf of the published four-page document is blank; the text-bearing pages follow. Chapman expressly reports information received from others.

Manuscript page 2

Copy
State of Illinois) SS City of Nauvoo)
On the sixth day of December in the year of our Lord one thousand eight hundred and forty three, came Dellmore Chapman before me Joseph Smith Mayor of said City and after being duly sworn, Deposeth and saith that on the nineteenth day of November 1843 a man named Ebenezer Richardson came to one of his neighbors, living in Bear Creek precinct in the County of Hancock named Philander Avery and enticed him to the Mississippi at Warsaw by false pretences, and from thence by a company he was, (as is reported) forced over the River, and taken to Monticello Jail; and that on the second day of December some of the same party and others came to the aforesaid Bear Creek and Kidnapped Daniel Avery the father of the aforesaid Philander Avery and by force of arms hurried him also across the said Mississippi River into the State of Missouri to aforesaid Jail at Monticello— Lewis County— where your said Affiant verily believes they are both now incarcerated illegally, and inhumanely in prison. And further report says that some of them are to come to Nauvoo next. to Kidnap Nelson Turner. And further your affiant saith not
Dellmore Chapman
Subscribed and sworn to before me)
this 6th. day of December 1843—)
Joseph Smith
Mayor [1/2 page blank] [p. [2]]

Manuscript page 3

Nauvoo, Decr. 6th. 1843
Sir/
The enclosed affidavit is forwarded to your Excellency for instructions to know what shall be done in the premises. I shall act according to the best of my judgment constitutionally till I receive your instructions. and in the mean time shall forward, as soon as they can be had all the facts relative to the case, as a suitable person will go immediately to the place and get the necessary affidavits. Send your instructions by the bearer
Respectfully I have the honor to be Your obedt. servt
Joseph Smith
Lieutt. Genl. of N. L.
His Excellency
Thomas Ford
Springfield
Illinois
P. S. Shall any portion of the Legion be called out?
N. B. An express has just reached me that Governor Thomas Reynolds will make another demand for me. I rely on the honor of Illinois. for no writ can legally issue against me. I have suffered from their insatiable thirst for my blood long enough and want the peace of my family to remain undisturbed. [1/4 page blank] [p. [3]]
Source: Joseph Smith Papers, manuscript and transcription.

The Nauvoo newspaper account

“Kidnapping,” Nauvoo Neighbor, 20 December 1843, pp. [2]–[3]. This complete article text follows the Joseph Smith Papers transcription. Newspaper column endings are joined, while historical spelling and evident typographical errors remain. The account combines an editorial introduction, affidavits, reported testimony, and editorial praise. It should be read as a contemporary partisan report, not an official verbatim court transcript.

Source: Joseph Smith Papers, newspaper and transcription.

KIDNAPPING.

It will be recolled that we gave an account last week of two persons being kidnapped by some persons from the state of Missouri. The names of the persons kidnapped were Daniel, and Philander Avery, father, and son. Philander, the son, by some means or other escaped from their hands, and returned to this State. We have also obtained information from other sources pertaining to this diabolical outrage, having a tendency to implicate others of whom we favorably could have hoped better things.

The following affidavit will show that some of the citizens of Illinois are so far fallen, and so much governed by mobocratic influence as to assist the Missouri wretches in their hellish designs:

STATE OF ILLINOIS,)

Hancock county.)

On the 11th day of December 1843, came Sisson A. Chase, before me Aaron Johnson, a justice of the peace of said county, and after being duly sworn deposeth and saith that the crime of kidnapping has been committed in Hancock county, and on the 2d day of this present Dec., 1843, at the house of Scherench Freeman, about four miles and a half south of Warsaw, in said county; your said affiant heard a man by the name of John Elliott say that he was going a shooting turkies, when asked what he was going to shoot them with, he shewed a brace of pistols and a large hickory cane: your affiant observed that he thought he could not kill turkies with such weapons, and the said Elliot said there was a certain cock he meant to take before night and they would do for that. He the said Elliot went off, and your affiant did not see him till Sunday evening the third, when your affiant asked the said Elliot if he had caught his turkey, and he replied yes, the one he was after, a Mormon Elder; your affiant then asked him who he was and he said Daniel Avery; your affiant then asked the said Elliot what had been done with said Avery? and he said we put on to a horse, tied his legs and guarded him to the river, from whence about ten o’clock at night, we took him into Clark county, Missouri, for stealing a horse three years ago, where they would try him, and if found guilty, they would then take him into another county where there was a jail, and there was none in Clark county. On the 4th day of December I asked him if they had writs or authority to take Mr. Avery, he replied, we all had writs. On the 5th he the said Elliot said he expected to get into difficulty on account of this scrape, but if any mormon makes any business with me, I will shoot him, and further your affiant says not.

SISSON A. CHASE.

Subscribed and sworn to this 11th day of December 1843, before me.

AARON JOHNSON, J. P.

Upon the filing of the foregoing affidavit a constable was immediately dispatched for the said John Elliott, who was brought tforthwith to Nauvoo and had a hearing before Aaron Johnson, justice of the peace. The court was held in the large room over General Smith’s store, on Monday afternoon.

The court being opened and the affidavit read, on the question being asked the prisoner, guilty or not guilty, he plead not guilty.

Sisson R. Chase sworn.

I went down to that neighborhood to go to work—found work at Mr. Scherench Freeman’s. Mr. Elliot was there —entered into conversation—found them opposed to Mormonism—next morning there was something said relative to his, Mr. Elliot’s going to shoot turkies. I asked him what he would shoot them with —he fetched a pair of pistols—I said I thought he could not kill turkies with such weapons—

he said there was a certain cock they intended to take before night— he thought they would do for that—he also had a hickory cane and said, that would be a good weapon. He went away on Saturday morning and returned on Sunday night, he lhen [then] said that he had taken the turkey—a Mormon Elder, Avery—that they had taken him to the river at Warsaw, and took him across the river at ten o'clock at night—that they had taken him to Clark county, Missouri—would try him there and take him to another county where there was a jail.

I said that would not do. In two days he came back—I asked what he had been doing—said taking a Mormon Elder—I asked if they had taken him by authority — he said not but by force of arms. He Chase, said that he should likely get into difficulty, but that if a mormon should touch him he would shoot them. He said that Joseph Smith was a bad man, that he would be taken—I said they had tried it before but had failed—he said that they would not fail this time, that a plan was in operation that would succeed—that he would be popped over.

Mr. Smith asked what was said about him—prisoners counsel objected. Mr. Smith said he had a right to hear concerning himself. Court decided that it might be heard inasmuch as other mormons were mentioned.

Mr. Sisson A. Chase again related something similar to what he had done before—related the design of Missouri to take him—they wanted Mr. Smith, and some three or four more.

Stephen Markham sworn.

Heard Mr. Elliot make no threats— heard Mr. E. say that he assisted in taking Daniel Avery—that there was nine of them engaged in it, six belonging to Illinois and three to Missouri. He was taken in this county.

Did Mr. Elliot make any threats to Avery? Not to me, only in taking him. He swore he would shoot us, and pointed his pistol. I told him to stand or I would shoot him if he offered resistance—that we were officers of the peace—had a writ for him—that if he gave himself up he should be civilly treated.

Cross examined.

He was led into it not knowing what it would amount to—he said he would assist in taking the leaders, McCoy, Clark, Williams and his son, I forget the names of the whole; there was nine in company; I think Stocgdon was one, I also think the name of one was Cox.

King Follett sworn. Dont know that I can make any addition to the testimony—the man attempted to get away, but we headed him. He threatened to shoot at first, but afterwards gave up. He confessed to me that he had been guilty of kidnapping—he said he was led into it by others—did not know what he was doing. He said there was Mr. Clark who was far more guilty than he, and wanted me to take them; I said I coald not do it—I had no authority. He acknowledged the whole circumstance and said he would do so to the court. The prisoner was then asked if he had any plea to make, he said not at this time.

The court declared that the said John Elliot he held to bail in the sum of 3000 dollars to appear on the first day of the sitting of the county court at Carthage. Mr. Smith observed that the gentleman was a stranger—that he might not be able to get bail, suggested the propriety of the bond being reduced. The court however thought that in consequence of the enormity of the crime, that the bond was not more than sufficient to cause the prisoner to appear on the day of trial, and therefore could not mitigate it.

After the prisoner was remanded, there was another writ issued, predicated upon the following affidavit, made returnable before Robert D. Foster, J. P.:

STATE OF ILLINOIS,)

Hancock county.)

Personally appeared before me, Rob't D. Foster, a justice of the peace for Hancock county, Joseph Smith, who being duly sworn according to law, deposeth and saith, that one John Elliot of said county is guilty of a breach of the peace for this, that on or about the second instant, the said John Elliot did use threatening language concerning your deponent as informed that said threatening language was made in the county of Hancock, and further this deponent saith not.

JOSEPH SMITH.

Subscribed and sworn to this 18th of Dec. A. D. 1843.

R. D. FOSTER, J. P.

The prisoner was again brought forward and the court adjourned for one hour.

The court said that it was his privilege to plead for a change of venue by paying the costs, but as the costs were not forthcoming the court proceeded.

Mr. Styles [George Stiles] then read the act to regulate the apprehension of offenders and for other purposes, p.219.r.s, The act sets forth the use of threatening language is sufficient to criminate individuals; this we are prepared to prove.

Sisson Chase sworn.

The testimony was similar to that before delivered with the following additional items:

I did ask him if he had authority—in the morning he said that he would not [p. [2]]

care about shooting some of the mormons —in conversation I had with him he carried the idea that a conspiracy was formed against Joseph Smith and others, and that some of them would be shot. These conversations were had at different times. He thought Mr. Smith was a bad character. He thought they ought to be taken. Ques. Who? Joseph Smith, and some others. I told him he had been taken, but had been acquitted. He did not thank the Governor for that. He carried the idea that there was a conspiracy against his life, and said we have a plan in operation that will pop him over.

Question by court. Do you know how long Mr. Elliot has been in the county? No.

By counsel for prisoner. Did you hear him state that he himself would do any thing? I heard him state nothing further than I have mentioned.

Mr. Markham and Mr. Elliot sworn.

By the court. Is your residence Mr. Elliot in this county? Yes.

King Follet sworn.

I have heard of the things stated but not from him.

Messrs. William Marr and Styles, attorneys, resident in Nauvoo, made some thrilling remarks pertaining to the outrageous proceedings of Missouri. The diabolical conduct of those wretches who could be engaged in destroying and kidnapping their fellow men was portrayed in glowing colors. Judge Phelps and General Smith then followed on the same subject, their language was thrilling eloquent and powerful: if ever inhumanity and deeds of blood were depicted in their true colors it was on that occasion; their thoughts flashed as fire and they spake in ‘words that burned.’ We never saw the character of General Smith so clearly developed for while he abhorred and depicted the fiendish crime that the culprit stood charged with in its true colors, he pitied the poor wretch that then stood before him, and with feelings of commiseration, benevolence and philanthropy, withdrew his charge, wished if it was in the power of the court that the culprit might be forgiven, promised to pay all the charges, and invited him and those of his friends who came along, to come to his house and they should be taken care of. It would be superfluous for us to attempt to give even a faint outline of the remarks made by the above named gentlemen, we hope to have at least a synopsis of their speeches for publication which we are sure would be highly interesting to our readers, Upon the whole, although a painful, yet it was an interesting occasion and will long be remembered, and unless Mr. Elliot’s heart, and those of his friends, were made of adamant, it must have made an indelible impresson on their minds and almost made them hate themselves.

Since the above was in type, we have received information that Mr. John Elliot is now in the Carthage jail, where, no doubt, he will be safely kept.

We have also received information that the celebrated mober, Col. Williams, with his possey, have left for Missouri; we suppose that he has found out the pleasure of entertaining mobs. [p. [3]]

The people behind the papers

These extended biographies retain the individual lives, family connections, public offices, and identification questions developed in the earlier research. Their detail is placed here so that the opening story can move without interruption. Established portrait identifications accompany the people for whom suitable images were located. No verified likeness of Daniel, Margaret, or Philander Avery is asserted in this edition.

The Avery family and close associates

Daniel Avery (1797-1851)

A New York-born farmer and carpenter, Daniel married Margaret Adams in Franklin County, Ohio, in 1821. The family moved through Worthington and Perry, Ohio, to Schuyler County, Illinois, and then to the Iowa-Illinois borderlands. By January 1840 Daniel presided over an elders quorum at Montrose. He was later recorded among Nauvoo high priests and received Nauvoo Temple ordinances. After Joseph Smith's death he helped with temple carpentry but ultimately associated with James J. Strang's movement; he served on the Voree high council before returning to Illinois, where he died at Camden in 1851.

In the Avery story

Daniel's status as a known Latter-day Saint officer, rather than an anonymous horse-theft suspect, helps explain why his seizure became a communal crisis. His affidavit is the principal narrative source, but its place of preparation—before Joseph Smith, written by William W. Phelps and corrected by Thomas Bullock—requires transparent source criticism. Its unusually specific names, route, restraints, and Missouri court details are substantially corroborated.

Family and associates

Family: husband of Margaret Adams Avery and father of Philander. Church/legal network: connected to Joseph Smith as mayor and magistrate, Phelps and Bullock as record-makers, and the Nauvoo leadership that transmitted his complaint to Governor Ford.

Philander Avery (1822-1907)

Born in Franklin County, Ohio, Philander was Daniel and Margaret Avery's son. He moved with the family through Ohio, Schuyler County, and the Mississippi border region. He married Elizabeth Meeks in Lee County on 31 March 1842 and lived in Bear Creek Precinct by late 1843. Later records place him in Knox County and Camden, Illinois; he participated in the Camden Masonic lodge and militia. Online biographical compilations describe him variously as teacher, lecturer, physician, and clerk, occupations that require record-by-record dating rather than being projected backward into 1843.

In the Avery story

Richardson used Philander as the entry point into the family. Threats produced an accusation against Daniel, but Philander retracted it when father and son met in Missouri custody. His biography is therefore central to evaluating the reliability of the Missouri prosecution. The JSP person page repeats the traditional 19 November seizure date, while Clark County custody evidence supports 12 November; the conflict must remain explicit.

Family and associates

Family: son of Daniel and Margaret; husband of Elizabeth Meeks. Adversarial network: Richardson and John Dedman. Evidentiary relationship: coerced accuser, later recanting witness for Daniel.

Margaret Adams Avery

Margaret Adams married Daniel Avery on 4 January 1821 in Franklin County, Ohio, and shared the family's migrations into Illinois and the upper Mississippi valley. Her independent life record is thinner than those of her husband and son, a common archival imbalance for married women in the period.

In the Avery story

Margaret carried word of Daniel's abduction to Nauvoo on 5 December. Her report transformed a private family emergency into a matter before city, church, militia, and state authorities. Dellmore Chapman's affidavit supplied an additional public voice; the record does not establish why a separate affidavit from Margaret has not survived.

Family and associates

Family: wife of Daniel and mother of Philander. Civic bridge: her report prompted Chapman, Joseph Smith, Nauvoo officials, and petitioners to act.

Dellmore Chapman (1804-1857)

Born in Ellington, Connecticut, to Hosea Chapman and Patty Converse, Chapman purchased land in central Hancock County in 1829 and owned land southwest of Nauvoo by 1842. He farmed, married Elizabeth Avery about 1844, moved to Arkansas by about 1848, and died in Johnson County in 1857.

In the Avery story

Chapman was not an eyewitness to either abduction. His importance lay in his long Hancock residence, apparent non-Latter-day Saint standing, and willingness to swear an affidavit about the reported events on 6 December. His later marriage to Elizabeth Avery reveals a previously underemphasized family relationship to the Avery circle and helps explain why he became the public intermediary.

Family and associates

Network: landholding neighbor and, by about 1844, Avery family connection; his affidavit traveled with Nauvoo petitions and correspondence to Governor Ford.

The Illinois seizure party and opposition network

Levi Williams (1794-1860)

Born in Madison County, Kentucky, Levi Williams settled at Green Plains in Hancock County by the early 1830s. He farmed, served in the Black Hawk War, held a captaincy by 1835 and a colonelcy by 1840, and was Green Plains postmaster from 1837 to 1857. His combined militia, postal, and neighborhood authority made him a significant local organizer rather than a casual member of the abduction party. He later commanded Warsaw-area forces and was indicted and acquitted in the 1845 trial arising from the murders of Joseph and Hyrum Smith.

In the Avery story

Daniel identified Williams as the leader at Doty's mill and as the man who pressed a Bowie knife to his breast. The party took Daniel toward Williams's residence before the larger mounted group moved to the river. Williams's militia standing helps explain the party's discipline and manpower but does not convert the seizure into official Illinois process.

Family and associates

Family: father of the John Williams named by Daniel. Political-military network: connected to Warsaw and Carthage opposition; John C. Elliott later occupied law-enforcement roles in the same anti-Nauvoo environment.

John Reid Williams (1816–1917)

John Reid Williams was born 28 March 1816 in Madison County, Kentucky, a son of Levi Williams and Mary "Polly" Reid. He moved with the family to Hancock County, Illinois, about 1831 and lived in the Green Plains/Warsaw area for the remainder of his exceptionally long life. He became a riverboat officer, was known as Captain J. R. Williams, served Hancock County process by 1845, and was county coroner by 1849. He later participated in the Eagle Packet Company and commanded or served aboard Mississippi and Illinois River packets. He died at Warsaw on 18 January 1917, shortly before his 101st birthday.

Williams married Angelina A. McMahan (15 August 1826–28 March 1901). Cemetery records identify several of their children, including Flora J., William A., Carrie B., Anna Miller, Maggie F., Katie May, and Andrew Willis Williams. The couple and members of their family are buried at Green Plains Cemetery.

In the Avery story

- Daniel named "John Williams," a son of Colonel Levi Williams, among the initial armed party involved in his 2 December 1843 seizure.
- John Williams was one of the six defendants in the May 1844 false-imprisonment indictment.
- He was not among the five men Daniel specifically named as crossing the Mississippi River, suggesting that the Illinois indictment reached the initial detention as well as later stages of the episode.
- Andrew M. Hamilton and James B. Hamilton identified the same John Williams as Levi's son; another contemporary account described him as about twenty-eight years old, exactly consistent with John Reid Williams's March 1816 birth.

The expanded research identifies the Avery participant as John Reid Williams from cumulative evidence: Daniel called him Levi's son; other contemporary descriptions supply an age consistent with a March 1816 birth; family and later county records connect John Reid Williams to Green Plains. The indictment itself says only John Williams. This is a strong identification from linked records, not a middle name written in the indictment. Reid appears in family and later local sources; the Joseph Smith Papers uses Reed in a later handwriting attribution.

New J. R. Williams manuscript evidence

A second Hancock County document confirms that the disputed initials on a service return should be read J. R. Williams, not J. B. Williams. An independently edited subpoena from May 1845 likewise contains the return:

“I have served the within writ, by reading the same to the within named. Saml Scott … Sheriff … By J. R. Williams.”

The Joseph Smith Papers describes the addition as presumably in J. R. Williams’s handwriting. Sheriff Minor R. Deming added a separate notation to that document. Its format indicates that J. R. Williams performed service for the sheriff’s office, probably as a deputy or specially authorized server; it does not identify him as the elected Hancock County sheriff.

Coroner and acting sheriff

On 28 March 1849, J. R. Williams, coroner and acting sheriff, served a Hancock County summons in Green v. Ferris, Administrator of the Estate of Joseph Smith. The writ was directed to the coroner because “the Sheriff [was] being dead.” The Joseph Smith Papers identifies the officer and handwriting as John Reed Williams. This establishes that J. R. Williams held the elected or appointed coroner’s office and could perform the sheriff’s duties when the latter office was disabled.

This later record also explains the earlier form. In May 1845 Williams was not the elected sheriff; he served a writ “By J. R. Williams” under Sheriff Minor R. Deming. By 1849 he possessed independent authority as coroner and acting sheriff.

Landholding and river career

John Reid Williams purchased a federal tract of 112.79 acres in 1835. Later Hancock County history reported that Captain J. R. Williams still owned Levi and Polly Williams’s old homestead in the northwest quarter of section 6, Walker Township. This continuous land association ties the adult captain directly to the Green Plains family described in the Avery evidence.

Williams subsequently became a pioneer steamboat officer. A Warsaw history names Captain J. R. Williams as an original incorporator of the Eagle Packet Company and notes that he lived to celebrate his centennial. University of Wisconsin riverboat records list Captain John Reid Williams among the officers of the sidewheel packet Grey Eagle, built at Warsaw in 1865.

Family and associates

- Father: Levi Williams, farmer, Baptist preacher, militia colonel, Green Plains postmaster, Avery-case participant, and later defendant in the Smith murder trial.
- Sheriff’s-office relationship: J. R. Williams served process under Sheriff Minor R. Deming in May 1845.
- County office: Hancock County coroner and acting sheriff by March 1849.
- Avery network: Joseph McCoy, William Middleton, William Clark, John C. Elliott, Levi Williams, and John Williams were jointly indicted.

Unresolved matters

- Whether Williams held a formal deputy-sheriff commission in 1845 or served particular process under special authority.
- Whether the Avery-related return in this collection, the May 1845 subpoena, and the authenticated 1849 coroner return were written by the same hand.
- The precise dates of his term as Hancock County coroner.
- A complete vessel-by-vessel chronology of his river career.

Reading the biographical evidence

- The Avery participant may now be named John Reid Williams, but the evidence chain should be cited because the indictment itself says only John Williams.

- Williams was not the elected sheriff in 1845. The “By” construction indicates subordinate or delegated service under Deming.
- In 1849 he was coroner and acting sheriff because the sheriff was dead; acting capacity is not the same as election to the sheriff’s office.
- The Reid/Reed spelling conflict remains unresolved. “Reid” is supported by the maternal surname and later family and local sources; “Reed” is the Joseph Smith Papers editorial expansion.

Identity in brief

John Reid Williams (1816–1917), son of Levi and Polly Reid Williams; participant in Daniel Avery’s seizure and defendant in the 1844 false-imprisonment indictment; Hancock County process server under Sheriff Minor R. Deming in 1845, coroner and acting sheriff in 1849, Green Plains landholder, and longtime Mississippi River steamboat captain.

John C. Elliott (ca. 1820-1862)

Elliott was a schoolmaster living about four miles south of Warsaw in 1843. His later career moved repeatedly through local coercive offices: Hancock County deputy sheriff by 1845, Warsaw constable, and eventually marshal of Hamilton, Ohio. He married Sophronia M. Nichols in Adams County in 1849, returned to Ohio by 1850, served in the Civil War, and died at Taylorsville, Kentucky, in 1862. He was arrested in connection with the Smith murders but never tried.

In the Avery story

Daniel named Elliott in the initial transport and among the five men who crossed the Mississippi. Chase’s complaint made Elliott the first Illinois defendant; Elliott displayed a pistol when Follett’s party arrived but surrendered after seeing process. By 10 January 1844 he was secretary of the Carthage Anti-Mormon convention, showing that the prosecution did not isolate him from organized opposition.

Family and associates

Network: participant with Levi and John Williams, McCoy, Middleton, and Clark; adversary of Chase, Follett, Johnson, Markham, and Nauvoo leaders. The short statement that he was “acquitted” must be read against the more precise record of dismissal and untried charges.

Dr. Charles Coolidge of Warsaw, Illinois

Charles Coolidge was practicing medicine in Warsaw, Hancock County, Illinois, by September 1843. A notice in the Warsaw Message advertised “Dr. Charles Coolidge,” offered his professional services to the citizens of Warsaw and vicinity, and located his office one door above the Warsaw post office. The advertisement began 6 September and was scheduled to run for three months, placing him in advertised practice throughout the period immediately preceding Avery’s 2 December seizure. Thomas Gregg’s 1880 county history identifies Coolidge as a prominent member of Warsaw’s Congregationalist church. Together these sources establish a socially visible Warsaw physician of the exact name at the time of the Avery seizure.

Later professional history provides an additional Warsaw connection: Homer Judd practiced medicine and dentistry in partnership with Dr. Charles Coolidge before Judd moved to St. Louis in 1861. This proves a physician of that name remained part of Warsaw’s medical history, but more work is required before using the partnership to assign precise dates or a complete career to the 1843 man.

In the Avery story

In his 28 December 1843 affidavit, Daniel Avery named Charles Coolidge among the five men who forced him into a skiff and crossed the Mississippi River into Missouri around midnight on 2–3 December. The Joseph Smith Papers editors explicitly identify this Coolidge as the Warsaw doctor and prominent Congregationalist.

This was an allegation by Avery, not a conviction. Coolidge was omitted from the later six-defendant Hancock County false-imprisonment indictment, which named Joseph McCoy, William Middleton, William Clark, John C. Elliott, Levi Williams, and John Williams. The reason remains unknown. The omission might reflect evidentiary choice, distinct conduct, availability, venue, or process, but no located record supports choosing among those explanations.

The biography must therefore preserve two separate propositions: Avery contemporaneously identified Dr. Charles Coolidge as one of the river-crossers; the surviving Illinois indictment did not charge Coolidge in the false-imprisonment case.

Family and associates

- Daniel Avery: accused Coolidge of helping force him across the Mississippi.
- Joseph McCoy, William Middleton, William Clark, and John C. Elliott: the other men Avery named in connection with the crossing.
- Warsaw Congregationalist church: Coolidge was later remembered as a prominent member.
- Homer Judd: later medical and dental partner at Warsaw, according to professional histories of Judd.

Names and identities

Dr. Charles Coolidge was distinct from Joseph W. Coolidge, the Nauvoo carpenter, miller, merchant, and later administrator of Joseph Smith’s estate. The shared surname and overlapping Hancock County setting are not evidence of identity.

Clark County accusation, custody, and prosecution network

Joseph McCoy

The Joseph McCoy associated editorially with the horse claim was a prominent founding figure in Clark County, Missouri. The county court met at his home about three miles east of Waterloo; he became first county treasurer in 1837, served through 1842, supervised construction of the first courthouse, and sat on an early grand jury. These offices placed him at the center of the same local legal system later used against the Averys.

In the Avery story

Daniel named McCoy among those who crossed the river and said he was taken to McCoy’s home, where a deputy sheriff finally executed a writ. McCoy’s dual role as claimed property victim and former official is vital: his residence functioned as the point where private seizure became formal Missouri custody.

Family and associates

Network: linked to Clark County judges, sheriff personnel, Dedman, and local defendants Middleton and Clark. A Joseph McCoy Jr. also appears in later county history; Sr./Jr. separation remains a live identification problem.

William Middleton of Clark County, Missouri

William Middleton was a resident of Clark County, Missouri, by the late 1830s or early 1840s. County-court records summarized in the 1887 county history name William Middleton as overseer of Road District No. 4, covering the public road from William Bartlett's home to Fort Pike on the Des Moines River. Residents within three miles on each side of that road were assigned to him for road labor. This placed him in the northeastern river corridor directly opposite or near Hancock County, Illinois.

Clark County probate abstracts show a man of the same name repeatedly trusted as a surety. On 15 October 1842, William Middleton and George K. Biggs secured Peter A. Hitt's guardianship of Thaddeus and Charles L. Williams. On 20 September 1843, Middleton and James McKinsey served as sureties for William R. Harrison's administration of John Webb's estate. These entries demonstrate continuing residence, property standing, and participation in county affairs shortly before Avery's December 1843 seizure.

In the Avery story

Daniel Avery named William Middleton of Clark County, Missouri, among the armed men involved in his seizure and among the five who forced him into a skiff and carried him across the Mississippi. Andrew M. and James B. Hamilton likewise identified Middleton as a Clark County man present when Avery was seized at Vernon Doty's mill on 2 December 1843.

The Hancock County grand jury subsequently included William Middleton among the six defendants indicted for falsely imprisoning Avery, alongside Joseph McCoy, William Clark, John C. Elliott, Levi Williams, and John Williams. This establishes the defendant's name, county, and alleged participation; it does not establish a conviction. The surviving case appears not to have reached a merits trial.

Family and associates

- Joseph McCoy: fellow Clark County resident and alleged participant.
- William Clark: fellow Missouri defendant, probably connected to the St. Francisville settlement.
- Levi and John Williams; John C. Elliott: Illinois-side defendants in the false-imprisonment indictment.
- George K. Biggs and Peter A. Hitt: associates in the 1842 guardianship bond.
- James McKinsey and William R. Harrison: associates in the 1843 estate-administration bond.

William Clark of St. Francisville, Missouri

William Clark was among the earliest settlers in the Des Moines River country that became Clark County, Missouri. County histories say that he came from Illinois, built a cabin in 1830, and joined the St. Francisville settlement. He married Elizabeth Payne, described as a young widow, at Jeremiah Wayland's house. The first purported minister proved to be an impostor, so justice of the peace Robert Sinclair repeated the ceremony legally. The histories call this the first marriage in the future county. They also name Clark as a Jefferson Township election judge in 1837 and an early petit juror, and associate him with Francis Church in laying out St. Francisville.

The settlement stood on the western side of the Mississippi–Des Moines river corridor facing Iowa and near Hancock County, Illinois. Clark's early arrival, civic service, and local prominence explain how he could have belonged to the cross-river group involved in the Avery affair.

In the Avery story

Daniel Avery named William Clark among the five men who forced him into a skiff and took him across the Mississippi on the night of 2–3 December 1843. Avery's wording, and later correspondence summarized by the Joseph Smith Papers, implies that Clark was a Missouri resident. The Joseph Smith Papers editors identify him as the early settler, founder, and prominent resident of St. Francisville.

The Hancock County grand jury subsequently indicted William Clark with Joseph McCoy, William Middleton, John C. Elliott, Levi Williams, and John Williams for falsely imprisoning Avery. The surviving record does not establish a merits conviction or acquittal.

Family and associates

- Elizabeth Payne Clark: wife, according to the early Clark County history.
- Jeremiah Wayland: hosted Clark and Payne's marriage.
- Robert Sinclair: justice of the peace who legally solemnized the marriage after the first officiant proved fraudulent.
- Francis Church: associated with Clark in laying out St. Francisville.
- Joseph McCoy and William Middleton: fellow Clark County men implicated in the Avery seizure.
- John C. Elliott, Levi Williams, and John Williams: Illinois-side codefendants.

John Dedman

John Dedman appears in the founding civic record of Clark County. In June 1837 he received a license to operate a ferry across the Mississippi at the mouth of the Des Moines River. County history also identifies Colonel John Dedman of the Seventy-fifth Missouri Militia in a later boundary-enforcement episode. Whether every reference is to the same man is highly likely but should be verified.

In the Avery story

As a Missouri justice, Dedman committed Philander Avery during the prosecution that Philander later said rested on coerced testimony. A Hancock subpoena in this collection, issued and served 22 October 1844, summoned John Dedman at the defendants' request in the false-imprisonment case (IMG_3363–IMG_3364). His ferry and militia associations belong to the river corridor where civil, commercial, and armed authority overlapped; those associations do not independently prove the legality of either abduction.

Family and associates

Network: Clark County officials McCoy, Lewellen, Sniveley, sheriff personnel, and the Missouri militia. His role strengthens the picture of a locally integrated rather than purely private Missouri response.

John W. Lewellen

Lewellen was an early Jackson Township resident and civic figure in Clark County. His home served as an election place, and he acted as an election judge. County history lists him and Henry Sniveley as county-court judges from 1842 to 1850. He also participated in reporting a public road from Gregory's Landing toward Waterloo.

In the Avery story

The existing research associates Lewellen with the unsuccessful first habeas effort. Daniel's affidavit also names him, under the spelling Dawellen, among the judges on the successful 25 December

discharge. He was a county-court judge, not the Clark Circuit Court judge; Priestly H. McBride held the latter office through 1844.

Family and associates

Network: judicial colleague of Henry Sniveley; connected through county governance to McCoy and local road, election, and court systems.

Henry Sniveley

Sniveley and Simeon Conway opened the first store at Chambersburg about 1837 and continued in business for several years. Clark County history lists Henry Sniveley with John W. Lewellen as county-court judges from 1842 to 1850, placing both men in the county's combined commercial and judicial elite.

In the Avery story

Daniel's affidavit names Sniveley, written Snively, among the judges on the 25 December discharge. Like Lewellen, he should not be called the circuit judge. His commercial position at Chambersburg places him within the county's broader business and governmental life.

Family and associates

Network: judicial colleague of Lewellen; part of the same early county establishment as McCoy and Dedman.

James Ellison

James Ellison was admitted to the Missouri bar in July 1836. He represented Lewis County in the legislature in 1842, later served in the state senate, became a prominent Unionist during the Civil War, and sat as a circuit judge from 1862 to 1864. He also held banking and land-selection responsibilities. These later offices confirm that the lawyer named in Daniel's account was an established regional advocate with a growing political career.

In the Avery story

Daniel's affidavit appears to identify Ellison as the lawyer involved in the first habeas effort. The identification is probable rather than absolute because the affidavit's handwriting/editorial reading must be checked against the original page and fee records. If correct, Ellison connected Daniel to the professional bar beyond the local justices who had sustained custody.

Family and associates

Network: member of the Lewis-Clark regional bar; future legislator and judge. His later Unionism cautions against assuming that every Missouri legal participant shared one political trajectory.

Willis Card

Willis Card is identified in Daniel's affidavit as a clerk connected with the Missouri proceedings, but a secure independent biography has not yet emerged from the accessible online record. The name may be vulnerable to handwriting or transcription variation and should be checked directly against the Clark Circuit Court volume and local office lists.

In the Avery story

Daniel's affidavit copies a discharge order certified by Willis Card as clerk on 25 December 1843. That specific documentary role is established by the copy. It does not by itself prove that Card prepared every earlier writ, bond, indictment, or continuance in the case.

Family and associates

Network: court administrative link among judges, sheriff, prosecutor, defense counsel, and McCoy. Identification remains provisional.

Hancock County court officers

Miner (Minor) Rudd Deming (1810–1845)

Miner Rudd Deming was born on 24 February 1810 at Sharon, Litchfield County, Connecticut, the son of Stephen Deming and Sarah Buel. He worked as a teacher and farmer. He moved to Cincinnati in 1836 and married Abigail Barnum at Danbury, Connecticut, on 2 August 1836. By 1839 the couple had settled in St. Mary's Township, Hancock County, Illinois.

Deming rose rapidly in the county's military and civil structure. Illinois appointed him brigadier general of the state militia in 1842. During the crisis surrounding the imprisonment and murders of Joseph and Hyrum Smith in June 1844, Governor Thomas Ford delegated substantial peacekeeping responsibility to Deming. From Carthage on 28–29 June, Deming issued proclamations discouraging retaliation, ordering citizens to remain peaceable, condemning violence against the Latter-day Saint population, and assuring Hancock County residents that no Mormon attack was expected. He communicated with Nauvoo authorities, including Orson Spencer and Willard Richards, and arranged or supervised measures intended to prevent a wider civil conflict.

Deming's position was politically delicate. He was neither simply a Nauvoo partisan nor a representative of the Warsaw anti-Mormon leadership. His conduct after the Smith murders placed him in an intermediary law-enforcement position and made him distrusted by portions of the county's anti-Mormon coalition. He was elected Hancock County sheriff in August 1844.

As sheriff, Deming served and returned circuit-court process in numerous cases. The Joseph Smith Papers preserve his handwritten returns on subpoenas and other writs, including process in State of Illinois v. Williams et al., the prosecution arising from the murders of Joseph and Hyrum Smith. His official work demonstrates that he personally handled important and politically sensitive criminal process rather than acting merely as a nominal department head.

In 1845 Deming became involved in a violent courthouse encounter with Dr. Samuel Marshall, a prominent anti-Mormon. Accounts agree on the central fact that Marshall attacked Deming and that Deming shot and killed him during the ensuing struggle; partisan narratives differ in detail and should not be silently harmonized. Deming himself died at Carthage on 10 September 1845, reportedly from congestive fever. His death ended a remarkably compressed public career only about a year after his election as sheriff.

In the Avery story

Deming's role belongs to the later Illinois proceedings. His name appears as sheriff on the October 1844 capias return and on several subpoena returns. IMG_3356 records the taking of Levi Williams, John Elliott, and John Williams on 21 October 1844, while Joseph McCoy, William Middleton, and

William Clark were not found. Other returns were completed by deputies or process servers acting under Deming's authority.

The expanded report formerly attributed the September 1845 alias-capias return to Deming. The photographed return, IMG_3366, is signed J. B. Backenstos and was filed 27 October 1845. Deming's death on 10 September therefore cannot date that return. The correction preserves the distinction between successive sheriffs.

The returns are evidence of practical difficulty in securing defendants and witnesses. McCoy, Middleton, and Clark were associated with Missouri, beyond the ordinary territorial reach of a Hancock County sheriff. "Not found" establishes reported nonservice within the county; it does not establish flight, concealment, innocence, or the absence of a search.

Family and associates

- Thomas Ford: governor and commander in chief who delegated peacekeeping responsibility to Deming after the Smith murders.
- Joseph and Hyrum Smith: prisoners whose safety formed part of the June 1844 crisis; after their deaths Deming worked to restrain retaliation and wider violence.
- Orson Spencer and Willard Richards: Nauvoo representatives or correspondents in Deming's post-martyrdom peacekeeping work.
- Levi Williams and the murder-trial defendants: subjects of criminal process served or returned by Deming as sheriff.
- John C. Elliott: a secondary lead places Elliott as a deputy sheriff under Deming after October 1844. This requires confirmation in Hancock County commissioners' or sheriff's records before it is treated as established.
- Joseph McCoy, William Middleton, and William Clark: defendants reported not found in Deming's October 1844 return; the later October 1845 return is by Backenstos.
- Samuel Marshall: political opponent killed by Deming during a courthouse struggle in 1845; the precise circumstances remain source-sensitive.
- Abigail Barnum Deming: wife and correspondent. Her letters after Deming's death are potentially important evidence concerning his final illness, death, reputation, and family consequences.

Evidence assessment

- Birth, parentage, marriage, migration, militia appointment, sheriff's election, and death dates as documented by authoritative editorial work.
- Deming's role as Hancock County sheriff and his authorship of surviving official returns.
- His June 1844 proclamations and correspondence aimed at suppressing retaliatory violence.
- His October 1844 return in the Avery false-imprisonment prosecution; later 1845 returns must be read individually rather than assigned to him by assumption.

Supported but requiring fuller contextual study

- The degree to which Deming's August 1844 election depended upon Latter-day Saint votes.
- The exact political meaning contemporaries assigned to his neutrality or cooperation with Nauvoo.
- Details of the Samuel Marshall shooting and the extent of legal proceedings that followed.

Unresolved

- Independent primary confirmation that John C. Elliott served as Deming's deputy.
- Deming's precise search efforts for the defendants named in the October 1844 writ.
- Whether family correspondence comments directly on the Avery case.
- Complete probate, estate, burial, landholding, and household reconstruction.

Archival opportunity

The Minor R. Deming and Abigail B. Deming Correspondence, 1826–1849 (IHLC MS 944) at the University of Illinois is a major unexhausted source. It contains family letters from Cincinnati, St. Mary's, Augusta, Carthage, Quincy, and Springfield; letters written during the June 1844 crisis; Deming's June–July 1845 family correspondence; Abigail's September 1845 letters following his death; and official correspondence with Governor Ford and Nauvoo figures. Examination of the actual letters—not merely the finding aid—could substantially deepen this profile.

David E. Head (1818–1877)

Identity and significance

David E. Head (27 April 1818–1 May 1877) was a circuit-court clerk and merchant whose long work in the Hancock County Circuit Court clerk's office placed him at the administrative center of litigation in Carthage. His certifications and docket entries occur throughout the surviving records. In the Avery file he appears both as deputy to Jacob B. Backenstos and as the issuing clerk on later instruments.

Established chronology

- 27 April 1818: Born in Washington County, Kentucky.
- About 1834: Moved to Macomb, McDonough County, Illinois.
- Before May 1843: Served as a deputy clerk in McDonough County.
- By 16 May 1843: Served as deputy clerk of the Hancock County Circuit Court under clerk Jacob B. Backenstos.
- 1844–1856: Reported circuit-clerk service; the Avery originals show Head acting as deputy under Backenstos in July and October 1844, as clerk pro tem in December 1844, and as clerk on later 1845 instruments. The precise office transition requires care.
- 1 July 1847: Married Maria Atkinson in McDonough County, Illinois.
- 1858–1860: Served as chief clerk of the Illinois House of Representatives.
- By 1875–1876: Served on the board of trustees of Carthage College.
- 1 May 1877: Died at Carthage, Hancock County, Illinois.

Clerkship and documentary practice

Head's career began in clerk's-office work rather than in the practice of law. A surviving copy of a bond in Dana v. Brink et al. shows the office relationship particularly clearly. The certification was issued in the name of J. B. Backenstos, clerk, but signed "By D. E. Head, Depy." The Joseph Smith Papers editors identify the docket as Head's handwriting and a separate notation as Backenstos's. This is strong comparative evidence that the two men's names and hands may coexist on a single instrument.

The same editorial corpus attributes numerous 1844–1846 Hancock County papers and docket entries to Head, including an October 1844 abatement entry and papers in State of Illinois v. Williams et al. His official role therefore involved issuing, copying, filing, certifying, and docketing court process. A signature or notation in Head's hand does not necessarily mean that he personally initiated a prosecution; it ordinarily records performance of the clerk's ministerial duties.

Connection to the Daniel Avery proceeding

- The prosecution belongs to the same Hancock County Circuit Court clerk's office in which Head served.
- At the time Head first appears in the office, he was Backenstos's deputy; he later succeeded to the elected or principal clerkship.

- The original false-imprisonment indictment, case no. 56, People of the State of Illinois v. Joseph McCoy, Levi Williams, John Williams, John C. Elliott, William Middleton, and William Clark, was filed on 24 May 1844 by clerk Jacob B. Backenstos.
- Later Avery instruments explicitly bear Head's name as clerk, including the May and September 1845 subpoenas. His official attestation is distinguishable from an assertion that every word was personally written by him.

Unresolved

- Which portions of the Avery manuscripts were personally penned by Head rather than issued under his authority.
- The precise date and legal mechanism of Head's transition from deputy to pro tem and principal clerk.
- Whether every instrument bearing Head's name was written by him, as opposed to being prepared by another office hand and formally issued under his authority.

Civic and commercial life

After his Hancock County clerkship, Head served as chief clerk of the Illinois House of Representatives from 1858 through 1860. Census and later institutional records also identify him as a merchant and as a trustee of Carthage College. These posts suggest that his public standing extended beyond routine courthouse administration into state legislative work, commerce, and local education.

Family

Head married Maria Atkinson on 1 July 1847 in McDonough County. No parental identification is asserted here because the sources consulted for this sketch do not establish it with comparable confidence.

Reading the biographical evidence

- Deputy versus principal clerk: In 1843 Head could certify a document "by" Backenstos as deputy. The name in the attestation clause and the actual handwriting may therefore identify different men.
- Court clerk versus county clerk: Sources specifically identify service in the Hancock County Circuit Court; the office should not be casually reduced to the generic "county clerk."
- Handwriting claims: Editorial handwriting attributions are valuable comparative evidence, but an Avery-case attribution should remain qualified until compared with a known exemplar or identified by a reliable documentary edition.
- Ministerial role: Filing an indictment, issuing a writ, or entering an order does not by itself show political agreement with the prosecution.

Source guide

- Joseph Smith Papers, "David E. Head—Biography." This is the principal compiled chronology and cites the Illinois Blue Book, marriage, census, probate, and local-history records.
- Joseph Smith Papers, "Bond, 16 May 1843, Copy, Dana v. Brink et al., page 2." Primary-document transcript demonstrating Head acting as Backenstos's deputy and distinguishing their handwriting.
- Joseph Smith Papers, "Docket Entry, Abatement, 21 October 1844." Example of a court entry attributed to Head's handwriting.
- Louis L. Emmerson, Blue Book of the State of Illinois, 1921–1922, p. 597, as cited by the Joseph Smith Papers.

- Thomas Gregg, History of Hancock County, Illinois (1880), p. 439, as cited by the Joseph Smith Papers.

Identity in brief

David E. Head (1818–1877), deputy clerk of the Hancock County Circuit Court by May 1843 and circuit clerk from 1844 to 1856; a recurring scribe, certifying officer, and docketing official in Hancock County legal records.

Jacob B. Backenstos (1811–1857)

Identity and significance

Jacob B. Backenstos (8 October 1811–25 September 1857), also spelled Backensto, Backenstoss, or Backinstos, was a merchant, public official, soldier, politician, and land speculator. He served successively as circuit-court clerk and sheriff, represented Hancock County in the Illinois House, and defended the Saints during the violence of 1845. In the Avery file he appears in two capacities: clerk on the May 1844 indictment and sheriff on the returns filed in October 1845.

Names and identification

- Preferred documentary name: Jacob B. Backenstos
- Common signature: J. B. Backenstos
- Variants: Backensto, Backenstoss, Backinstos
- The middle name is sometimes expanded as Benjamin, but this profile retains the securely documented middle initial unless a primary record establishes the expansion.

Established chronology

- 8 October 1811: Born at Lower Paxton, Dauphin County, Pennsylvania, son of Jacob Backenstos and Margaretha Theis.
- 15 December 1835: Married Sarah Lavina Lee in Sangamon County, Illinois. She was a niece of Robert E. Lee.
- 1840: Served as a postmaster in Sangamon County.
- By early 1842: Lived at Carthage, Hancock County, Illinois.
- March 1842: Commissioned aide-de-camp to a major general in the Nauvoo Legion; he also belonged to the Nauvoo Masonic Lodge.
- 1843–1845: Biographical sources place Backenstos in the circuit clerk’s office during this period; individual Avery instruments also show David E. Head acting as deputy and, later, clerk pro tem or clerk.
- December 1844–March 1845: Represented Hancock County in the Illinois House of Representatives after his August 1844 election as a Democrat.
- 1845–1846: Served as sheriff of Hancock County.
- May 1846: Commissioned a captain in the United States Mounted Riflemen for service in the Mexican War.
- 1847: Fought in Winfield Scott’s Mexico campaign; received brevet promotions for conduct at Contreras, Churubusco, and Chapultepec and was wounded at Chapultepec.
- 30 June 1851: Resigned from the United States Army.
- About November 1849 onward: Relocated to Oregon Territory, eventually living in Portland.
- 25 September 1857: Died by drowning in the Willamette River in Multnomah County, Oregon Territory. A contemporary-derived biographical compilation describes the death as suicide.

Clerk of the Hancock County Circuit Court

As circuit clerk, Backenstos received and filed court papers, maintained records, issued process, and certified copies. His deputy, David E. Head, could act under his authority. The Avery writs issued in July and October 1844 bear the construction “J. B. Backenstos, clerk, by D. E. Head, deputy.” By December 1844 the file includes an instrument issued by Head as clerk pro tem. Office chronologies should be read with these dated signatures in view.

This division of labor matters when reading manuscript endorsements. “J. B. Backenstos, Clk” may be Backenstos’s own notation, an official attestation executed through Head, or part of a form completed by another clerk’s-office hand. Office, signatory, and scribe should be recorded separately whenever the original permits.

Direct connection to the Daniel Avery case

- The original indictment in case no. 56, People of the State of Illinois v. Joseph McCoy, Levi Williams, John Williams, John C. Elliott, William Middleton, and William Clark, charged false imprisonment of Daniel Avery.
- The indictment was filed in the Hancock County Circuit Court on 24 May 1844.
- Jacob B. Backenstos was the filing clerk. His clerkship—not his later sheriff’s office—is the correct capacity for this event.

Interpretation

Backenstos’s filing was a ministerial court act. It establishes his official participation in receiving and preserving the indictment, but does not by itself establish that he investigated the alleged abduction, selected the charge, endorsed the prosecution politically, or testified to its facts.

Unresolved

- Whether every endorsement on the Avery indictment is personally in Backenstos’s hand.
- Which parts of the Avery instruments issued under Backenstos’s name were actually penned by Head or another clerk’s-office hand.
- The exact custody history of the indictment and related process within the clerk’s office.

Political and religious position

Backenstos was friendly toward Joseph Smith and the Latter-day Saints and participated in Nauvoo civic and fraternal institutions, but the Joseph Smith Papers states that he never joined the Church of Jesus Christ of Latter-day Saints. Calling him a Mormon would therefore be inaccurate. “Non-Mormon ally,” “friend of the Saints,” or the period label “Jack-Mormon,” when properly contextualized, better describes his position.

His election to the Illinois House as a Democrat placed him within Hancock County’s contentious political world at the time of the Avery proceedings. Political association, however, should not be used as a substitute for evidence about any particular clerk’s-office act.

Sheriff and the Hancock County conflict

Backenstos became sheriff in 1845, after his clerkship and after Minor Rudd Deming’s tenure. During the anti-Mormon violence of September 1845 he attempted to enforce the law, called out a posse, and publicly defended the Saints’ right to protection. This episode made him one of the best-known Hancock County officials of the Mormon conflict. It also creates a recurring source of confusion: documents from 1844 identify him as clerk, while papers from later 1845 may identify him as sheriff.

Military career and Oregon years

At the outbreak of the Mexican War, Backenstos entered the newly organized Mounted Riflemen as a captain. He participated in the campaign from Veracruz toward Mexico City and earned brevet rank for gallantry in major engagements, including Contreras, Churubusco, and Chapultepec. After leaving the army in 1851, he lived in Oregon Territory. He died in 1857 in the Willamette River.

Reading the biographical evidence

- Backenstos was the Avery indictment clerk in May 1844; he was not then acting as Hancock County sheriff.
- Deming and Kelting also appear in the file. Backenstos's October 1845 returns are his sheriff-era acts; the October 1844 returns belong to Deming's administration.
- "J. B. Backensto" on a manuscript is a credible abbreviated or variant form of Backenstos, not evidence of a separate person.
- A deputy or clerk's-office scribe could issue a document under Backenstos's authority; the signature alone does not identify the handwriting.
- He was an ally of the Saints, but available biographical authorities say he was not baptized into their church.

Source guide

- Joseph Smith Papers, "Jacob B. Backenstos—Biography." Principal compiled chronology, with citations to contemporary and later sources.
- Joseph Smith Papers, "Bond, 16 May 1843, Copy, Dana v. Brink et al., page 2." Primary-document transcript showing Backenstos as clerk, Head as deputy, and distinct handwriting.
- Papers of Abraham Lincoln, "Backenstos, Jacob B. (Backinstos)." Officeholding, political, military, and death chronology with source citations.
- Omer G. W. Whitman and James L. Varner, "Sheriff Jacob B. Backenstos: 'Defender of the Saints,'" Journal of Mormon History 29 (Spring 2003): 150–178.
- Thomas Gregg, History of Hancock County, Illinois (1880), especially pp. 328, 336, 339, 346, 374, and 450.
- Archives West, "Grand jury summons signed by Jacob B. Backenstos." Archival description of a clerk-signed Hancock County summons.

Identity in brief

Jacob B. Backenstos (1811–1857), circuit-court clerk who filed the Avery indictment on 24 May 1844 and later sheriff who returned Avery-case process in October 1845; Illinois legislator, Mexican War officer, and Oregon resident.

Joseph Andrew Kelting (1811–after 1900)

Identity and significance

Joseph Andrew Kelting (13 October 1811–after 1900) was a Latter-day Saint elder and high priest whose unusually varied career included service as a Hancock County deputy sheriff, merchant, attorney, gristmill proprietor, Utah territorial legislator, district attorney, and missionary. In the Daniel Avery research he belongs among the law-enforcement figures, but he must be identified as a deputy sheriff, not the elected sheriff.

Established chronology

- 13 October 1811: Born in Philadelphia, Pennsylvania.

- 20 September 1832: Married Elizabeth Martin in Hamilton County, Ohio.
- By 2 May 1836: Baptized into the Church of Jesus Christ of Latter-day Saints and ordained an elder at Kirtland, Ohio.
- By July 1843: Living in Nauvoo, Hancock County, Illinois.
- 23 February 1844: Volunteered for the proposed exploratory mission to Oregon and California.
- April 1844: Appointed to a mission in Tennessee.
- By January 1845: Serving as a deputy sheriff of Hancock County.
- By December 1845: Ordained a high priest; the Nauvoo Temple Endowment Register provides a principal source for his birth data.
- By 1850: Living in Pottawattamie County, Iowa.
- 1852: Migrated to Utah Territory.
- 1853: Elected to represent Utah County in the territorial legislature.
- 15 October 1855: Appointed district attorney for Utah Territory.
- 1856–1857: Served a mission to Australia.
- Early 1860s: Moved to San Bernardino County, California.
- By 1880: Living at Colton, California.
- 1900: Still living at Colton; death occurred sometime after that census.

Hancock County law-enforcement service

The Times and Seasons identifies Kelting as a deputy sheriff of Hancock County by January 1845. A Nauvoo Neighbor notice likewise styles him “Joseph A. Kelting, Dep. Sheriff of Hancock Co.” His surviving official writing includes notations on an 1845 execution handled through Sheriff Minor R. Deming’s office.

This evidence corrects an important possible misidentification: Kelting was not the county sheriff. He acted under the elected sheriff’s authority. On process returns, the printed title “Sheriff” can therefore refer to the office while a following “by” signature identifies the deputy who performed the service.

Connection to the Daniel Avery proceedings

- Kelting served in the same Hancock County sheriff’s office that handled circuit-court process in the period following the 1844 Avery indictment.
- His official status as deputy sheriff by January 1845 is independently documented.
- IMG_3345 explicitly contains “per J Kelting” beneath Deming’s name and a further Kelting name on the nonservice panel. This connects Kelting directly to Avery-case service rather than merely placing him in the same sheriff’s office. The crossed-out signature and handwriting require careful reading.
- His presence in the sheriff’s office alone does not establish participation in the December 1843 seizure, investigation, prosecution strategy, or testimony.

Unresolved

- The precise beginning and end dates of Kelting’s Hancock County deputy appointment.
- Which sheriff formally appointed him and whether he continued across changes from Minor Rudd Deming to Jacob B. Backenstos.
- The full set of Avery-case papers personally written by Kelting, as distinct from records bearing his name.

Religious and civic career

Kelting's Kirtland elder's certificate makes his Latter-day Saint affiliation unusually well documented. In Nauvoo he volunteered for the projected western exploration and received a Tennessee mission assignment. He later received the Nauvoo Temple endowment and was ordained a high priest.

After the exodus he lived in Iowa, crossed to Utah in 1852, and entered both political and legal life. He represented Utah County in the territorial legislature and was appointed territorial district attorney in 1855. His legal work continued: a later journal places Joseph A. Kelting among defense counsel in a Utah criminal trial. His Australian mission interrupted, but did not erase, this public career.

California years and occupations

By the early 1860s Kelting had moved to southern California. Census and newspaper evidence identifies him variously as merchant, attorney, and gristmill owner. He was living at Colton by 1880 and remained there in 1900.

Later recollection and source caution

Kelting made late affidavits recalling Joseph Smith and plural marriage. These are valuable evidence of what Kelting claimed to remember, but they were created many decades after the Nauvoo events and should be weighed as retrospective testimony rather than contemporary documentation.

Reading the biographical evidence

- Kelting's documented office in these records was deputy sheriff.
- Name: Joseph A. Kelting and Joseph Andrew Kelting are the same well-documented individual.
- Ministerial acts: Service of process does not demonstrate agreement with the underlying prosecution.
- Late testimony: His 1894 and 1903 affidavits should not be treated as equivalent to contemporaneous Nauvoo records.
- Death date: Current evidence establishes survival after the 1900 census, not an exact death date.

Source guide

- Joseph Smith Papers, "Joseph Andrew Kelting—Biography." Principal chronology with citations to marriage, priesthood, census, newspaper, temple, and pioneer sources.
- Times and Seasons, 15 January 1845, pp. 775–776, cited by the Joseph Smith Papers for his deputy sheriffship.
- Nauvoo Neighbor, 22 January 1845, identifying "Joseph A. Kelting, Dep. Sheriff of Hancock Co."
- Joseph Smith Papers, "Alias Fieri Facias, 3 July 1845," attributing official notations to Kelting.
- Church History Library, Kirtland Elders' Certificates, p. 94; elder's certificate dated 2 May 1836.
- Church History Library, Nauvoo Temple Endowment Register, p. 56.

Identity in brief

Joseph Andrew Kelting (1811–after 1900), Latter-day Saint elder and Hancock County deputy sheriff by January 1845; later Utah territorial legislator, district attorney, Australian missionary, attorney, merchant, and California gristmill proprietor.

E. A. Thompson

Identity status

E. A. Thompson was an Illinois lawyer who acted as state's attorney pro tempore at the May 1844 term of the Hancock County Circuit Court. His initials, office, handwriting, and professional activity are

established by contemporary court records. His expanded given names, birth, parentage, residence, family, and later life have not yet been securely identified.

The manuscript signature supplied in the Daniel Avery project is best read “E. A. Thompson / State’s Atty.” This agrees with independently edited Hancock County indictments written and signed by E. A. Thompson and with a circuit-court transcript naming “E. A. Thompson, State attorney Pro tem.”

Established activity in May 1844

- Served as state’s attorney pro tem at the Hancock County Circuit Court term beginning 20 May 1844.
- Drafted and signed indictments in his own hand, including indictments against Joseph Smith for adultery and fornication and for perjury.
- On 24 May 1844 stated that he was unwilling to continue prosecuting an earlier adultery indictment, after which the court discharged Smith on that charging instrument.
- A later, revised indictment was returned the same day after further grand-jury testimony.
- Contemporary press referred to “E. A. Thompson, Esq.” in June 1844, confirming that the initials represented a locally recognizable legal figure.

Connection to the Daniel Avery prosecution

- The signature reads E. A. Thompson and the appended office reads State’s Atty.
- The form closely matches Thompson’s established signatures and office designation in other Hancock County records from the same May 1844 term.
- Thompson was acting as the prosecuting attorney who prepared, endorsed, or formally presented the Avery false-imprisonment indictment. Because the Avery indictment was filed on 24 May 1844 —the same term at which the record calls him state’s attorney pro tem—the office and chronology align closely.

Still to verify from the complete original

- Whether the entire Avery indictment body is in Thompson’s handwriting.
- Whether Thompson personally presented the indictment to the grand jury or merely signed it in his official capacity.
- Whether the office was held only for this term, and whom he temporarily replaced.

Role of a state’s attorney pro tempore

A state’s attorney pro tem performed the prosecutorial functions of the regular state’s attorney for a particular term, case, or temporary vacancy or disability. In a felony or misdemeanor indictment this could include advising the grand jury, framing the charging language, signing the bill, and appearing for the People. “Pro tem” indicates temporary service; it should not automatically be converted into a claim that Thompson was the regularly elected circuit state’s attorney.

Handwriting value

The Joseph Smith Papers attributes the handwriting, signature, docket, and annotations on multiple May 1844 indictments to E. A. Thompson. Those identified manuscripts provide an unusually useful comparison set for the Avery signature. The current reading is therefore stronger than a single-image guess: it combines the cross-document comparison, matching initials and title, the same court term, and an independent editorial handwriting attribution.

Newly located post-term evidence

- The Nauvoo Neighbor reported on 19 June 1844 that “E. A. Thompson, Esq.” had seen Governor Thomas Ford during the preceding week and relayed information about an order concerning Joseph Smith. This places Thompson in direct communication with, or at least personal access to, the governor soon after the Hancock term.
- On 14 September 1844 President John Tyler wrote Treasury Secretary George M. Bibb directing that a commission be prepared for “E. A. Thompson in place of Leech receiver at Quincy, Illinois.” This establishes Thompson’s presidential selection for the federal office less than four months after the Hancock court term.
- The Quincy Whig of 19 February 1845 then reported that E. A. Thompson had taken possession of the “strong box” and begun operating as receiver of the federal land office at Quincy. The newspaper therefore documents his actual assumption of the office, not merely his nomination.
- A later Nauvoo-area financial record summarized in a burial study refers to an E. A. Thompson obligation of $1,014.04 and an April 1847 promissory note involving Amos Davis for $403.94. These notices may indicate continuing regional financial activity, but the underlying documents must be examined before either is assigned to the attorney.

Land-office hypothesis

The Quincy appointment is confirmed for an E. A. Thompson. Identification of that federal officer with the Hancock prosecutor is strongly supported by the identical initials, western Illinois location, close chronology, legal-political standing, and Thompson’s documented personal access to Governor Ford. It is not yet conclusive because neither the Tyler letter nor the newspaper supplies expanded given names or explicitly mentions the May 1844 prosecution. The commission, Senate papers, General Land Office correspondence, or Quincy records may finally provide the missing full name.

Unresolved identity questions

- Thompson’s full first and middle names.
- His county of residence and place of legal practice.
- Admission to the Illinois bar and any law partnership.
- The name of the regular state’s attorney for whom he acted temporarily.
- Any political, religious, Masonic, militia, or family connections in Hancock County.
- His activities before and after the May 1844 circuit term.
- Whether he was the E. A. Thompson appointed receiver of the Quincy federal land office by February 1845.

Until these points are proven, this profile should remain under E. A. Thompson rather than being merged with any similarly named Illinois lawyer.

Reading the biographical evidence

- Thompson’s initials are left unexpanded because the available evidence does not securely identify his full name.
- The circuit transcript expressly qualifies Thompson’s appointment as “pro tem.”
- Thompson appears to have performed prosecutorial work; Jacob B. Backenstos was the clerk who filed the Avery indictment.
- Another clerk could add filing or docket notations after Thompson drafted and signed the charge.
- Signing an indictment proves official prosecutorial action, not Thompson’s private beliefs about the Avery dispute.

Source guide

- Collection close-up of the Avery-case manuscript signature, read comparatively as “E. A. Thompson / State’s Atty.”
- Joseph Smith Papers, “Indictment, circa 22 May 1844, State of Illinois v. JS for Adultery and Fornication.” Transcript and independent handwriting attribution to E. A. Thompson.
- Joseph Smith Papers, “Indictment, circa 23 May 1844, State of Illinois v. JS for Perjury.” Additional Thompson handwriting exemplar.
- Joseph Smith Papers, “Transcript of Proceedings, 10 August 1844, Sympson v. JS,” recording “E. A. Thompson, State attorney Pro tem” for the May term.
- Nauvoo Neighbor, 19 June 1844, reference to “E. A. Thompson, Esq.”
- Quincy Whig, 19 February 1845, p. 2, reporting E. A. Thompson beginning work as receiver of the Quincy land office.
- President John Tyler to Treasury Secretary George M. Bibb, 14 September 1844, directing issuance of Thompson’s Quincy receiver commission. The linked description records the complete relevant text; the privately held original should be independently inspected if publication-quality diplomatic transcription is required.
- National Archives, Records of the General Land Office, 1800–1908, identifying the surviving Quincy land-office cash certificates, 1831–1855.

Identity in brief

E. A. Thompson, Illinois attorney and state’s attorney pro tempore at the May 1844 Hancock County Circuit Court term; probable prosecutorial drafter or presenter of the Daniel Avery false-imprisonment indictment, with full personal identity unresolved.

Nauvoo legal and protective network

Sisson Almadorus Chase (1809–1872)

Sisson Almadorus Chase was born 1 October 1809 at Bristol, Addison County, Vermont, the son of Abner Chase and Amy Scott. He married Miriam Gove on 16 May 1832. The Joseph Smith Papers describes him as a farmer and laborer. He was baptized into the Church of Jesus Christ of Latter-day Saints by Ezra Chase in 1840.

Chase lived at Lincoln, Addison County, Vermont, by October 1839; moved to Iowa Territory by 1842; and was in Hancock County, Illinois, by June 1843. Nauvoo property records and the Joseph Smith Papers connect him securely to the Hancock County setting in which the Avery affair unfolded. By 1850 he was in Pottawattamie County, Iowa. He entered the Salt Lake Valley on 9 September 1853, was ordained a high priest on 23 February 1867, and died in Salt Lake City on 4 April 1872.

In the Avery story

On 11 December 1843 Chase appeared before Hancock County justice of the peace Aaron Johnson and made the sworn complaint that initiated State of Illinois v. John C. Elliott–A. Chase stated that on 2 December, at Schrench Freeman’s house about four and one-half miles south of Warsaw, he heard Elliott say that he was going “hunting turkeys.” When asked about his brace of pistols and large hickory cane, Elliott allegedly said that there was a certain “cock” he meant to take before night. On the evening of 3 December, Elliott allegedly told Chase that he had caught the “turkey”—“a Mormon Elder.”

The legal significance of Chase's role must be stated narrowly. He was an informant and prosecution witness, not an identified participant in the seizure and not an eyewitness who claimed to have watched Daniel Avery being abducted. His testimony principally reported Elliott's statements before and after the event. The complaint supplied probable-cause evidence for Johnson's warrant, and Chase later testified at the December 1843 hearing.

William W. Phelps reported hearing Chase's testimony about Elliott and the kidnapping on 11 December at Joseph Smith's residence. The complaint survives in the Hancock County Circuit Court Legal Documents collection at Brigham Young University; it was also printed in the Nauvoo Neighbor on 20 December 1843. These independent documentary pathways firmly establish that the Avery witness and Sisson Almadorus Chase are the same man.

Other religious and community activity

Chase was already acting as an elder in Vermont in February 1840, when later biographical accounts identify him as the person who baptized Lorenzo Hill Hatch and members of the Hatch family. The Joseph Smith Papers links him to numerous Nauvoo financial, property, militia-supply, and religious records, supporting his presence within the Nauvoo community rather than merely near Warsaw.

Family and associates

- Aaron Johnson: justice of the peace before whom Chase swore the 11 December 1843 complaint.
- John C. Elliott: alleged speaker whose statements formed the substance of Chase's complaint and testimony.
- Daniel Avery: kidnapping victim whose seizure Chase learned of through Elliott's alleged admissions.
- William W. Phelps: recorded that Chase testified concerning Elliott and Avery; Phelps wrote the surviving complaint.
- Joseph Smith: Chase's testimony was heard at Smith's residence, and the resulting Elliott proceedings became part of Smith's legal and political response to the Avery abductions.
- Miriam Gove Chase: wife, married 16 May 1832.
- Ezra Chase: baptized Sisson in 1840.

Aaron Johnson (1806-1877)

Connecticut-born farmer and gunmaker Aaron Johnson joined Methodism before converting to the Latter-day Saint movement in 1836. He lived in Kirtland and Far West before reaching Commerce in March 1839. In Nauvoo he became an elder, seventy, high priest, missionary, temple laborer, justice of the peace (1842-1846), and high-council member. After the exodus he served as bishop at Garden Grove and Kanesville, then as Springville's first bishop, Utah legislator, postmaster, judge, probate judge, and militia major general.

In the Avery story

Johnson received Chase's complaint, issued the warrant, heard testimony, and held Elliott to the circuit court on $3,000 bail. He refused Joseph Smith's request to reduce the bond, an important indication that the proceeding was not simply dictated by Joseph. Johnson's later judicial and legislative career makes this an early example of his combined religious and civil authority.

Family and associates

Network: legal superior to constable Follett; received testimony from Chase, Follett, and Markham; politically and ecclesiastically close to Joseph and Hyrum Smith but made an independent bail ruling.

King Follett (1788-1844)

New Hampshire-born King Follett married Louisa Tanner and joined the church in 1831. He lived in Jackson, Clay, and Caldwell Counties, Missouri; was ordained an elder and probably a high priest; and suffered imprisonment at Richmond and Columbia during the Missouri conflict. In Illinois he served as a Hancock County constable. He died in Nauvoo on 9 March 1844; Joseph Smith's April 1844 funeral discourse for him became known as the King Follett discourse.

In the Avery story

Acting under Johnson's warrant, Follett led approximately ten men to arrest Elliott on 17 December. Elliott's initial armed resistance and later surrender after process was displayed make Follett's conduct a revealing contrast to the seizure of Daniel, during which no Illinois process was produced.

Family and associates

Network: officer of Johnson's justice court; witness with Chase and Markham; fellow Missouri-expulsion survivor within Nauvoo's protective establishment.

Stephen Markham (1800-1878)

A New York-born carpenter, farmer, and stock raiser, Markham converted in Kirtland in 1837 and led sixty Saints to Far West. He helped evacuate Missouri Saints, escorted Joseph Smith's family to Quincy, and later held the rank of colonel in the Nauvoo Legion. He was a Nauvoo Mason and church officer, migrated west in Brigham Young's 1847 company, and became a Utah colonizer.

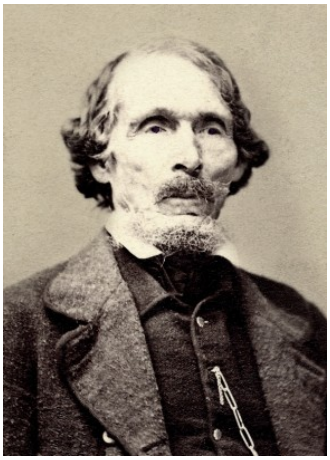
In the Avery story

Markham testified at Elliott's hearing. His presence linked the ordinary justice-court case to Nauvoo's senior protective and militia network. That institutional position may have enhanced his knowledge of the arrest while also giving opponents grounds to depict the hearing as controlled by Joseph Smith's security circle.

Family and associates

Network: close protector of the Smith family; fellow militia figure with Follett and Nauvoo officials; institutional counterweight to Levi Williams's Warsaw-area militia authority.

William W. Phelps (1792-1872)



William W. Phelps, historical photograph. Date not fixed here. Public-domain reproduction.

Phelps was a printer, editor, songwriter, church officer, and experienced public writer. After periods of conflict and reconciliation with Joseph Smith, he became a principal Nauvoo clerk and ghostwriter. His legal and political prose helped translate individual grievances into public petitions and official narratives.

In the Avery story

Phelps wrote Daniel's 28 December affidavit from Daniel's oral account. He also participated in presenting the Elliott matter publicly. His hand does not make the affidavit fictitious, but it means that Daniel's testimony reached the page through an accomplished institutional editor whose wording and organization deserve comparison with Daniel's signature and later copies.

Family and associates

Network: documentary intermediary among Daniel, Joseph Smith, Thomas Bullock, Governor Ford, and the Nauvoo press.

Hyrum Smith (1800-1844)



Hyrum Smith, historical portrait reproduction. Public domain; the full oval is retained.

Joseph Smith's elder brother Hyrum was church patriarch, associate president, Nauvoo civic officer, and a central political and religious leader. His public authority and close involvement in Nauvoo security made him a natural participant in the city's response to the Avery seizures.

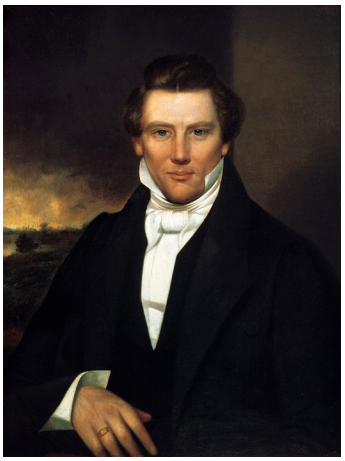
In the Avery story

Hyrum belonged to Nauvoo's governing and protective circle. The supplied Warsaw article names Marr, Styles, and Joseph Smith as active prosecutors; it does not name Hyrum in that sentence. His general leadership role should therefore be distinguished from an unproved claim that he personally prosecuted Elliott.

Family and associates

Network: brother and governing partner of Joseph Smith; allied with Phelps, Johnson, Follett, and Markham in Nauvoo's protective system.

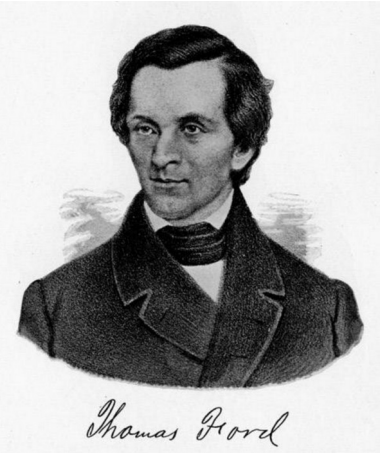
Joseph Smith



Joseph Smith, portrait dated about 1842. See image credits.

Joseph Smith (1805–1844), founder of the Latter-day Saint movement and mayor of Nauvoo, stood at the center of the city's response. His Missouri imprisonment and later extradition contests made the danger of forcible return intensely personal. He received reports, communicated with Governor Ford, participated in Elliott's examination, and initiated the separate peace complaint over alleged threats to his life. His withdrawal of that complaint did not dispose of the kidnapping charge. Daniel's affidavit was prepared in the municipal setting under his authority. Joseph and Hyrum were killed at Carthage Jail on 27 June 1844, while the Avery-related circuit process was still developing.

Thomas Ford



Thomas Ford, historical portrait published in 1899. See image credits.

Thomas Ford (1800–1850), governor of Illinois from 1842 to 1846, received appeals over the Averys' removal and Nauvoo's fears of further kidnapping. He had to consider the safety of Illinois residents, interstate demands from Missouri, and the disputed reach of Nauvoo's institutions. His office gave the Saints a state authority to petition, but the survival of those appeals must not be mistaken for proof that every requested protective or prosecutorial measure followed. His later role in the June 1844 crisis belongs to the wider history surrounding the unfinished Avery proceedings.

Lilburn W. Boggs



Lilburn W. Boggs, posthumous official portrait by Ralph Chesley Ott, 1922.

Lilburn W. Boggs (1796–1860), governor of Missouri from 1836 to 1840, issued the 27 October 1838 order reproduced near the beginning of this edition. He was no longer governor when the Averys were abducted in 1843. His importance here is the threat embodied in that order and the memory of state-sanctioned expulsion. The unsuccessful attempt on his life in 1842 also produced accusations against Joseph Smith and another effort to obtain Smith's return to Missouri. The Avery documents do not establish that Boggs directed or participated in the kidnappings.

Notes and image credits

1. Daniel Avery, affidavit, Nauvoo, 28 December 1843, ten manuscript pages, Church History Library, MS 21600, box 1, folder 29; text and images edited in the Joseph Smith Papers. The narrative's mill, route, crossing, imprisonment, and homecoming passages follow Avery's account, with reported accusations and motives attributed to him. https://www.josephsmithpapers.org/paper-summary/affidavit-from-daniel-avery-28-december-1843/1

2. Lilburn W. Boggs to John B. Clark, 27 October 1838, Missouri State Archives, Mormon War Papers, 1837–1841. Facsimiles show the two text leaves; the archive scan also includes an outer docket leaf. The order is a public-domain document. Scan used: https://archive.org/download/BoggsExterminationOrder44/Boggs%20Extermination%20Order%2044.pdf . Archival guide: https://www.sos.mo.gov/archives/resources/findingaids/miscMormonRecords/eo

3. Missouri State Archives, "The Missouri Mormon War," https://www.sos.mo.gov/archives/resources/Mormon ; Joseph Smith's prison letters and the Missouri expulsion records collected in the Joseph Smith Papers. Liberty Jail photograph: BYU Library Digital Collections, Religious Education collection, item 4374, https://contentdm.lib.byu.edu/digital/collection/RelEd/id/4374 ; reproduction https://commons.wikimedia.org/wiki/File:Liberty_Jail.jpg . The photograph is dated 1888, not to the period of imprisonment.

4. Daniel Avery and Philander Avery biographical entries, Joseph Smith Papers, and the expanded biographical research retained in this edition. https://www.josephsmithpapers.org/person/daniel-avery ; https://www.josephsmithpapers.org/person/philander-avery . The community's Missouri exile is not asserted as a proven part of the Avery family's personal migration.

5. "Missouri Extradition Attempts," Church History Topics, https://www.churchofjesuschrist.org/study/history/topics/missouri-extradition-attempts?lang=eng ; contemporary journals, writs, and habeas proceedings cited there. The account distinguishes official extradition efforts from the Averys' forcible removal without demonstrated Illinois process.

6. Philander Avery, affidavit, 20 December 1843, Thomas Bullock copy, Joseph Smith Papers; Daniel Avery's affidavit and its historical introduction; "Documents Volume 13, Part 5 Introduction: December 1843," https://www.josephsmithpapers.org/intro/documents-volume-13-part-5-introduction-december-1843 . The editors compare Missouri custody records of 13 November with the later Nauvoo date of 19 November. Their reconstruction of the horse allegation and its date depends on Clark County court records; it is not a jury finding.

7. Dellmore Chapman, affidavit, 6 December 1843, and Joseph Smith to Thomas Ford, 6 December 1843, Joseph Smith Papers; Joseph Smith journal, 5–6 December 1843. Margaret's report, Chapman's secondhand information, and later official correspondence are distinct sources.

8. Joseph Smith journal and Nauvoo city records, December 1843; ordinances and police measures discussed and cited in Documents Volume 13, Part 5 Introduction. A reported new extradition requisition is distinguished from verified threats and actual municipal measures.

9. Sisson A. Chase, complaint, 11 December 1843; Aaron Johnson, warrant, same date; docket entry, circa 11–18 December 1843; "Account of Hearings, 20 December 1843," Joseph Smith Papers, reproducing the Nauvoo Neighbor; Joseph Smith journal, 17–18 December. Legal overview and document links: https://www.josephsmithpapers.org/paper-summary/introduction-to-state-of-illinois-v-

elliott-a-and-state-of-illinois-v-elliott-b/1 . The overview concludes that the false-imprisonment charge never went to trial. Its discussion does not substitute for the later process reproduced here.

10. “The Late Arrest,” Warsaw Message, 3 January 1844, pp. [1]–[2]. Supplied collection, IMG_3337–IMG_3339. IMG_3337 is a clipping; IMG_3338–IMG_3340 are modern printouts from a historical newspaper transcription site. The Green Plains resolutions’ issue date is not established by the photographed printout alone. Its web footer points to http://sidneyrigdon.com/dbroadhu/IL/sign1844.htm#0103 . The period article is public domain; the modern printouts are reproduced from the supplied research collection.

11. People v. Joseph McCoy and others, false imprisonment, indictment, May term 1844, filed 24 May 1844; supplied collection, IMG_3351–IMG_3352. The manuscript lists six defendants. It gives 1 December as the alleged offense date; Daniel’s affidavit gives 2 December. The grand jury foreman’s endorsement is read as “Benj. Cook.” The prosecutor’s signature is read as E. A. Thompson, supported by the comparison discussed in his biography.

12. Supplied Hancock County case images, especially IMG_3341–IMG_3342, IMG_3349–IMG_3350, IMG_3353–IMG_3358, and IMG_3359–IMG_3366. The last two September-issued instruments are returned and filed in October 1845. IMG_3357 has a face date at odds with its reverse; both readings are retained. The court minutes needed for the final disposition include Hancock Circuit Court Record D, with references in the Joseph Smith Papers to pp. 114, 129, 199, and 377. No complete verdict or order granting a new trial appears in the photographed packet.

13. Joseph Smith Papers biographies of Levi Williams and John C. Elliott and the legal records of State of Illinois v. Williams et al. https://www.josephsmithpapers.org/person/levi-williams ; https://www.josephsmithpapers.org/person/john-c-elliott . Acquittal in the Smith murder trial must not be confused with the disposition of the Avery prosecution.

Historical illustrations

Henry Lewis, Warsaw, from Das illustrirte Mississippithal, lithograph published in Düsseldorf, 1854–1858. Saint Louis Art Museum, object 37455, identifies the print and dates: https://www.slam.org/collection/objects/37455/ . Reproduction used: https://ouriowaheritage.com/our-iowa-heritage-henry-lewis-panorama/ . The historical plate says “Warsaw, Iowa”; the place shown is Warsaw, Illinois. Public domain. No exact crossing point is inferred from the view.

Lilburn W. Boggs, official governor portrait by Ralph Chesley Ott, 1922. Missouri State Archives; public-domain reproduction at https://commons.wikimedia.org/wiki/File:Lilburn_Boggs,_Official_governor_portrait.jpg . It is a posthumous painting.

Joseph Smith, portrait owned by Joseph Smith III, about 1842; public-domain artwork. https://commons.wikimedia.org/wiki/File:Joseph_Smith,_Jr._portrait_owned_by_Joseph_Smith_III.jpg . Attribution and dating follow the source catalogue; the image is a painting, not a photograph.

Thomas Ford, portrait reproduced in an Illinois state publication of 1899; public domain. https://commons.wikimedia.org/wiki/File:Thomas_Ford.png . William W. Phelps, historical photograph, public domain: https://commons.wikimedia.org/wiki/File:William_W._Phelps.jpg . Hyrum Smith, historical portrait reproduction, public domain: https://commons.wikimedia.org/wiki/File:SmithHyrum.jpg . These images accompany the relevant biographical sketches; their appearance is not asserted to represent the exact month of the kidnapping.

The thirty-one case photographs are reproduced from David Larsen’s supplied research collection. Modern mounts, notes, printouts, and binder edges remain visible so readers can distinguish the surviving documents from later research material. Captions retain the original image numbers. The itinerary is newly drawn from Daniel Avery’s account and shows sequence only, with no claim to surveyed locations, road alignments, or distance scale.

Reading the evidence

The narrative separates allegations, testimony, official action, and later interpretation. Daniel’s affidavit was written by William W. Phelps, corrected in places by Thomas Bullock, and docketed as copied for the governor. It is a mediated record of Daniel’s testimony, not an audio transcript. The newspaper accounts are partisan reports. A grand-jury true bill establishes an indictment; a subpoena establishes a command to attend; a return establishes what the officer reported doing. None of these alone proves what a trial jury decided.

This edition keeps the extensive participant biographies from the expanded research edition, while removing repeated planning instructions and duplicated summaries. Identifications based on the earlier research remain qualified where the evidence is incomplete. Three corrections affect the earlier report directly: IMG_3351 is the false-imprisonment indictment; the case papers extend through October 1845; and the last photographed capias return is signed by Backenstos as sheriff, not Deming. A clean image of the final circuit-court disposition and verification of a few difficult names and fee figures would further strengthen the documentary record.