HANCOCK COUNTY, ILLINOIS • AUGUST 1845

After Carthage

William N. Grover and a Summons to Tell the Truth

The people behind an 1845 Hancock County subpoena

Finished illustrated edition • October 2026 • Prepared for David Larsen

At one o’clock on August 25, 1845, witnesses were expected at William N. Grover’s office. The order he signed five days earlier named Jesse Spurgin as plaintiff and James L. Kimball as defendant. Across the printed form ran a familiar command: they were to testify to the truth. [1]

The signature gives the paper its first surprise. Less than three months earlier, Grover had stood trial for Joseph Smith’s murder and been acquitted. Now he was calling others before him as a justice of the peace. This small civil subpoena opens a window onto a county where ordinary business continued amid the consequences of extraordinary violence. [1,20]

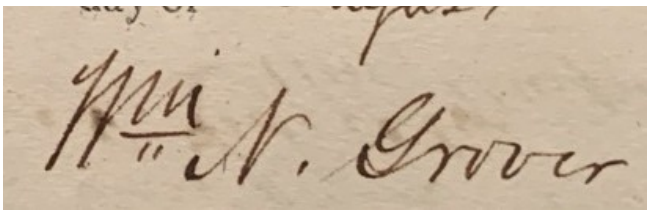
Highlights

An ordinary civil paper with an extraordinary signature. Grover called witnesses in Spurgin v. Kimball shortly after his acquittal in the Joseph Smith prosecution. [1,20]

A connection through jury selection. A James L. Kimball had been summoned as a prospective juror in that earlier trial; the return does not make him a final juror. [18]

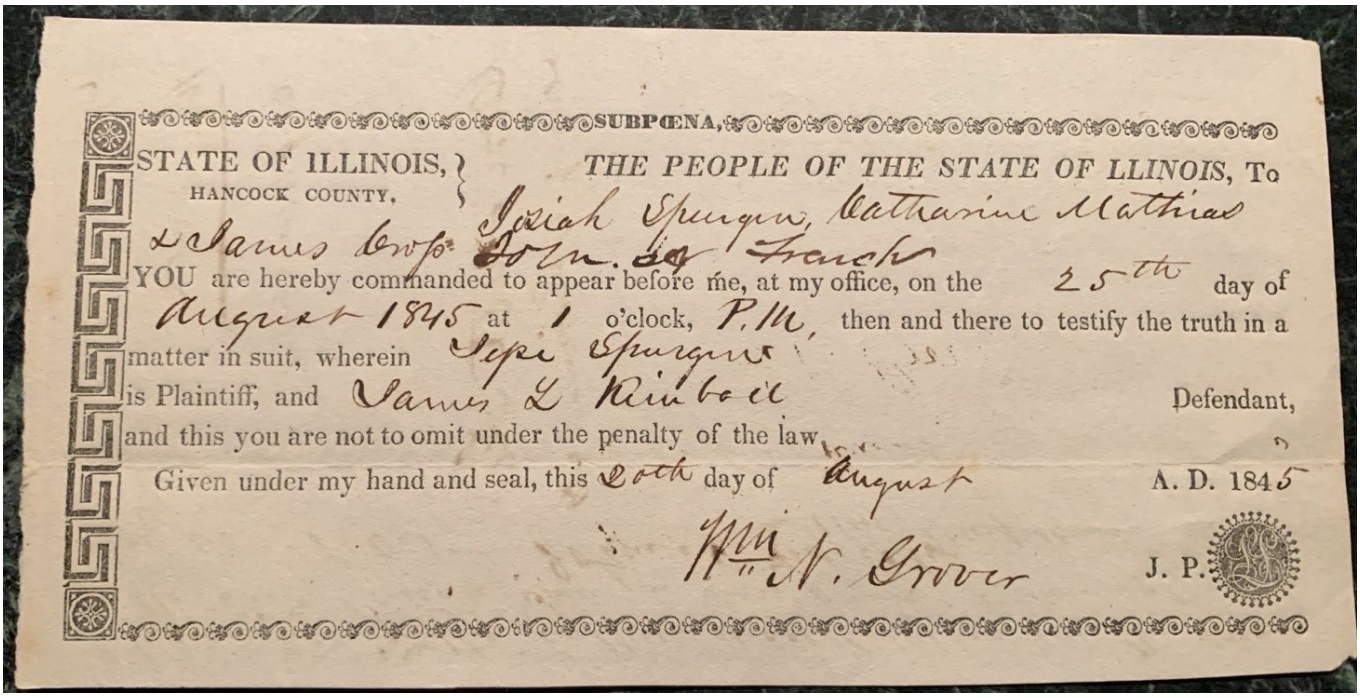
A community beyond the courthouse. Church, family, and travel records point toward a probable Spurgin identification without settling every witness’s biography. [21,22,23,24]

Testimony, not a proven fatal shooter. Alleged admissions attributed to Grover remain alongside conflicting testimony and the actual legal outcome. [12,13,14,15,16,20]



Detail of Grover’s autograph on the original subpoena. [1]

The original subpoena


SUBPŒNA,

STATE OF ILLINOIS, } THE PEOPLE OF THE STATE OF LLINOIS, To
HANCOCK COUNTY, }

Josiah Spurgin, Catharine Mathias & James Cross & John. A. French

YOU are hereby commanded to appear before me, at my office, on the 25th day of August 1845 at 1 o'clock, P. M, then and there to testify the truth in a matter in suit, wherein Jesse Spurgin is Plaintiff, and James L Kimball Defendant, and this you are not to omit under the penalty of the law.

Given under my hand and seal, this 20th day of August A. D. 1845

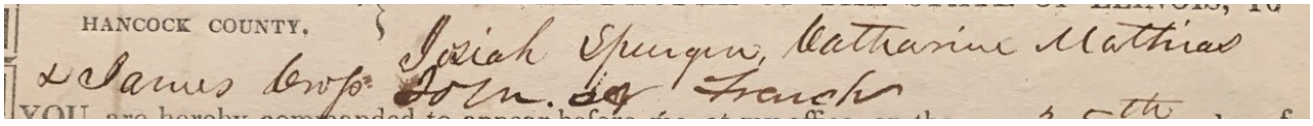
Wm N. Grover J. P.

Figure 1. Front, August 20, 1845. Original photograph IMG_0713.jpeg, rotated upright and cropped outside the surviving paper. Grover ordered an appearance on August 25 at 1 p.m.; the instrument records an intended hearing, not its outcome. [1]

Reading the front

The printed form was completed for Jesse Spurgin's case against James L. Kimball. Its command is directed to witnesses, not to Kimball as defendant. Three names are comparatively clear: Josiah Spurgin, Catharine Mathias, and James Cross. The additional altered name is read provisionally as John A. French. [1]

The office is identified only as "my office." No street, building, or precise location is supplied. The decorated border and printed seal surround a practical instrument intended to secure testimony. The complete reading, including uncertain passages, follows the two photographs. [1]


HANCOCK COUNTY, }

Josiah Spurgin, Catharine Mathias & James Cross & John. A. French

Enlargement of the witness names. John A. French is the working reading of the altered entry; his identity remains unconfirmed. [1]

The record on the reverse

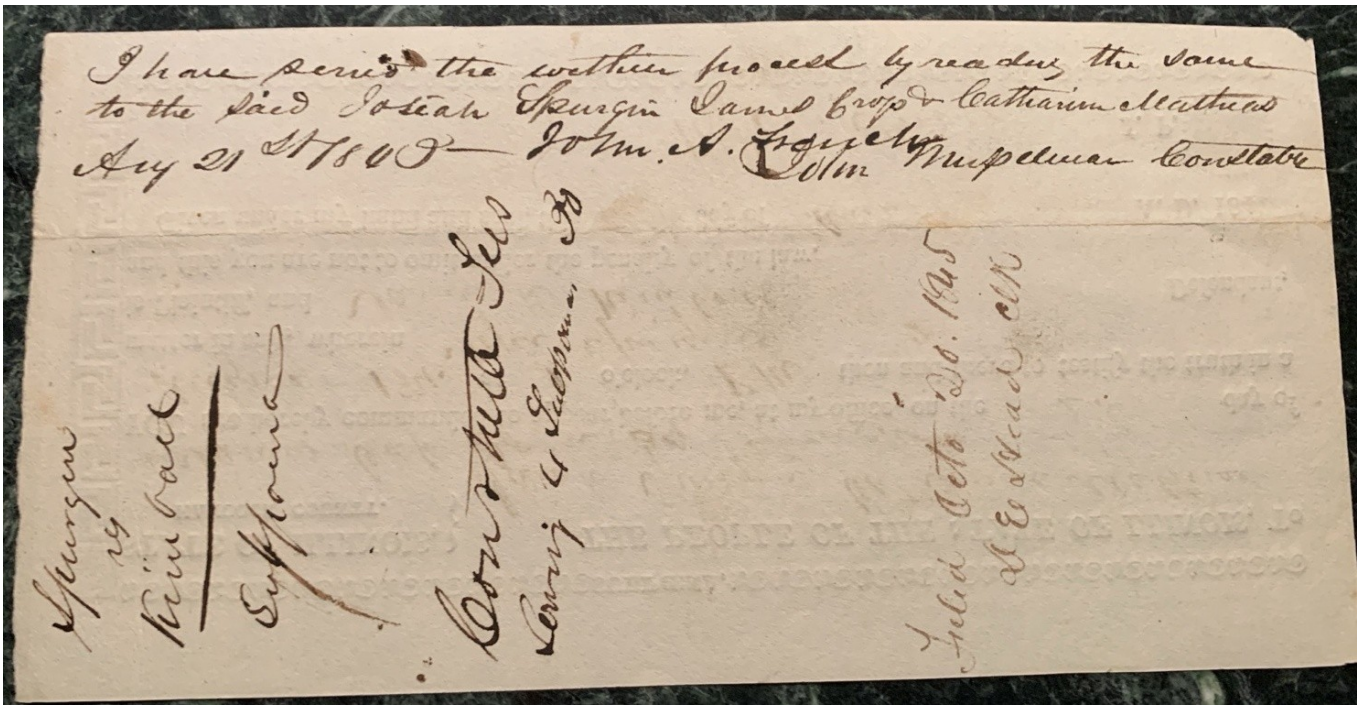


Figure 2. Reverse, turned so that the service return reads horizontally. The case caption, fees, and filing are written at a different angle. The original orientations are retained within this reproduction. [1]

Reading the back

The constable recorded serving the process by reading it on August 21, 1845. A separate endorsement appears to record filing on October 20, 1845, with D. E. Head identified as clerk. These are different dates and actions. The later filing is not, by itself, proof that an appeal took place. [1]

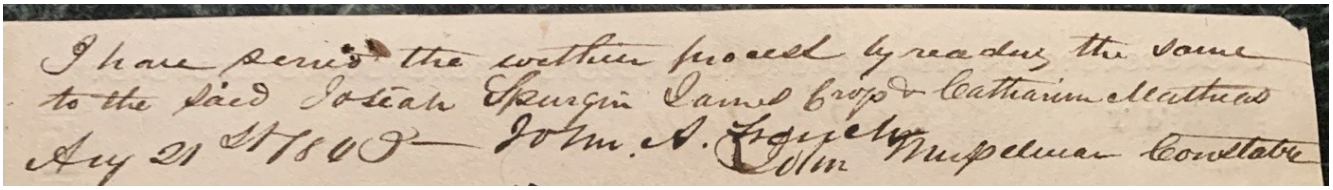


Figure 3. The constable's return, enlarged. John Musselman is a proposed reading of the signature. The given name remains particularly difficult; the earlier reading was Wm. The name is retained as uncertain in the transcript. [1]

Faithful transcription

Printed and handwritten words are integrated below. Line endings are adjusted for reading; capitalization and substantive wording are retained as far as legible. Square brackets identify editorial descriptions or uncertain readings. No letters hidden by alterations have been invented. [1]

Front

SUBPŒNA.

STATE OF ILLINOIS, }
HANCOCK COUNTY, }

THE PEOPLE OF THE STATE OF ILLINOIS, To
Josiah Spurgin, Catharine Mathias
& James Cross [John A. French? — altered writing]

YOU are hereby commanded to appear before me, at my office, on the 25th day of August 1845 at 1 o'clock, P.M., then and there to testify the truth in a matter in suit, wherein Jesse Spurgin is Plaintiff, and James L Kimball Defendant, and this you are not to omit under the penalty of the law.

Given under my hand and seal, this 20th day of August A. D. 1845

[Signature] Wm. N. Grover J. P. [printed seal]

Reverse

I have served the within process by reading the same
to the said Josiah Spurgin James Cross & Catharine Mathias
Aug 21 1845
[John A. French? — added or altered writing]
[given name unclear; Musselman?] Constable

Spurgin
vs
Kimball
Subpœna

Constable Fees
Serving [4?] Subpœna 30

Filed Octo 20. 1845
D E Head clk

Reading notes: John A. French and John Musselman are working readings, not independently established identities. The constable's given name was previously read as Wm.; Hiram is not established. The character following "Serving" and the apparent October 20 filing date also remain provisional.

An order to appear

Grover's authority had survived the prosecution. Elected a justice of the peace in 1843, he already held the office before the murders. The August summons shows him returning to its familiar work: calling witnesses, fixing an hour, and putting the state's authority behind a private dispute. [2]

The paper bears the marks of that work. A printed border encloses quickly entered names, with Grover's autograph below. On the reverse, the service return runs in one direction and the case caption and fees in another. The folds and later filing endorsement belong to a document made to be carried, used, and kept. [1]

The dispute itself remains out of sight. No complaint or judgment has been located to explain what Spurgin claimed or how Kimball answered. Yet the summons preserves a small gathering of people whose lives can be followed beyond its borders. [1]

There is the lawyer who issued it, the merchant being sued, and a plaintiff whose name leads toward a congregation and a country doctor. There are also the witnesses, including a woman who may have married into the Mathias family only three months earlier. Their stories place Grover within a living neighborhood.

A lawyer and a river merchant

Grover's own recollection takes the story back to a small river settlement, years before the killings. In an address delivered in 1871, he looked back to Warsaw in 1837 and recalled its buildings and trades. His recollection followed the practical landmarks of a newcomer: places to work, obtain supplies, and find shelter. At the Warsaw House, he said, "here I slept my first night in a house after five months' railroad exploration." [3]

It is an unexpectedly homely beginning for a man remembered chiefly in connection with Carthage: a newcomer finding a bed indoors after months of travel. Grover recalled the episode in a pioneer address more than thirty years later. [3]

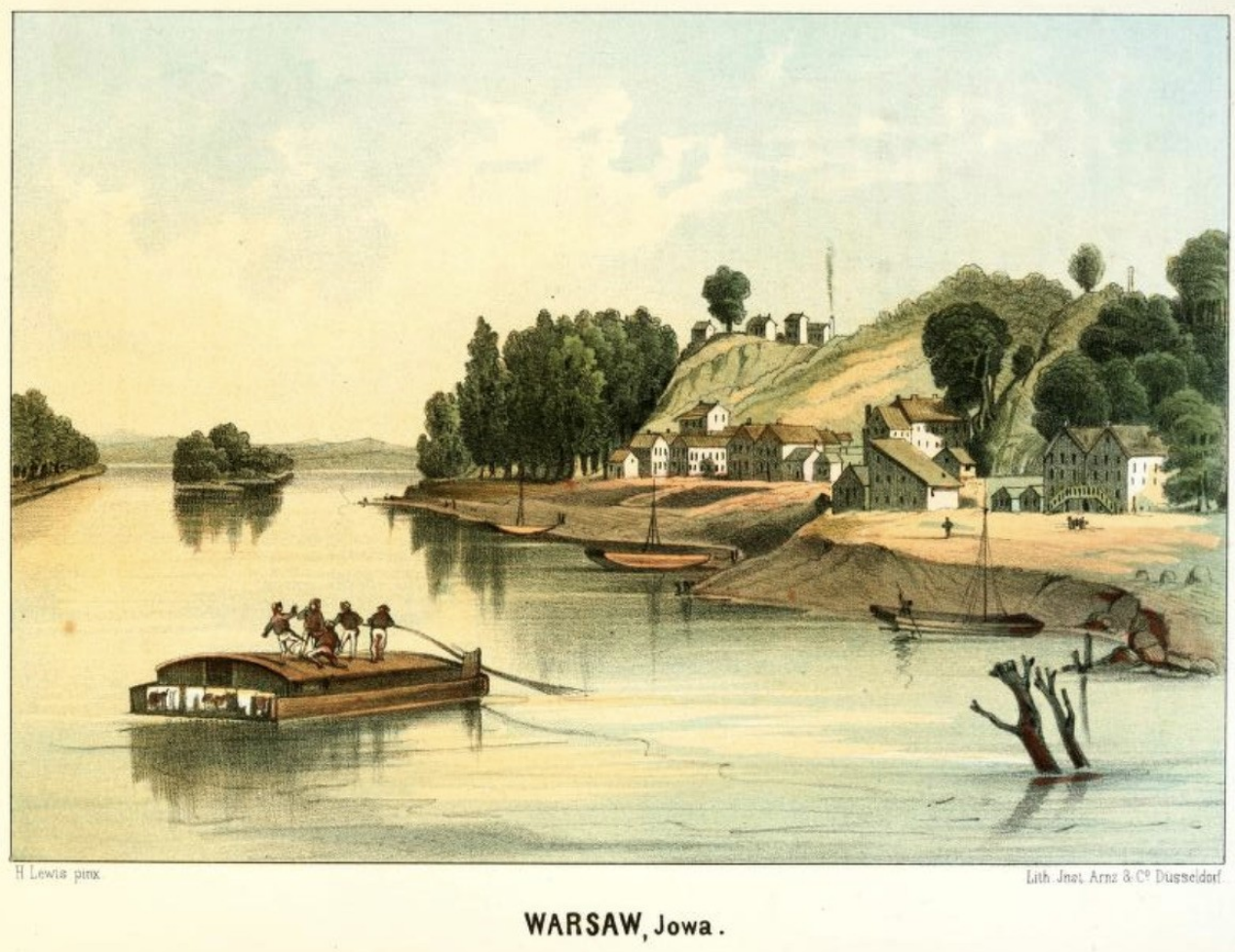


Figure 4. Henry Lewis, Warsaw, Iowa, color lithograph published 1854–1858. The historical title is retained; specialist print descriptions identify the scene with the Illinois side of the river. This later view supplies setting, not a particular building, crossing, or event in 1845. [28,31]

By 1843, Grover was offering legal services to the public. On the first page of the September 20 Warsaw Message, his notice appeared alongside an advertisement for J. L. Kimball's forwarding and commission business. Grover's advertisement carried a May 31 date; that was part of the continuing notice, not the date of the September issue. Kimball emphasized his readiness to receive goods at any hour. The same page offered printed blanks for sheriffs, magistrates, and constables. [4]

MODERN TYPESET EXTRACTS • NOT ORIGINAL NEWSPAPER CLIPPINGS

WM. N. GROVER Attorney and Counsellor AT LAW	**J. L. KIMBALL** Forwarding and Commission MERCHANT

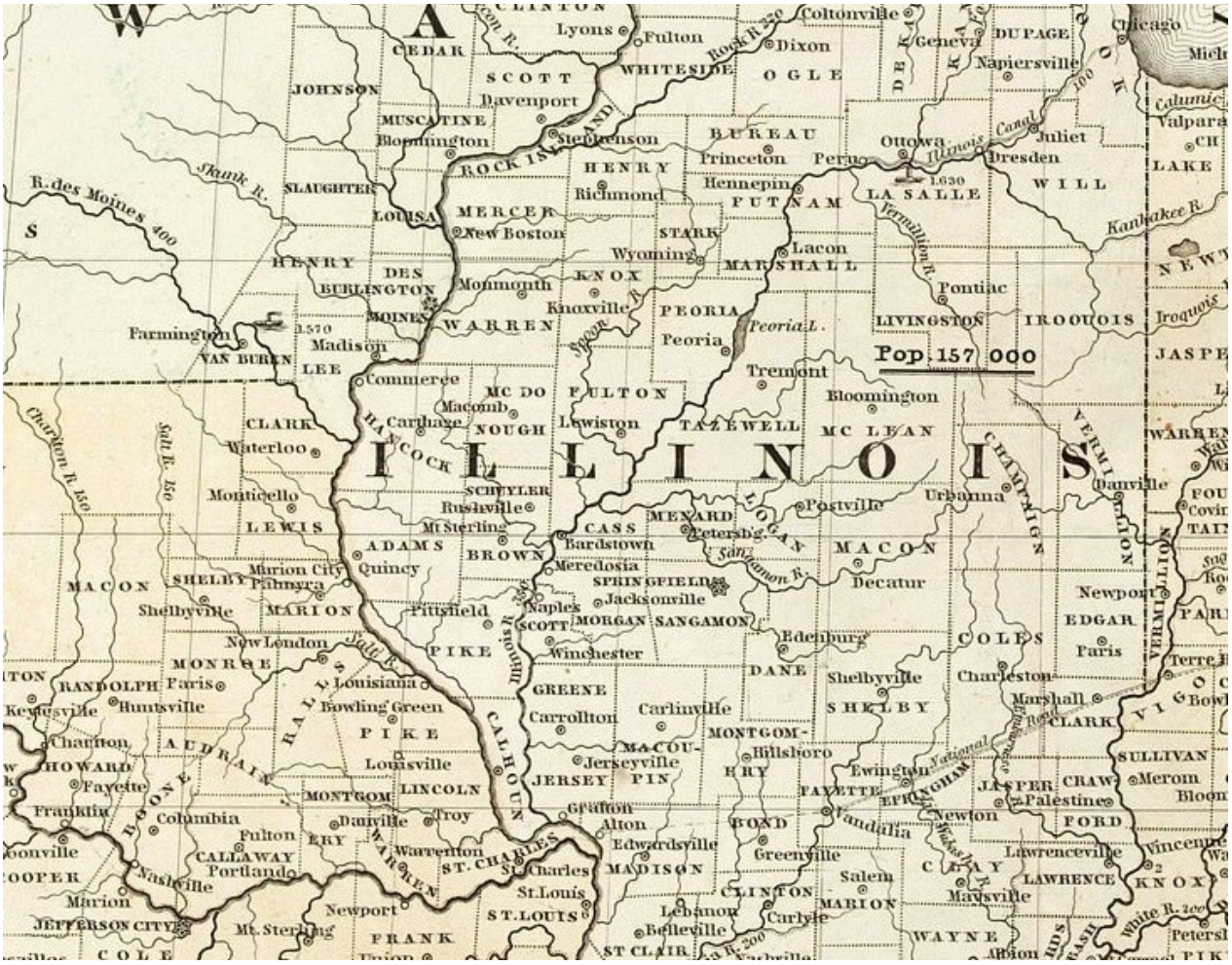
Selected words from notices printed on the same September 20, 1843 newspaper page. Capitalization and line arrangement here are modern presentation choices. [4] **Open the source**

Read together, the advertisements restore the men's everyday occupations. Grover wanted clients; Kimball wanted goods to receive and forward. The river carried opportunities as well as strangers into Warsaw, and both men depended on a community with business to transact. [4]

Kimball's connection with Latter-day Saints was not confined to appearing in Grover's paperwork. A surviving item cataloged by Brigham Young University is a J. L. Kimball receipt to Orson Hyde dated February 5, 1845. The catalog identifies an actual piece of business correspondence between the

merchant and a prominent church leader. It does not establish Kimball's religious allegiance, nor does his surname make him a member of the better-known Nauvoo Kimball families. [5]

Such encounters crossed the county's religious divisions. The receipt brings Hyde and Kimball together through business, just as the subpoena brings Kimball and Grover together through law. These were overlapping circles of acquaintance, trade, and public responsibility.


ILLINOIS
Pop. 157 000
Lyons
Fulton
Dixon
Coltonville
Geneva
DUPAGE
Napiersville
Chicago
Ottowa
Juliet
Dresden
Princeton
Perue
Hennepin
Richmond
Davenport
Bloomington
Stephenson
Rock Island
Rock R.
Illinois Canal
Vermillion R.
Kankakee R.
Iroquois
Skunk R.
R. des Moines
Farmington
Madison
Commerce
Carthage
Waterloo
Monticello
Rushville
Mt Sterling
Quincy
Marion City
Palmyra
Shelbyville
New London
Paris
Louisiana
Bowling Green
Huntsville
Fayette
Columbia
Fulton
Danville
Troy
Warrenton
Portland
Nashville
Marion
Jefferson City
Mt. Sterling
Newport
St. Louis
Alton
Edwardsville
Greenville
Carrollton
Carlinville
Jerseyville
Grafton
Bardstown
Meredosia
Jacksonville
Naples
Pittsfield
Winchester
Lewiston
Monmouth
Knoxville
Wyoming
New Boston
Lacon
Pontiac
Peoria
Tremont
Bloomington
Urbanna
Postville
Decatur
Edelburg
Shelbyville
Charleston
Marshall
Paris
Newport
Danville
Mansville
Lawrenceville
Merom
Palestine
Vandalia
Ewington
Hillsboro
Salem
Carlyle
Belleville
Lebanon
Greenville
Edwardsville
Alton
Grafton
Troy
Danville
Columbia
Fulton
Louisville
Jerseyville
Carrollton
Carlinville
Springfield
Jacksonville
Naples
Pittsfield
Winchester
Meredosia
Bardstown
Quincy
Marion City
Palmyra
Shelbyville
New London
Paris
Louisiana
Bowling Green
Huntsville
Fayette
Columbia
Ful

The sentence matters because it was printed before Joseph and Hyrum Smith were killed. It was not a name retrospectively attached to a crime. The Warsaw account credited Grover with obtaining weapons while presenting the mobilization as a determined response to the community's grievances. The Nauvoo paper reprinted the passage as evidence of danger. The opposing interpretations surround the same concrete claim about fifty-nine muskets. [7]

As captain of the Warsaw Cadets, Grover occupied a position of local military authority as well as a place in the legal profession. The crisis would bring both parts of his public life into sharp focus. [2,10,11]

The immediate crisis included the destruction of the Nauvoo Expositor press, the resulting legal proceedings, and the confinement of Joseph and Hyrum Smith at Carthage. On June 27, an armed mob attacked the jail. The brothers were killed. John Taylor survived serious wounds, and Willard Richards survived to describe what had happened inside. The prosecution that followed would ask who was criminally responsible for the attack. [8,9]

From inside the jail, Willard Richards later described the pressure at the door, the gunfire, Hyrum's fall, Joseph's use of a pistol, and the desperate movements that followed. His account, "Two Minutes in Jail," preserves the experience of a survivor within the room. [9]

William Daniels later placed Grover on the road toward Carthage and at the jail. In the published trial account, Daniels described Grover's determination to continue and identified him carrying a double-barreled gun. Daniels's credibility became a major issue in the prosecution. His evidence is part of the case against Grover, but it cannot be treated as an uncontested photograph of the scene. [10,11]

Other testimony followed the attackers back toward Warsaw. The setting shifts from the jail to a road, a crowded house, and a kitchen where supper was being prepared. Grover's name would emerge there in words witnesses later recalled under oath.

The night the men came home

Eliza Jane Graham described a house suddenly required to feed a large number of men. Around midnight, she said, the returning companies arrived; orders for supper came in successive groups. Mrs. Fleming, Mrs. Dearborn, and Graham prepared the meals. Graham estimated roughly sixty men in all. She placed Grover among them and said he brought a wounded man into the kitchen, asking permission for him to sit by the stove. [13]

The requests for more meals, the kitchen stove, and the blanket give the episode a human scale. The returning men required food and attention from people whose household suddenly stood in the path of the night's events. What the witnesses remembered about that work would become part of a murder trial. [13,14,15,16]

Graham identified the wounded man as William Voras, a name rendered in several forms in the records. She also said that Grover boarded at the house. Her description therefore did not place an entirely unfamiliar stranger in a crowded room. It identified a man connected with the household's daily life. Then came the words that have made her testimony so important to Grover's historical reputation: "Grover said he had killed old Joe." [14]

Graham was reporting words she said she heard after the attack. Her testimony preserves an alleged admission, but she had not seen Grover fire a fatal shot at the jail. [14]

Another witness, Benjamin Brackenbury, attributed an incriminating account to Grover during the return. The longhand trial record says Grover claimed to have killed Smith and to have been first inside the building. Brackenbury also reported Grover saying that Smith had struck him twice in the face. That last detail is easy to reverse in a compressed retelling: in this version, Smith struck Grover, not the other way around. [12]

The two accounts gave the prosecution more than one reported conversation to examine. Both were serious accusations; neither identified the weapon or shot that killed Joseph Smith.

Ann Fleming gave an account that both supports and challenges Graham's. She confirmed the late supper and the wounded man by the kitchen fire. She also confirmed that Grover was a boarder. But she denied that he had brought the wounded man into the kitchen and said she had not seen him among the returning guests. Under questioning, she acknowledged that he could have been there without her seeing him. [16]

The witnesses agreed about the late meal and the wounded man beside the fire. They disagreed about Grover's part in the scene. Fleming's acknowledgment that she might have missed him left the question unsettled. [13,14,15,16]

E. W. Gould, a boarder who kept a store across the street, also helped with the supper. He estimated forty to sixty men and said he had not seen Grover or Jacob C. Davis there. His testimony adds another observer to the household scene, while leaving the central disagreement unresolved. [15]

The supper was over, but its details would return in court. Who had entered the kitchen? Who had spoken? A household's work of feeding men after midnight had become part of the evidence in a murder prosecution.

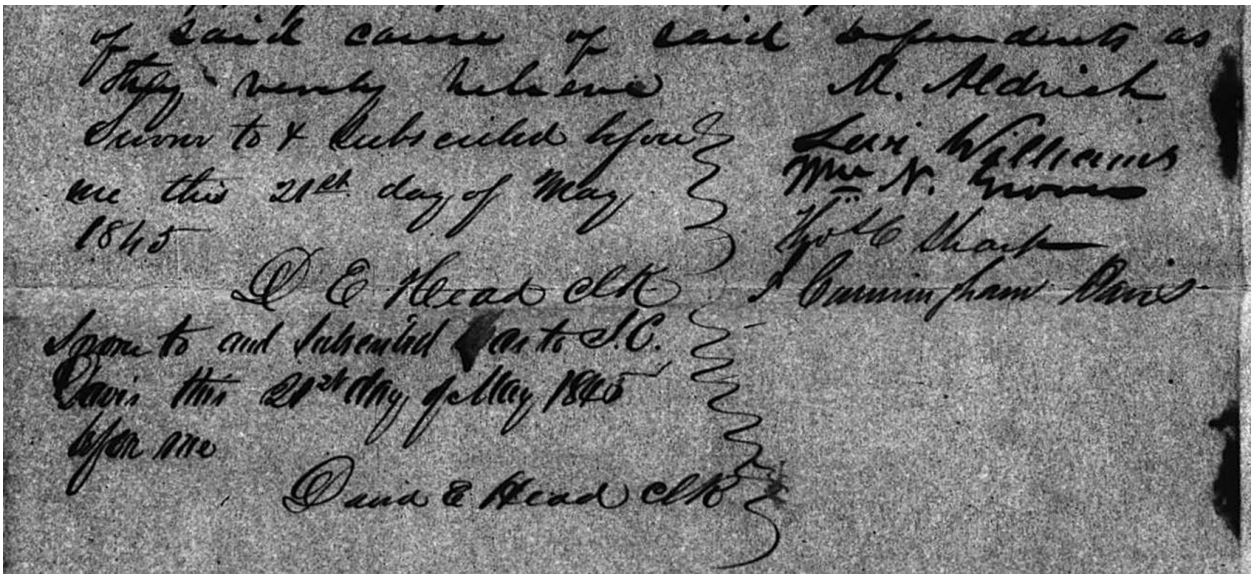
Grover before the court



Figure 6. Hancock County courthouse, from Andreas's atlas, 1874, page 10. Later enlargement and changes are visible. The view evokes the county seat, not the exact exterior during the murder trial or the location of Grover's office. [30]

By May 1845, Grover's own future was before a jury. On May 21, he and his fellow defendants signed an affidavit alleging that the county commissioners had acted with prejudice in selecting prospective jurors. They said the selection was intended to "oppress injure and prejudice the trial." Grover's autograph subscribed to the allegation under oath. [17]

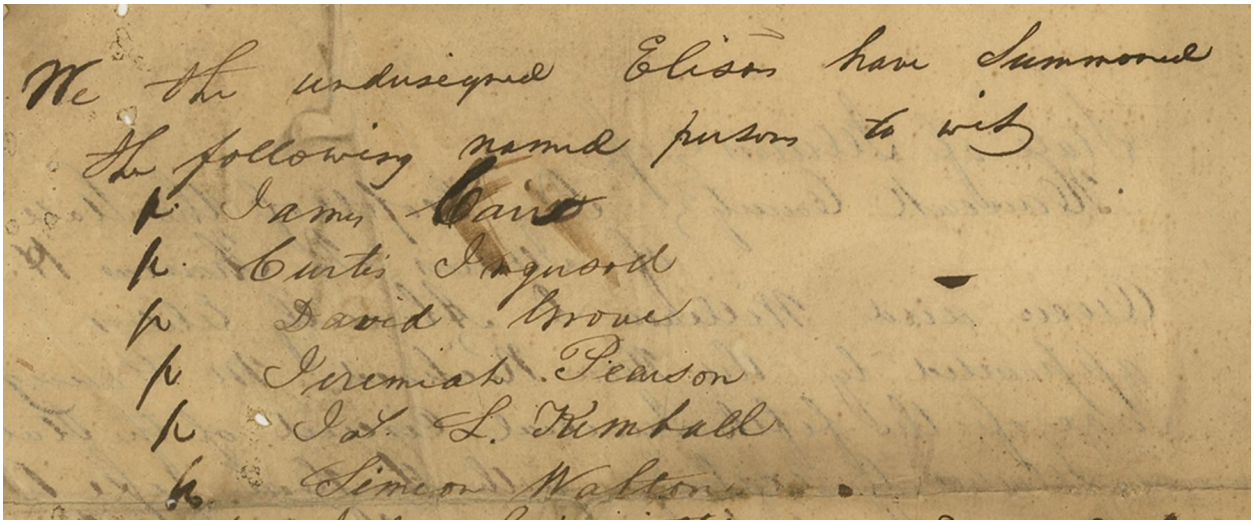
Here Grover's signature survives beneath an accusation he adopted under oath. He and the other defendants challenged the fairness of jury selection. The magistrate who would call Spurgin's witnesses in August was himself demanding the law's protections in May. [17]



Detail of the original affidavit, May 21, 1845. Grover's signature appears among those of the defendants at right; David E. Head's certification appears at left. Reproduced from the Joseph Smith Papers facsimile. [17] Open the source

David E. Head appears in the affidavit's certification. His name also appears in the filing endorsement on the back of the August subpoena. Clerks and legal forms connected proceedings whose human stakes were very different. This repetition of personnel is not evidence that the cases were legally linked. It is evidence of the small administrative world through which both passed. [1,17]

The next day's prospective-juror return provides a more surprising connection. Among the men summoned on May 22 was "Jas. L. Kimball." The name matches the defendant in the later civil subpoena and fits the Warsaw merchant already found in the commercial records. The identification is strong, although the surviving list by itself supplies neither an occupation nor a family history. [18]



Detail of the original May 22, 1845 return. Jas. L. Kimball appears among the men summoned for jury selection. This is a list of prospective jurors, not the final jury. Joseph Smith Papers. [18] Open the source

The return establishes that a James L. Kimball was summoned for jury selection. It does not establish that he sat on the final jury. A few months later, the matching name appeared as defendant in a suit before Grover. [1,18]

Within a few months, the paperwork had reversed their positions: Grover had been the defendant when Kimball was summoned, and now Kimball was the defendant before Grover. The August summons records no explanation of what either man thought of that circumstance.

The prosecution's closing argument also resists a simple retelling. In the surviving account of his May 28 argument, Josiah Lamborn expressed his belief that Grover had been at the jail with a gun, while conceding that the evidence was insufficient to convict him. He similarly distinguished his belief in Graham from his ability to overcome contradictions to her account. The text survives through a later typescript of trial material, not as an unqualified verbatim record of every word spoken. [19]

On May 30, the jury returned its verdict: "We the Jury find the Defendants Not Guilty as charged in the indictment." Jabez A. Beebe signed as foreman. This was the outcome of the prosecution for Joseph Smith's murder. The separate Hyrum Smith prosecution was later dismissed for want of a prosecutor, not decided by a second acquittal. [20][8]

Grover left the prosecution acquitted. The testimony and verdict remain together in the record, preserving both the accusations and the jury's decision. By August he was again exercising the authority of his office.

He had also begun a new chapter at home. In July 1845, Grover married Cornelia Leonard. The subpoena belongs to the following month, when marriage, legal work, and the aftermath of the trial were all part of his life. [2]

The people called to tell the truth

Across the top of the summons are the people expected to supply evidence: Josiah Spurgin, Catharine Mathias, James Cross, and a further name read provisionally as John A. French. Below them, Jesse Spurgin appears as plaintiff. Jesse and Josiah are distinct entries, though their exact relationship remains unknown. [1]

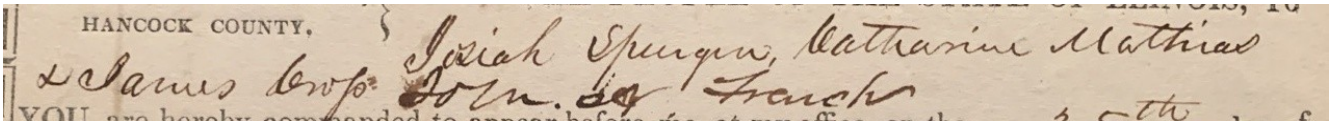


Figure 7. The subpoena's witness names. Jesse the plaintiff and Josiah the witness are distinct entries on the paper. [1]

On August 21, the constable recorded serving the process by reading it to the named witnesses. His return preserves the practical step that carried Grover's written command out into the community. [1]

For Catharine, one promising connection can be stated precisely. A Hancock County marriage-register index records the marriage of Catharine Spurgin and Abraham Mathias on May 8, 1845. The entry points to page 30 of the county register. A recently married Catharine Mathias would fit the name on the August subpoena, and her former surname would explain why she might appear beside the Spurgins. The match is persuasive, but her exact relationship to Jesse or Josiah has not yet been established. [22]

If the marriage entry identifies the witness correctly, Catharine had been married for scarcely three months. Her presence on the summons makes her a participant in the neighborhood's legal affairs, even though the evidence she was expected to give is lost. [1]

James Cross is named both in the command and in the return. His occupation and household have not been securely identified. John A. French and John Musselman are working readings for the additional witness and serving constable; neither has yet been tied conclusively to a biography. [1]

The witnesses and the officer had different parts to play. The witnesses were expected to know something about the dispute. The constable was responsible for bringing the command to their attention. The sheet preserves those roles more clearly than it preserves the lives behind them.

The appointed hour was August 25 at one in the afternoon. Whether the hearing occurred then, and what was said, remain unknown. The apparent October 20 filing endorsement marks the paper's later passage into the clerk's custody. [1]

For Jesse, the plaintiff, other records offer a fuller glimpse of the neighborhood. They lead from the legal form into church organization, family illness, and the preparations for leaving Illinois.

Jesse Spurgin and the life of a neighborhood

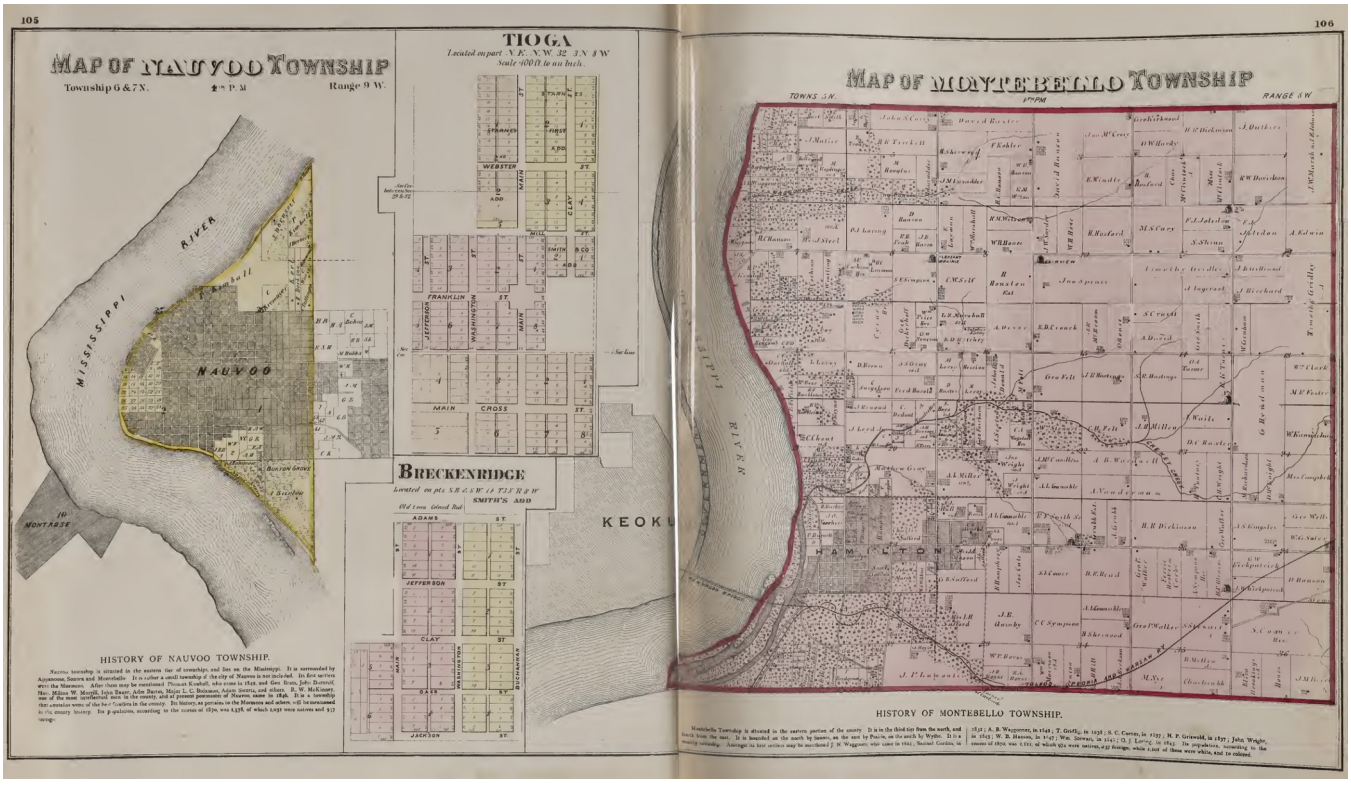
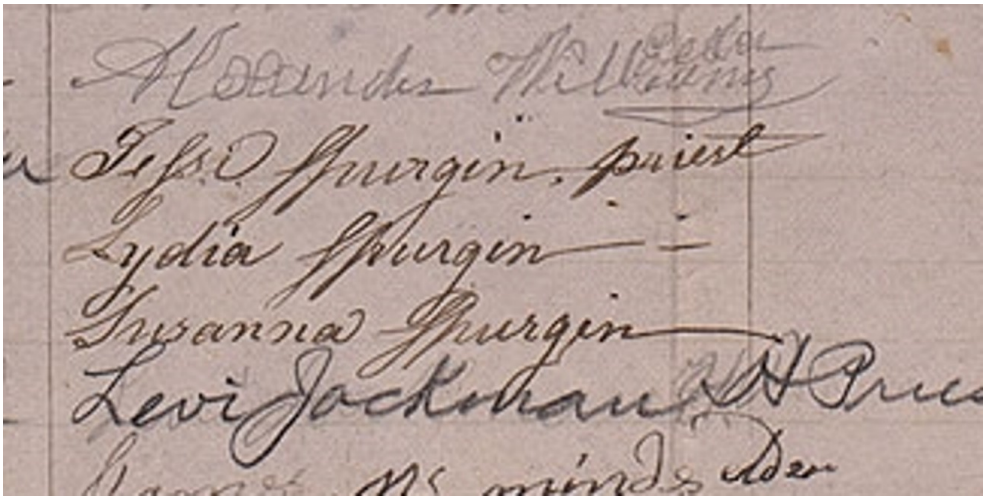


Figure 8. Nauvoo and Montebello townships in Andreas's 1874 atlas, pages 105–106. The later map helps locate the river neighborhood; its landowner names and boundaries are not used as proof of an 1845 residence. [30]

On October 18, 1842, church members addressed a petition to Joseph Smith and other leaders about the organization of a branch in the countryside around Nauvoo. Among the names are Jesse Spurgin, identified as a priest, and Lydia and Susanna Spurgin. The petition concerned the Union Branch and the Montebello area. It places a church-connected Jesse Spurgin in the locality relevant to the later lawsuit. [21]

The names carry a further personal trace: the Joseph Smith Papers editors consider the handwriting entering Jesse, Lydia, and Susanna most likely Jesse's. His probable pen connects the church petition with a family taking part in the organization of a congregation. [21]



Detail of the original October 18, 1842 petition. Jesse Spurgin, priest, is followed by Lydia and Susanna Spurgin. The editors consider the handwriting most likely Jesse's. Joseph Smith Papers. [21] **Open the source**

For the petitioners, a congregation was also a matter of geography and neighbors. Their request concerned where they would belong and with whom they would worship. Jesse's name appears among people helping to arrange that shared life. [21]

The plaintiff is probably this church-connected Jesse and the Montebello doctor and branch leader whom Warren Foote called Spergen or Spergeon, later Jessie. The identity is not yet proved by the case papers. Foote's account nevertheless opens a compelling view of the neighborhood. [1,21,23]

In Foote's recollection of August 1845, the doctor initially refused a call, which Foote blamed on religious disagreement. He later came to Foote's mother on August 19 and was summoned again on August 22. Foote's father died that night; his wife gave birth to their son David the next morning. [23]

These dates fall almost alongside those on the subpoena: Grover signed it on August 20, and service was recorded on August 21. If the doctor and plaintiff were the same man, the records place his legal business beside a household's days of illness, death, and childbirth. They do not establish a connection between the medical calls and the suit. [1,23]

The recollection contains both resentment and dependence. A religious disagreement did not remove the need for help when a family fell ill. Foote's account preserves that uncomfortable mixture rather than the smooth outline of a faultless healer. [23]

An older Spurgin household can also be traced through Sarah Elizabeth Spurgin Winter. The Church Historian's Press identifies her as a daughter of Jesse Spurgin and Lydia Brazelton, born in Rowan County, North Carolina, in 1803. Its source trail reaches to the parents' December 1800 marriage bond and records associated with the Nauvoo period. These relationships give the surname a history extending well before the Illinois crisis. [24]

Sarah's parentage supplies a possible family setting for Jesse and Lydia in the petition. The civil paper does not settle the identification, but the records suggest a story reaching from North Carolina into the Nauvoo years. [21,24]

The probable connections bring a church member's neighborhood into the same story as a Warsaw merchant and an anti-Mormon militia captain. The legal dispute may have crossed those divisions. Its missing complaint prevents us from calling the suit itself a religious confrontation. [1,5,7,21]

The lives that continued

By the autumn of 1845, a Jesse Spurgin appears in a new kind of practical responsibility. The October 29 Nauvoo Neighbor printed a list of land-sale committees appointed at general conference. For Montebello, it named Eleazer Miller and Jesse Spurgin. The men were being entrusted with work connected to the preparations for removal. [25]

Leaving meant finding ways to dispose of land and settle obligations. The committee notice places Spurgin among the men entrusted with that practical work for Montebello, although it gives no account of his own property or the civil suit. [25]

Foote follows the doctor into a nine-wagon company departing May 4, 1846. Jessie Spergen subsequently defended accused persons in camp, a temporary responsibility rather than a legal qualification. His daughter, Miss L. Spergen, married Noah Cotton on the journey that May. [23]

The moving company carried its own responsibilities and family celebrations. Foote's account follows the doctor beyond Illinois into that traveling community, though his final residence and death remain uncertain.

One member of the older Spurgin family has a clearer western ending. Sarah Elizabeth Spurgin Winter died at Carson City, Nevada, on December 18, 1868. Her story extends the family's history westward without establishing that Jesse followed the same route. [24]

Kimball's later years remain less clear. For this period, his advertisement, receipt to Hyde, jury summons, and appearance as a civil defendant preserve a merchant moving through several parts of county life. [1,4,5,18]

Grover's public life, by contrast, continued in the legal profession. In 1850 he entered the firm of Hill, Grover & Hill; after its dissolution in 1858, he relocated to St. Louis. In 1863 he became United States attorney for the Eastern District of Missouri. His later career carried him from the small legal world surrounding the subpoena into federal office. [2,26]

The federal appointment carried Grover's career far beyond his Warsaw practice. He retained professional standing and public responsibility long after Carthage, making his later life an essential part of the story. [26,27]

In his 1871 pioneer address, he chose to remember the earlier Warsaw of trades, buildings, and shelter. The recollection returns us to the newcomer looking for a bed, before the events that would attach a different meaning to his name. [3]

His long life reached its end at Warsaw in August 1899. By then, the subpoena had outlasted the immediate dispute it served and the community circumstances in which it was written. Its significance for a later reader lay not in a verdict it never recorded, but in the names it had kept together. [2]

What the paper keeps

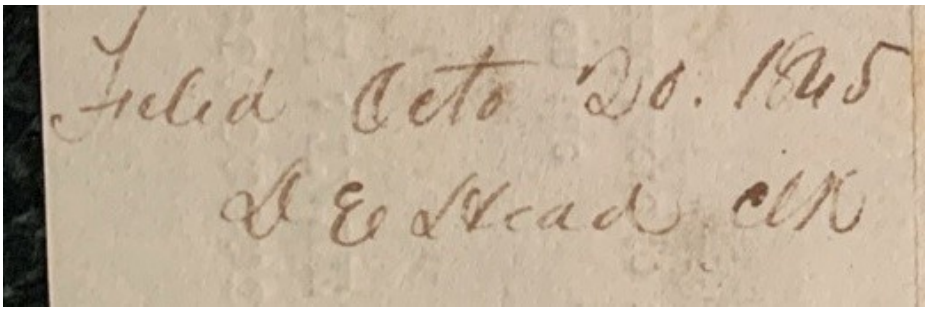


Figure 9. The filing endorsement, enlarged and turned upright. The apparent October 20 date records a later administrative act, not the result of the lawsuit. [1]

On the reverse, the clerk's filing endorsement records a quieter act than the signature on the front. The case caption, return, and fee notation gave this folded paper its place among the records of a particular lawsuit. [1]

The complaint and judgment are still missing. We cannot recover the argument heard at the appointed hour, or say who prevailed. What survives is the command that brought these names together.

Around them, other records reveal a lawyer seeking clients, a merchant handling goods, women preparing supper for returning men, and a probable church-connected plaintiff whose neighborhood was preparing to leave Illinois. Their lives intersected through work and obligation as well as through conflict.

The paper's instruction was to testify to the truth. Its history preserves the difficulty of that task: disputed recollections of Carthage stand beside a verdict of acquittal, while a routine civil proceeding leaves its witnesses' words unheard.

Grover's signature first draws the eye. Stay with the sheet a little longer and the other names emerge. They belong to people trying to conduct business, call on neighbors, form households, and settle disputes in a county still living with the consequences of June 1844. The summons has kept them together long after its appointed hour.

The people at a glance

William N. Grover

Issuing justice of the peace; Warsaw lawyer and militia captain; an acquitted defendant in the Joseph Smith prosecution. His magistracy began before the killings. [1,2,20]

Jesse Spurgin

Plaintiff. Probably the church-connected Montebello-area Jesse, with a probable further identification as Foote's doctor. Neither link is declared proved by the civil paper. [1,21,23]

James L. Kimball

Defendant. Strongly identified with the Warsaw forwarding merchant; a matching name appears among men summoned for the murder-trial jury pool. [1,4,5,18]

Josiah Spurgin

Witness, distinct from Jesse. His full family identification remains open. [1]

Catharine Mathias

Witness; probably the Catharine Spurgin who married Abraham Mathias in May 1845. Her relationship to the other Spurgins is not established. [1,22]

James Cross

Witness named on the front and in the service return. A fuller secure biography has not yet been recovered. [1]

John A. French?

Provisional reading of altered writing. The identity and full significance of the entry remain uncertain. [1]

The constable and D. E. Head

The serving constable is provisionally read as John Musselman, with the given name unresolved. David E. Head appears as clerk in the filing endorsement and in murder-trial paperwork. [1,17]

Graham, Brackenbury, Fleming, and Gould

Witnesses whose accounts bring the return to Warsaw into view. Their testimony contains both corroborating details and significant contradictions. [12,13,14,15,16]

A chronology for the reader

1837 Grover's later pioneer address places his first Warsaw arrival in this year. [3]

October 18, 1842 A branch petition includes Jesse, Lydia, and Susanna Spurgin. [21]

1843 Grover holds the magistracy; both men's business notices appear in the Warsaw Message. [2,4]

June 19–27, 1844 Warsaw's arms report precedes the fatal attack on the Smith brothers at Carthage. [7,8,9]

October 1844 Morrison & Grover appear in separate boat-related litigation. [6]

February 5, 1845 Date of the cataloged Kimball receipt to Orson Hyde. [5]

May 8, 1845 Indexed marriage of Catharine Spurgin and Abraham Mathias. [22]

May 21–22, 1845 Grover signs the jury-selection affidavit; a return names Jas. L. Kimball among those summoned. [17,18]

May 30 / June 25, 1845 Joseph Smith prosecution ends in acquittal; the separate Hyrum proceeding is later dismissed without a prosecutor. [8,20]

August 20–25, 1845 Subpoena issued August 20, served August 21, and returnable August 25 at 1 p.m. [1]

October 1845 Apparent October 20 filing; October 29 newspaper prints the Montebello land-sale committee. [1,25]

1846 and afterward The probable doctor identification continues into Foote's migration account; the principals' later paths are treated separately in the narrative. [23]

1863–1899 Grover's federal appointment precedes his later pioneer reminiscence and eventual death at Warsaw. [2,3,26]

Limits of the surviving record

The cause and outcome of Spurgin v. Kimball remain unknown. Several witness identities and the plaintiff's proposed family connections are provisional. No independently established middle name or life history is attached to the constable. These limits leave the broader narrative intact while keeping the original document's evidence distinct from probable identifications.

Sources and illustration notes

The small numbers in the narrative link to these notes. Each "Open source" link leads to the record or catalog used. Source descriptions distinguish originals, transcriptions, retrospective accounts, and unexamined archival leads.

1. Original subpoena, Jesse Spurgin v. James L. Kimball, August 20, 1845; service and filing endorsements.

David Larsen collection, photographs IMG_0713.jpeg and IMG_0714.jpeg. The photographs control the transcription. Issuance, intended appearance, service, and later filing are distinct events. The complaint and judgment have not been located.

2. Papers of Abraham Lincoln, "Grover, William N."

Institutional biographical entry. Used for the pre-1844 magistracy, marriage, law practice, and later life. Its compressed description of the murder prosecutions is qualified here by the original verdict and separate Hyrum-case history. Open source

3. William N. Grover, pioneer address, 1871, recalling Warsaw in 1837.

Extract printed under "A Word Picture of Warsaw in 1837" in the Warsaw sesquicentennial volume, PDF page 66. A retrospective address transmitted through a later publication, not an 1837 diary or an account of the murders. Open source

4. Warsaw Message, September 20, 1843, page 1.

Grover and Kimball advertisements and the legal-blank printing notice. Text checked in the digitized transcription; an original page scan was not obtained. The paired display in this edition is a modern typeset extract. It does not identify the printer of the subpoena. Open source

5. J. L. Kimball receipt to Orson Hyde, February 5, 1845.

Brigham Young University, L. Tom Perry Special Collections, digital catalog item 73534. The catalog establishes the named receipt and date. No receipt facsimile is embedded and no unverified charge amount is imported into this narrative. Open source

6. Amended Pleas, circa October 30, 1844, JS et al. v. C. B. Street and M. B. Street.

Joseph Smith Papers (JSP), page 1. Identifies Morrison & Grover as counsel in separate boat-related litigation; not a sole-authored personal statement by Grover. Open source

7. Warsaw Signal Extra, June 19, 1844, reprinted in Nauvoo Neighbor, June 26, 1844.

"Warsaw News" and "The Preparation," pages 1–2, including the report of fifty-nine muskets. The reprint identifies the original extra's date. It establishes a contemporary procurement report, not the subsequent use of every musket. Open source

8. Introduction to State of Illinois v. Williams et al. and State of Illinois v. Elliott–C.

JSP legal reconstruction, with linked original records. Distinguishes the Joseph Smith acquittal from the Hyrum Smith proceeding dismissed for lack of a prosecutor when called June 25, 1845. Open source

9. Willard Richards, "Two Minutes in Jail."

Nauvoo Neighbor, July 24, 1844, in BYU's digitized issue. Firsthand account from inside the jail. Used for the basic attack sequence, not an identification of Grover as a particular shooter. Open source

10. William Daniels's testimony, May 24, 1845, printed trial account, page 6.

JSP, Account of Trial, 24–28 May 1845–A, as published in Trial of the Persons Indicted (Warsaw Signal, 1845). Allegations about the march are attributed to Daniels. Open source

11. William Daniels's testimony, continued, printed trial account, page 7.

JSP. The account identifies Grover with a double-barreled gun. Daniels's contested credibility is retained in the narrative. Open source

12. Benjamin Brackenbury's testimony, May 26, 1845, longhand trial account.

JSP, manuscript page 62, viewer page 80. In the reported conversation, Smith struck Grover. This is an allegation of speech, not Brackenbury's eyewitness identification of a fatal shot. Open source

13. Eliza Jane Graham's testimony, May 26, 1845, printed trial account, page 18.

JSP. Successive supper orders, returning men, and the alleged escort of a wounded man. No menu or reconstructed household dialogue is supplied. Open source

14. Graham's testimony, continued, printed trial account, page 19.

JSP. Source of the short alleged admission quoted in the narrative and identification of Grover as a boarder. Open source

15. E. W. Gould's testimony, May 28, 1845, printed trial account, pages 31–32.

JSP. The narrative uses Gould's supper and boardinghouse evidence, not the defective printed wording about a two-horse buggy. For that separate issue, the original longhand record must control. Open source

16. Ann Fleming's testimony, May 28, 1845, printed trial account, page 32.

JSP. Confirms the supper and wounded man, disputes Grover's escort, and acknowledges that he could have been present without her seeing him. Open source

17. Affidavit, May 21, 1845, State of Illinois v. Williams et al.

JSP, page 1. The facsimile and transcription identify Grover as a signer; the main text is in an unidentified hand. A detail of the signatures and certification is reproduced in this edition. Open source

18. Venire Facias, May 22, 1845, State of Illinois v. Williams et al., page 2.

JSP. The original return includes Jas. L. Kimball among those summoned. It does not establish membership in the final jury. An original-image detail replaces the earlier typeset name panel. Open source

19. Closing Argument of Josiah Lamborn, May 28, 1845.

JSP, page 1, surviving in a later typescript of trial material. The prosecution's expressed belief is distinguished from its conceded inability to prove the accusation sufficiently. Open source

20. Verdict, May 30, 1845, State of Illinois v. Williams et al.

JSP, page 1. Not-guilty verdict in the Joseph Smith prosecution, signed by foreman Jabez A. Beebe. Open source

21. Petition from John Hammond and Others, October 18, 1842.

JSP, page 1 and source note. Jesse, Lydia, and Susanna Spurgin; Jesse identified as a priest. The editors qualify the probable Jesse handwriting attribution. An original-image detail of the names is reproduced. Open source

22. Catharine Spurgin and Abraham Mathias marriage, May 8, 1845.

Early Latter-day Saints Database, citing Hancock County Marriage Register, page 30. Indexed marriage, not a newly inspected original return. The identification with the subpoena witness and her kinship to Jesse or Josiah remain provisional. Open source

23. Warren Foote, autobiography, dated entries for 1845–1846.

Digitized transcription, especially PDF pages 54–56 and 63–64. The relevant pages were visually checked. Retrospective autobiographical testimony, not an independently verified record of the doctor's motives. Open source

24. "Sarah Elizabeth Spurgin Winter," Church Historian's Press.

Institutional biographical register with marriage-bond, family, census, obituary, and temple-register references. Provides an older family framework, not a conclusive identification of the lawsuit's plaintiff. Open source

25. "List of Committees," Nauvoo Neighbor, October 29, 1845, page 3.

The list identifies Eleazer Miller and Jesse Spurgin for Montebello and says the committees were appointed at general conference for land sales. This verified printing replaces an overly precise October 1 attribution based on the collection's grouped circular material. Open source

26. U.S. Department of Justice, United States Attorneys bicentennial history.

Official historical roster, with Grover's Missouri service; read alongside the biographical entry in note 2. Open source

27. Letters Received by the Attorney General: Missouri correspondence guide.

Guide to National Archives RG 60, Entry 9A. Reel 7, frames 0001 and 0659, lists Grover in grouped Missouri correspondence. Individual letters have not been read; the guide is a future retrieval lead, not evidence of a Carthage confession. Open source

28. Henry Lewis, Warsaw, Iowa, color lithograph, 1854–1858.

Saint Louis Art Museum, object 37455, accession 145:1949. Artwork is public domain. The printed Iowa title is retained; the Warsaw view is identified with the Illinois town in specialist print descriptions. It supplies later river setting, not a named building or 1845 event. Open source

29. Map of the Western States, designed to accompany Smith's Geography for Schools, 1839.

Historic regional map reused from the existing Commerce illustration portfolio. The enlarged map detail retains original labels; no modern routes or parcel locations are invented. Source catalog: Paulus Swaen, lot 46614. Open source

30. A. T. Andreas, An Illustrated Historical Atlas of Hancock County, Illinois (1874).

Nauvoo and Montebello township maps, pages 105–106; courthouse view, page 10. Reused from the Commerce and At the Courthouse Door project illustrations. These later maps and the altered courthouse are not exact representations of 1845 landownership or buildings. Open source

31. Specialist print description, Henry Lewis's Warsaw view.

The Old Print Shop identifies the printed "Warsaw, Iowa" scene as on the Illinois side of the river. This supplements, rather than silently changes, the museum's catalog title. Open source

About the illustrations

The subpoena photographs and enlargements, regional and township maps, Warsaw lithograph, and later courthouse view are reproduced historical images. Details of the affidavit, prospective-juror return, and Spurgin petition are also original facsimiles. Only the paired advertisement display remains a clearly labeled modern typeset extract; its source transcription is linked. Historical views made after 1845 are dated in their captions.

Original manuscript details are reproduced from the Joseph Smith Papers. The other historical illustrations come from the sources identified in notes 28–31. Cropping, rotation, and scaling improve legibility without supplying missing handwriting or reconstructing historical scenes.