A Challenge at Carthage

John Mackemer and an Alleged Challenge to George P Stiles

Hancock County Illinois 1842 to 1843

On 8 October 1842, George P. Stiles swore that John Mackemer had challenged him “to fight a Duel With a Deadly Weapon.” He placed the challenge about the middle of September. The justice’s record named Carthage as the place. The surviving papers begin with that accusation and follow the men into the county’s criminal courts. [M1]

The words sound like the beginning of a duel. What follows in this packet is a warrant, an arrest, sworn evidence, two promises to appear in court, and eventually an indictment. Nobody’s account of the original quarrel survives here. We do not yet know its cause, whether the men ever fought, or how the prosecution ended. [M1]

The names on these papers lead into the Saints’ history. Stiles worked with Joseph Smith; the prosecutor had helped the Saints; the Backenstos brothers had personal ties to the Smith family. Those connections accompany the central question of what happened between Stiles and Mackemer. [S23, S25–S27, S31–S33]

Highlights

- Stiles’s sworn accusation brought Mackemer before Justice Jonathan Berry on 8 October 1842. [M1]
- Mackemer and surety John Wilson signed a $50 obligation; Stiles separately promised to appear and testify under another $50 obligation. [M1]
- The grand jury approved an indictment filed on 17 May 1843. That was an accusation for prosecution, not a trial verdict. [M1]

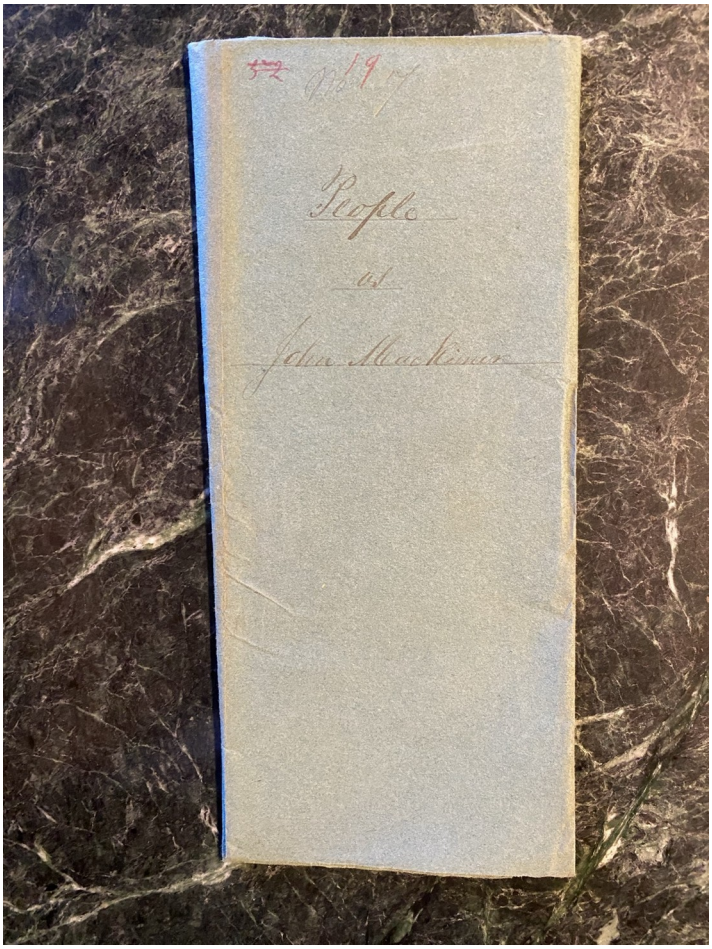
The thirteen original photographs and reading transcriptions are followed by the case narrative, fuller portraits, further reading, and the one-page name census.

Go directly to the case narrative

The surviving case papers

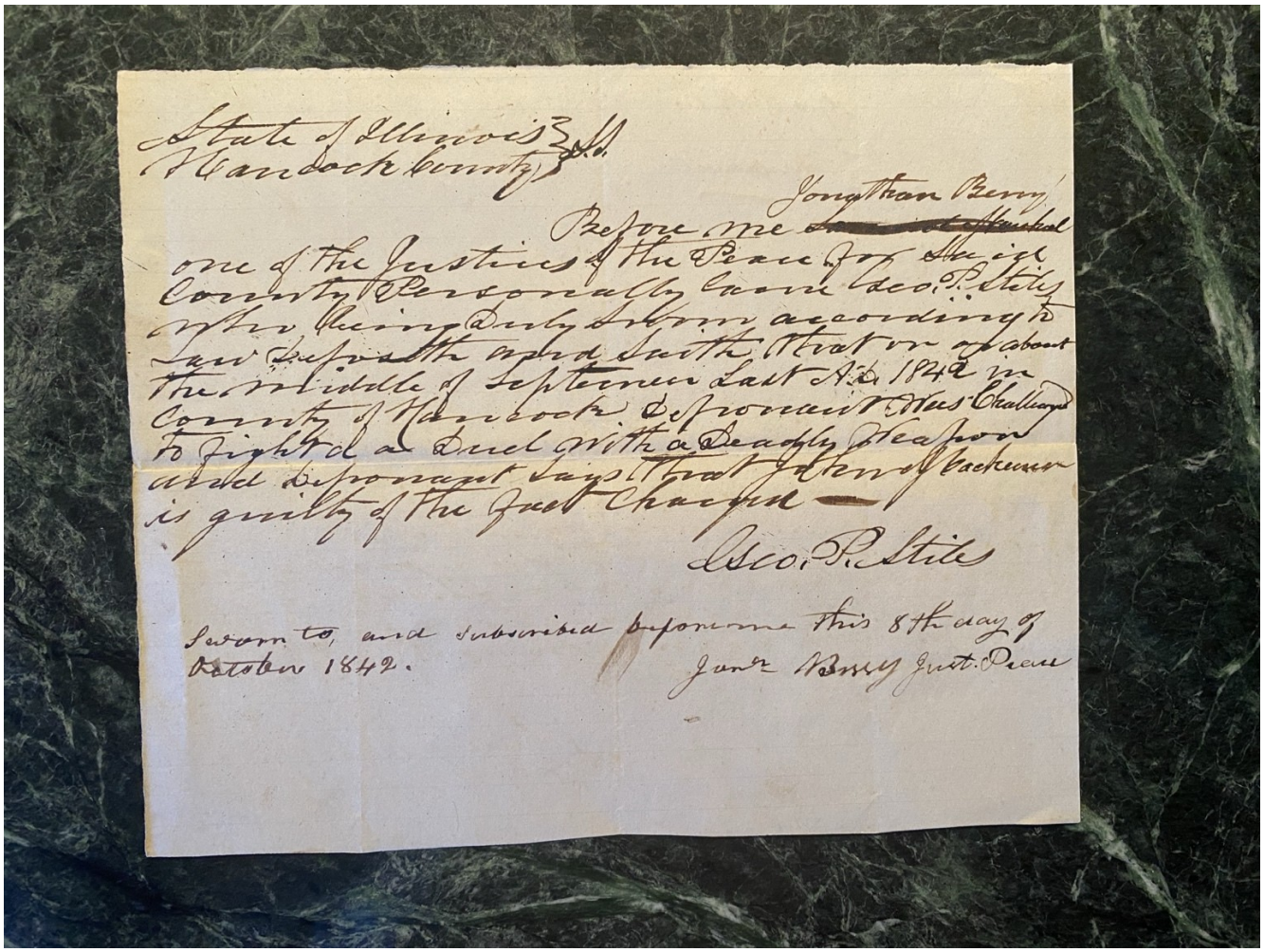
The packet comprises six apparent front-and-back pairs and an outer wrapper. Pairing follows the matching document titles and the supplied image sequence. Photographs have been rotated for reading and reduced proportionally; the originals remain the controlling evidence. [M1]

Photographs	Document and operative date
3675	Outer wrapper for People v John Mackemer
3676–3677	Stiles witness recognizance, 8 October 1842
3678–3679	Arrest warrant and constable’s return, 8 October 1842
3680–3681	Justice’s transcript, 8 October; filed 11 October 1842
3682–3683	May 1843 indictment, No 34; filed 17 May 1843
3684–3685	Mackemer and Wilson recognizance, 8 October 1842
3686–3687	Stiles complaint affidavit, 8 October 1842



IMG_3675 • Outer wrapper. The red 19 and crossed-out 52 are visible archival or docket marks; their function has not been established.

Stiles makes the complaint


State of Illinois } ss.
Hancock County }

Before me Jonathan Berry
one of the Justices of the Peace for the
County Personally came Geo. P. Stiles
who being duly sworn according to
Law deposeth and saith that on or about
the middle of September Last A.D. 1842 in
County of Hancock Deponent Wm Challenged
to fight a Duel with a Deadly Weapon
and deponent says that John Hackenour
is guilty of the foul Charge —

Geo. P. Stiles

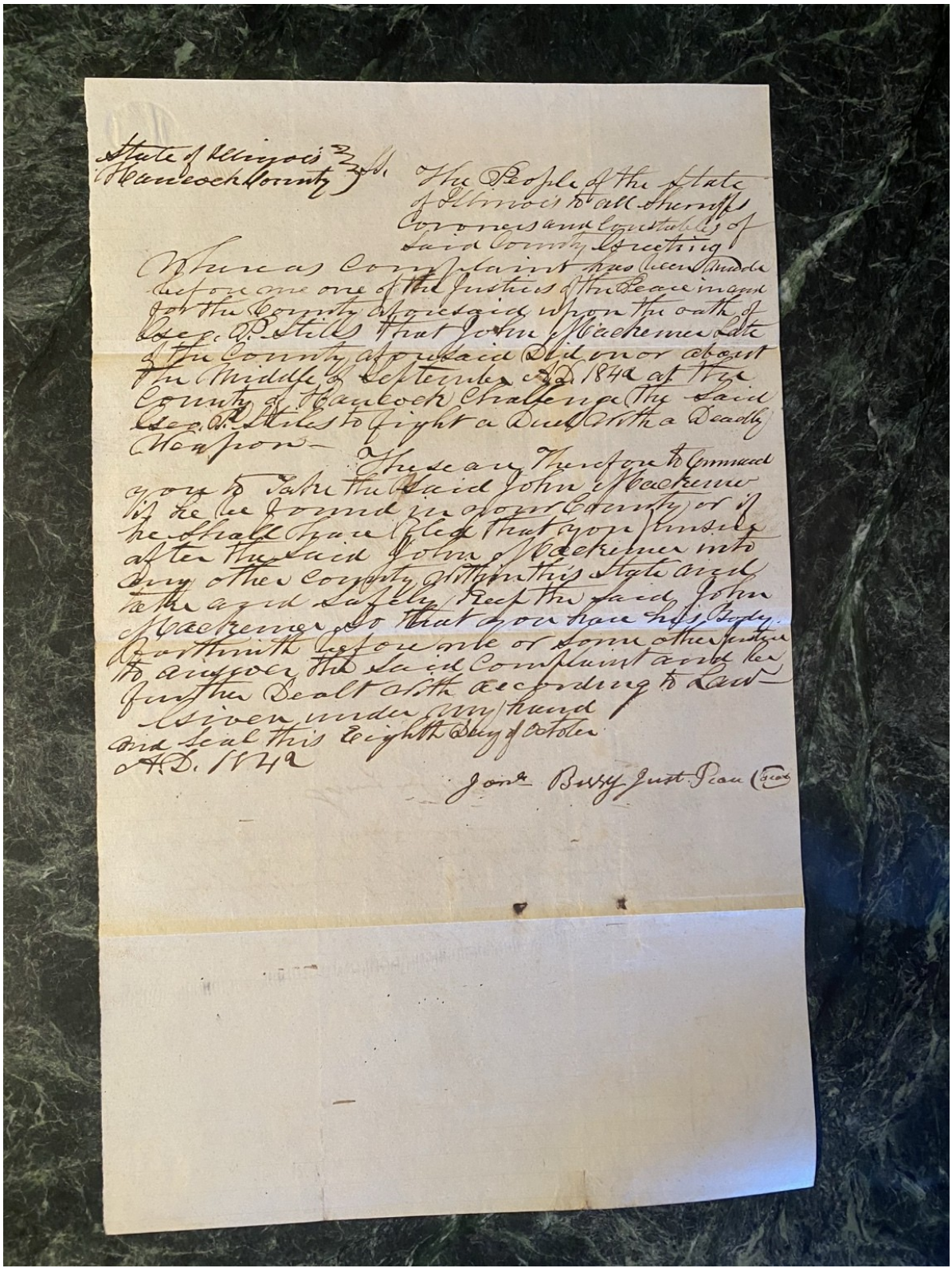
Sworn to and subscribed before me this 8th day of
October 1842.

Jonr Berry Just. Peace

IMG_3686 • George P. Stiles's affidavit, sworn 8 October 1842 before Jonathan Berry.

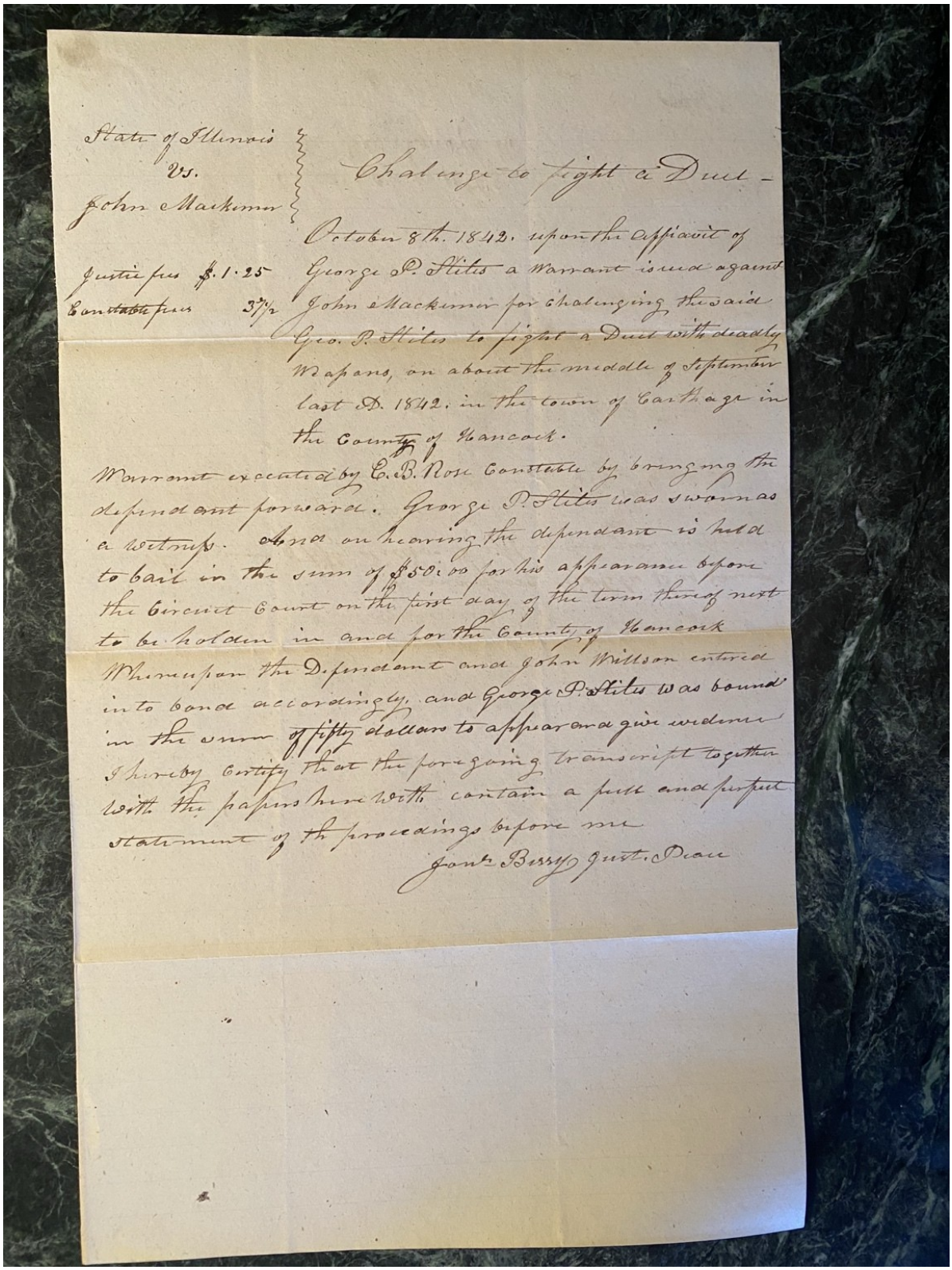
The complaint alleges a challenge "on or about the middle of September Last A. D. 1842." Jonathan Berry's full name was inserted above a canceled name that may read Samuel Marshall. The cancellation does not establish that Marshall acted in this proceeding. The affidavit identifies no particular kind of weapon. [M1]

The warrant for Mackemer



IMG_3678 • Warrant dated 8 October 1842, signed by Jonathan Berry, justice of the peace.

The preliminary proceeding



State of Illinois
Vs.
John Mackmur

Challenge to fight a Duel –

Justice fees $1.25
Constable fees 37½

October 8th. 1842. upon the affidavit of George P. Stiles a Warrant is issued against John Mackmur for challenging the said Geo. P. Stiles to fight a Duel with deadly Weapons, on about the middle of September last A. 1842. in the town of Carthage in the County of Hancock.

Warrant executed by C. B. Rose Constable by bringing the defendant forward. George P. Stiles was sworn as a witness. And on hearing the defendant is held to bail in the sum of $500.00 for his appearance before the Circuit Court on the first day of the term thereof next to be holden in and for the County of Hancock

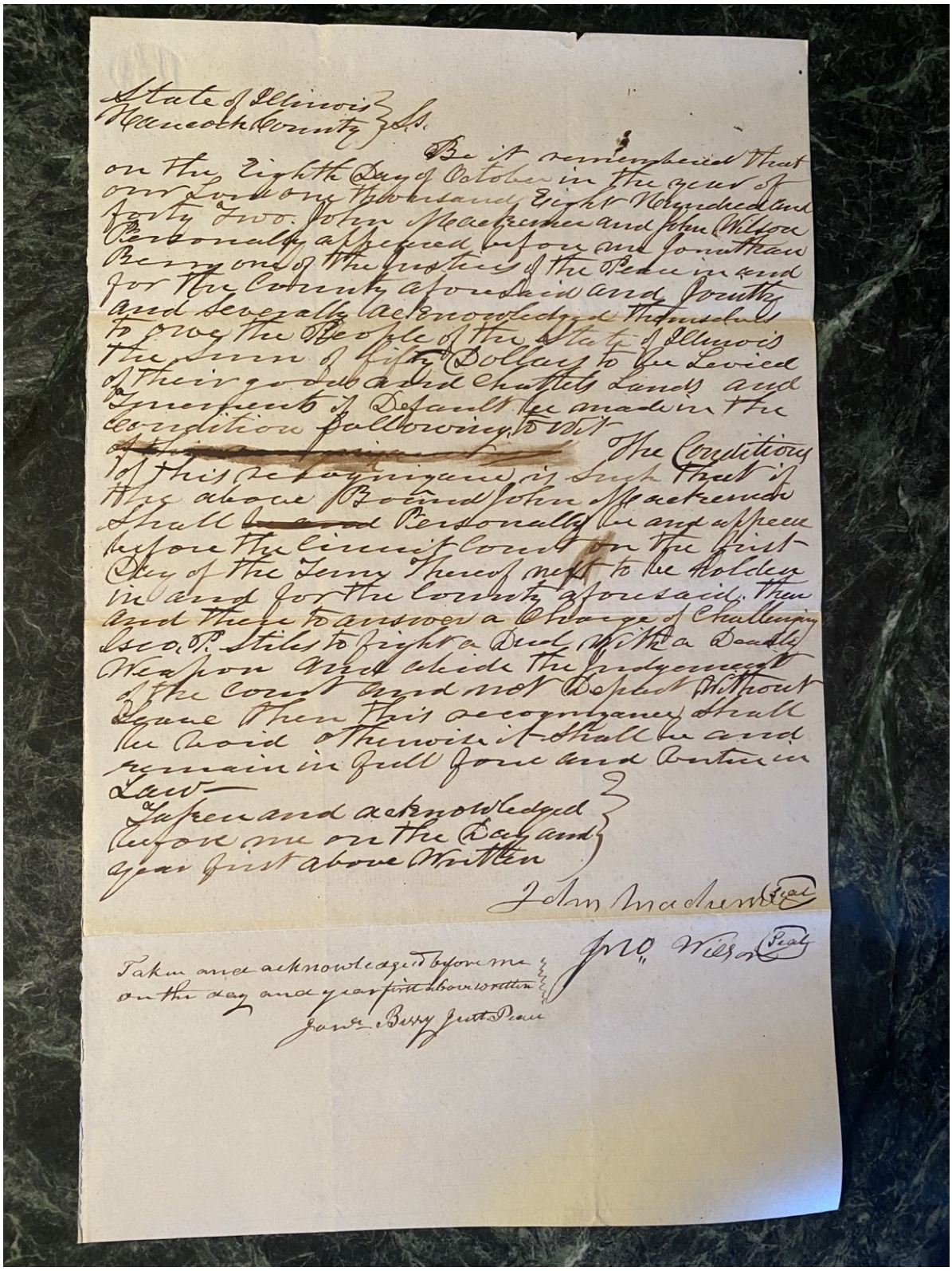
Whereupon the Defendant and John Willson entered into bond accordingly, and George P. Stiles was bound in the sum of fifty dollars to appear and give evidence

I hereby Certify that the foregoing transcript together with the papers herewith contain a full and perfect statement of the proceedings before me

Jonth Berry Justice Peace

IMG_3680 • Berry’s transcript records the defendant’s appearance, Stiles’s testimony, and the two fifty-dollar recognizances.

Mackemer and Wilson promise appearance



State of Illinois }
Hancock County } ss.

Be it remembered that on the Eighth Day of October in the year of our Lord one thousand Eight Hundred and forty two. John Mackemer and John Wilson Personally appeared before me Jonathan Berry one of the Justices of the Peace in and for the County aforesaid and Jointly and severally acknowledged themselves to owe the People of the State of Illinois the sum of fifty Dollars to be Levied of their goods and Chattels Lands and Tenements if Default be made in the condition following to wit

The Condition of this recognizance is such that if the above Bound John Mackemer shall personally be and appear before the Circuit Court on the first Day of the Term thereof next to be holden in and for the County aforesaid then and there to answer a Charge of Challenging Jesse P. Stiles to fight a Duel with a Deadly Weapon and abide the judgement of the Court and not depart without Leave then this recognizance shall be void otherwise it shall be and remain in full force and virtue in Law

Taken and acknowledged before me on the Day and year first above Written

John Mackemer Seal

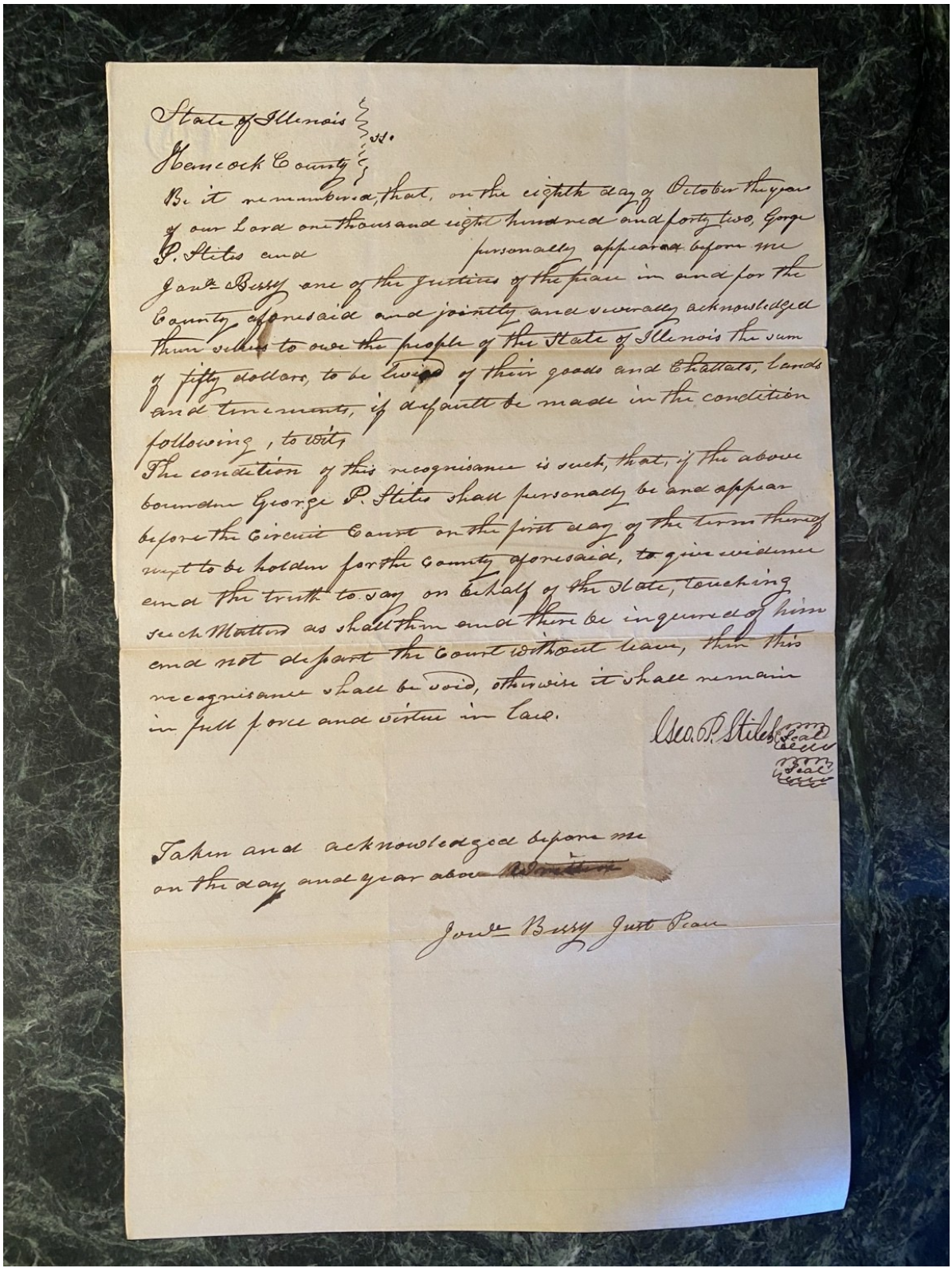
Jno. Wilson Seal

Taken and acknowledged before me on the day and year first above written

Jonathan Berry Justice Peace

IMG_3684 • Defendant John Mackemer and surety John Wilson sign the recognizance. The amount is fifty dollars.

Stiles promises to testify



State of Illinois }
Hancock County } ss.

Be it remembered, that, on the eighth day of October the year of our Lord one thousand eight hundred and forty two, Geo. P. Stiles and personally appeared before me Jas. Busby one of the Justices of the Peace in and for the County aforesaid and jointly and severally acknowledged themselves to owe the people of the State of Illinois the sum of fifty dollars, to be levied of their goods and chattels, lands and tenements, if default be made in the condition following, to wit

The condition of this recognisance is such, that, if the above bounden George P. Stiles shall personally be and appear before the Circuit Court on the first day of the term thereof next to be holden for the County aforesaid, to give evidence and the truth to say on behalf of the State, touching such Matters as shall then and there be inquired of him and not depart the Court without leave, then this recognisance shall be void, otherwise it shall remain in full force and virtue in Law.

Geo. P. Stiles Seal

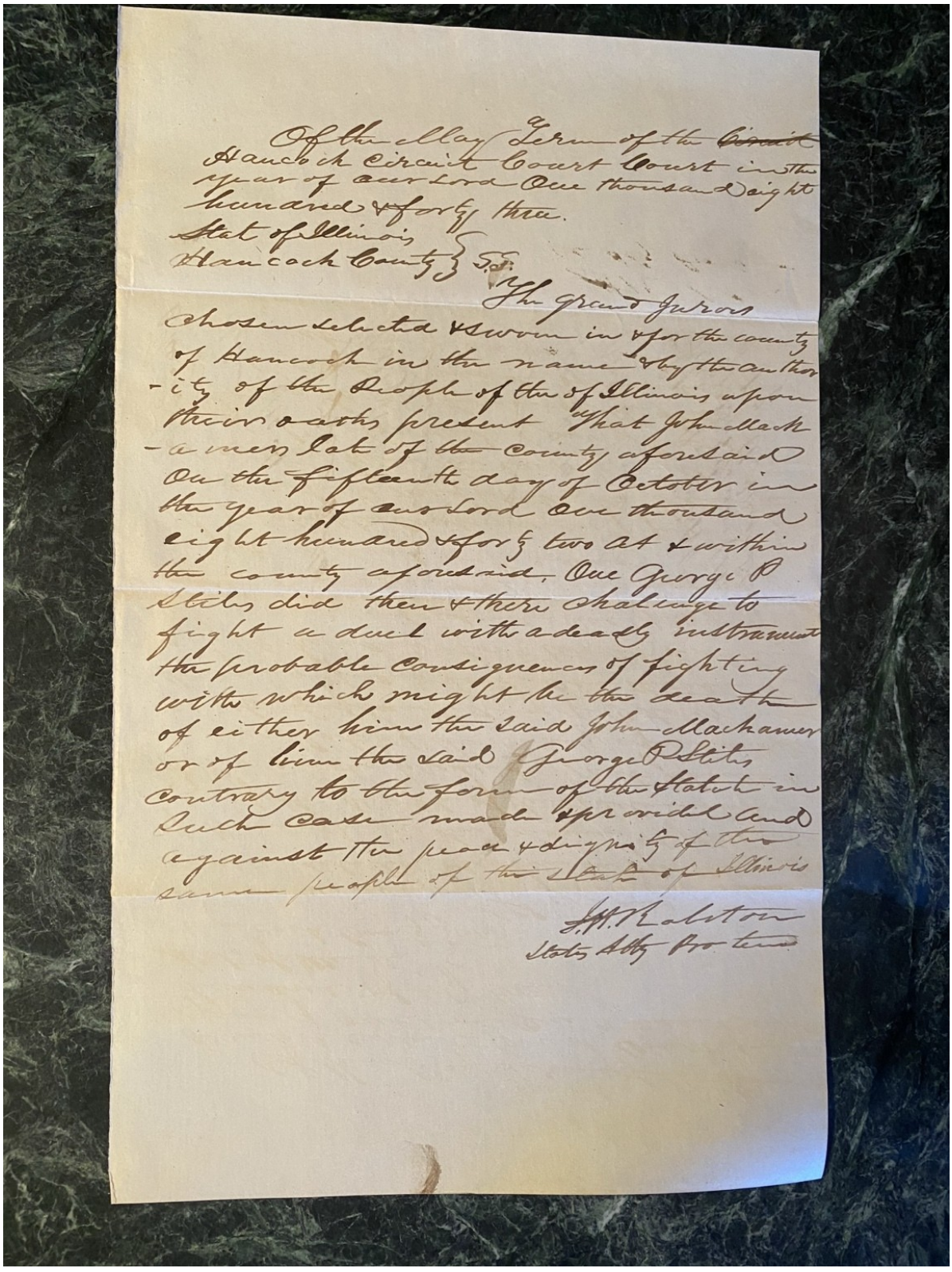
Seal

Taken and acknowledged before me on the day and year above [redacted]

Jas. Busby Just Peace

IMG_3676 • Stiles's separate witness recognizance, also for fifty dollars, requires appearance and testimony for the state.

Ralston presents the indictment



Of the May Term of the ~~Circuit~~ Hancock circuit Court Court in the year of our Lord One thousand Eight hundred & forty three.

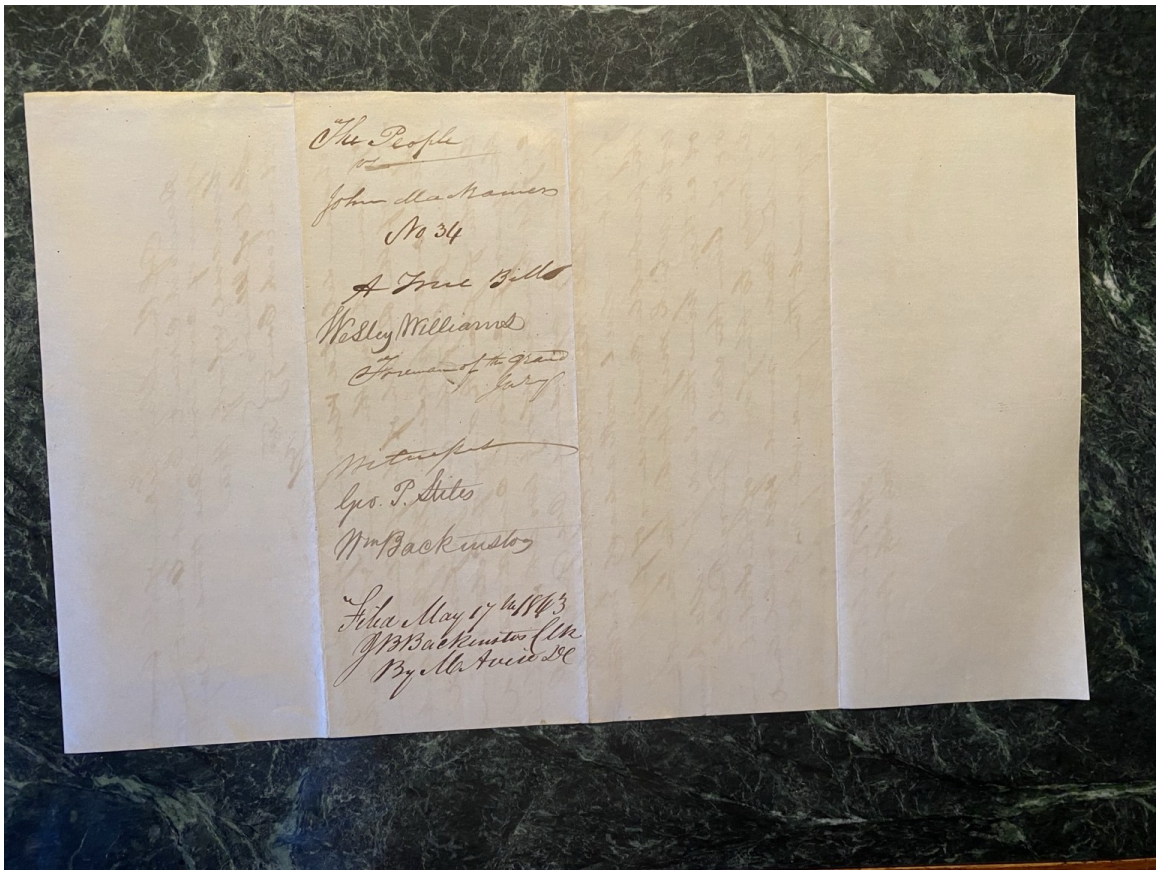
State of Illinois }
Hancock County } S.S.

The grand Jurors chosen selected & sworn in & for the county of Hancock in the name & by the authority of the People of the State of Illinois upon their oaths present that John Mackamer late of the county aforesaid On the fifteenth day of October in the year of our Lord One thousand eight hundred & forty two at & within the county aforesaid, One George P Stiles did then & there challenge to fight a duel with a deadly instrument the probable consequences of fighting with which might be the death of either him the said John Mackamer or of him the said George P Stiles contrary to the form of the Statute in such case made & provided and against the peace & dignity of the same people of the State of Illinois

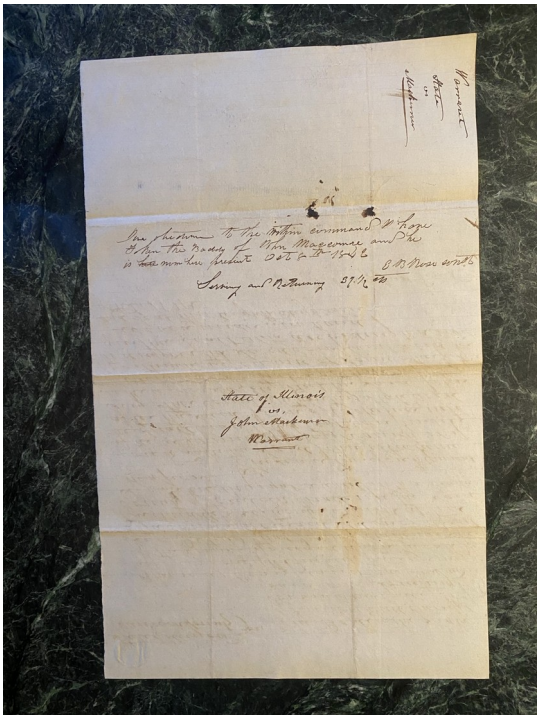
J. H. Ralston
State's Atty Pro tem

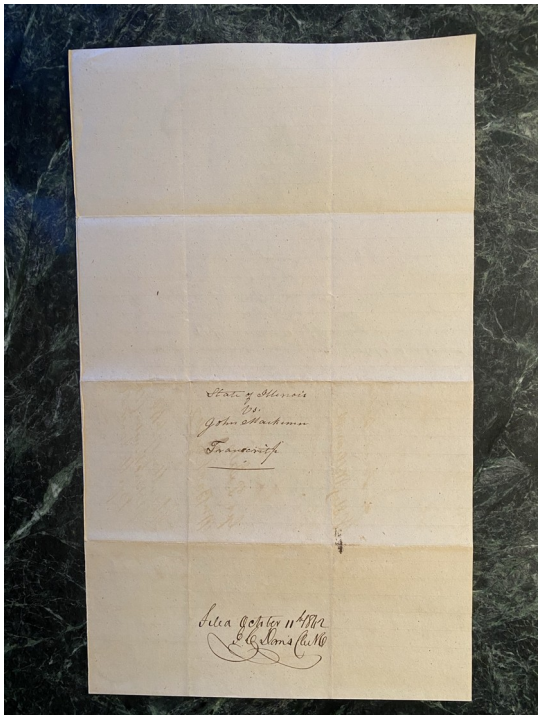
IMG_3682 • May term 1843 indictment signed by J. H. Ralston as state's attorney pro tem. The charge date reads 15 October 1842.

The return and the court filings



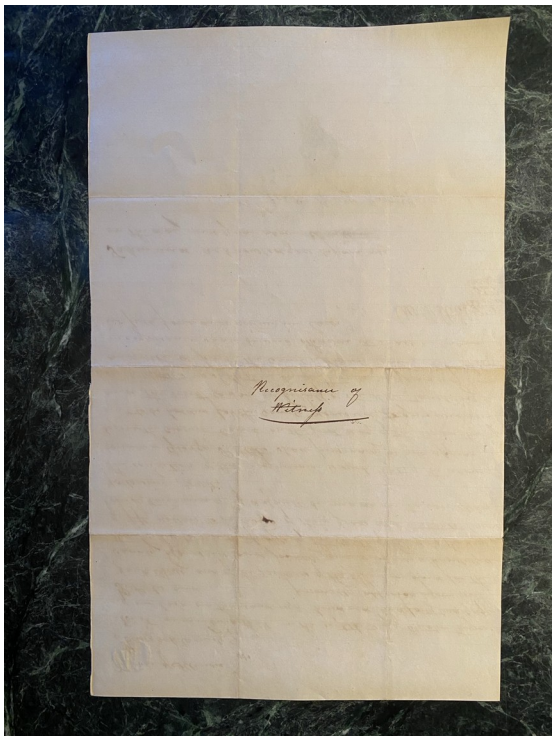
IMG_3683 • No 34; “A True Bill,” Wesley Williams; witnesses Stiles and William Backenstos; filed 17 May 1843 for clerk J. B. Backenstos by M. Avise, deputy.

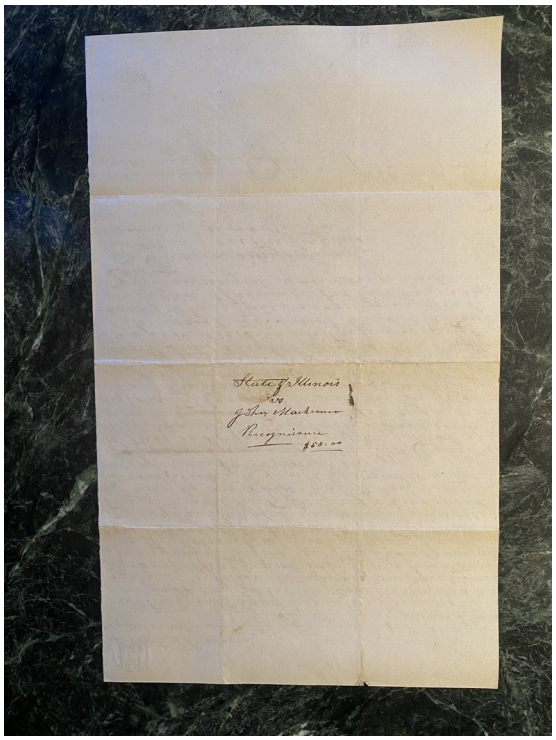




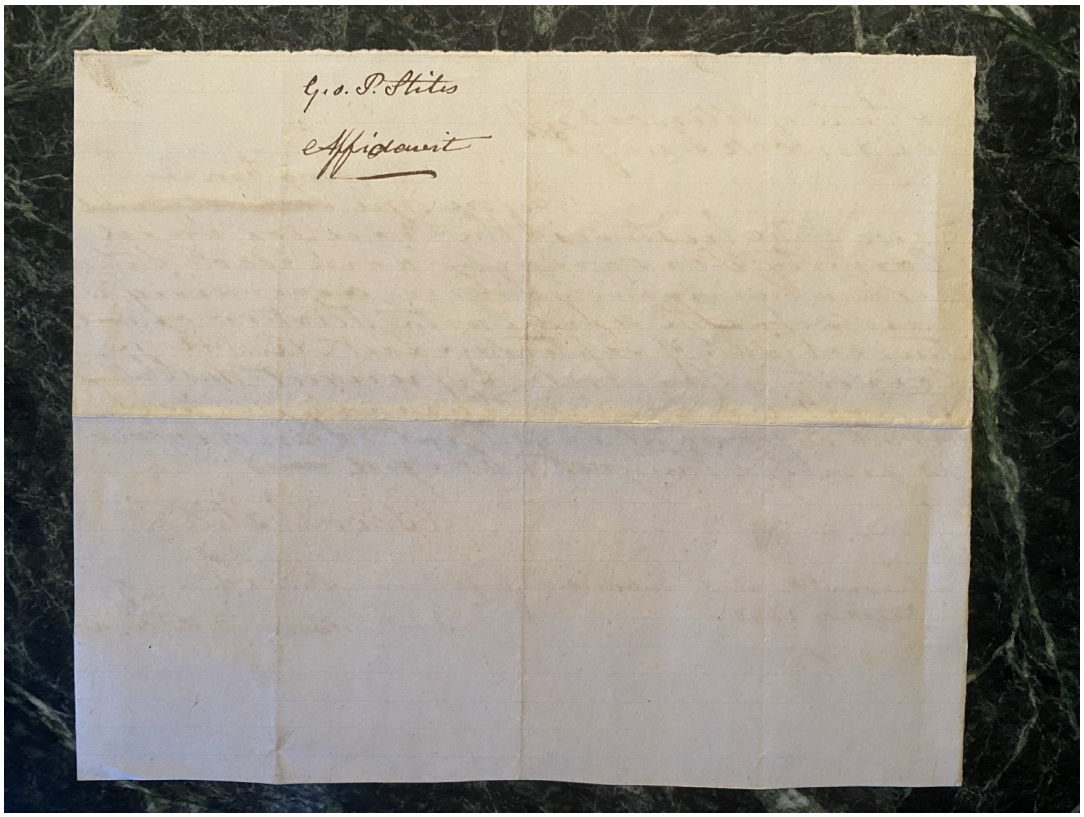
Left, IMG_3679: Rose’s return dated 8 October 1842. Right, IMG_3681: justice’s transcript filed 11 October 1842 by J. C. Davis, clerk.

The remaining reverse endorsements





Left, IMG_3677: “Recognisance of Witness.” Right, IMG_3685: Mackemer recognizance endorsed $50.00.



IMG_3687 • “Geo. P. Stiles Affidavit.” This label is an endorsement identifying the paper, not an additional autograph by Stiles.

Reading the complaint and warrant

Editorial method. The following reading edition reflows manuscript lines and uses approximate capitalization and punctuation. Names, dates, amounts, and legally significant wording are retained; square brackets mark editorial descriptions or uncertain readings. Mackemer is the normalized surname used in prose. Some individual hands suggest Mackamer, Mackimer, or a contracted Mackmer. The photographs preserve these variants. [M1]

The complaint affidavit

IMG_3686 • 8 October 1842

State of Illinois / Hancock County } ss.

Before me [Samuel Marshall?—crossed out; Jonathan Berry inserted above] one of the Justices of the Peace for said County Personally came Geo. P. Stiles Who, being duly sworn according to Law deposeth and saith that on or about the middle of September Last A. D. 1842 in County of Hancock deponent Was Challenged to fight a Duel With a Deadly Weapon and deponent Says that John Mackemer is guilty of the fact Charged—

Geo. P. Stiles [signature]

Sworn to, and subscribed before me this 8th day of October 1842. Jona. Berry Just. Peace [signature]

The arrest warrant

IMG_3678 • 8 October 1842

State of Illinois / Hancock County } ss.

The People of the State of Illinois to all Sherriffs Coroners and Constables of said County Greeting

Whereas Complaint has been made before me one of the Justices of the Peace in and for the County aforesaid upon the oath of Geo. P. Stiles that John Mackemer late of the County aforesaid Did on or about the middle of September AD 1842 at the County of Hancock Challenge the said Geo. P. Stiles to fight a Duel With a Deadly Weapon

These are Therefore to Command you to take the Said John Mackemer if he be found in your County or if he Shall have fled that you pursue after the Said John Mackemer into any other County within this State and take and Safely keep the said John Mackemer so that you have his body forthwith before me or some other Justice to answer the Said Complaint and be further Dealt with according to Law

Given under my hand and Seal this Eighth Day of October AD 1842. Jona. Berry Just. Peace [signature and seal]

Reading the return and preliminary hearing

The constable returns the warrant

IMG_3679 • 8 October 1842

In [obedience?] to the within command I have Taken the Body of John [Mackemer?] and he is [word crossed out] now here present Oct 8th 1842

E B Rose const. [signature]

Serving and Returning 37½ cts

The central reverse docket reads “State of Illinois / vs / John [Mackemer?] / Warrant.” A separate edge docket repeats “Warrant / State / vs / [Mackemer?].” The opening word of the return is uncertain. The return establishes the reported arrest and presence of the defendant, without supplying the place or circumstances of his arrest.

The justice certifies the proceeding

IMG_3680 • 8 October 1842

State of Illinois Vs. John [Mackemer?] / Chalenge to fight a Duel—

[Margin:] Justice fees $1.25 / Constable fees 37½

October 8th. 1842. upon the Affidavit of George P. Stiles a Warrant issued against John Mackemer for chalenging the said Geo. P. Stiles to fight a Duel with deadly Weapons, on about the middle of September last [A.D.?] 1842. in the town of Carthage in the County of Hancock.

Warrant executed by E. B. Rose Constable by bringing the defendant forward. George P. Stiles was sworn as a witness. And on hearing the defendant is held to bail in the sum of $50:00 for his appearance before the Circuit Court on the first day of the term thereof next to be holden in and for the County of Hancock

Whereupon the Defendant and John Wilson entered into bond accordingly, and George P. Stiles was bound in the sum of fifty dollars to appear and give evidence

I hereby certify that the foregoing transcript together with the papers herewith contain a full and perfect statement of the proceedings before me

Jona. Berry Just. Peace [signature]

The transcript reaches the clerk

IMG_3681 • Reverse docket: “State of Illinois / Vs. / John [Mackemer?] / Transcript.” Filing endorsement: “Filed October 11th 1842 / J. C. Davis Clerk.” The first initial is ornate; the reading J. C. Davis is supported by Davis’s documented clerkship in 1841–1843. [M1, S5]

Reading the defendant recognizance

IMG_3684 • 8 October 1842

State of Illinois / Hancock County } ss.

Be it remembered that on the Eighth Day of October in the year of our Lord one Thousand Eight Hundred and forty Two. John Mackemer and John Wilson Personally appeared before me Jonathan Berry one of the Justices of the Peace in and for the County aforesaid and jointly and severally acknowledged themselves to owe the People of the State of Illinois the sum of fifty Dollars to be Levied of their goods and chattels Lands and Tenements if Default be made in the Condition following to wit

[A line of writing heavily crossed out; not reliably recoverable.]

The Conditions of this recognizance is such that if the above Bound John Mackemer Shall [illegible words—crossed out] Personally be and appear before the circuit court on the first Day of the Term thereof next to be holden in and for the county aforesaid. Then and there to answer a Charge of Challenging Geo. P. Stiles to fight a Duel With a Deadly Weapon and abide the Judgement of the Court and not Depart Without Leave Then this recognizance Shall be Void otherwise it shall be and remain in full force and virtue in Law—

Taken and acknowledged before me on the Day and year first above Written

John Mackemer [signature and seal]

Jno. Wilson [signature and seal]

Taken and acknowledged before me on the day and year first above written

Jona. Berry Just. Peace [signature]

The reverse endorsement

IMG_3685: “State of Illinois / vs / John Mackemer / Recognizance / $50.00.” No separate filing date or officer’s signature appears on this reverse.

What the obligation means

The recognizance is a conditional obligation to secure Mackemer’s appearance and compliance with the court. The text does not show fifty dollars being paid into court, and the amount is not a criminal fine. Wilson’s involvement establishes that he stood surety; it does not tell us whether he was a relative, employer, friend, or merely a person willing to guarantee appearance. [M1]

Reading the witness recognizance

IMG_3676 • 8 October 1842

State of Illinois / Hancock County } ss.

Be it remembered, that, on the eighth day of October the year of our Lord one thousand eight hundred and forty two, George P. Stiles and [blank] personally appeared before me Jona. Berry one of the justices of the peace in and for the County aforesaid and jointly and severally acknowledged themselves to owe the people of the State of Illinois the sum of fifty dollars, to be levied of their goods and Chattels, lands and tenements, if default be made in the condition following, to wit

The condition of this recognisance is such, that, if the above bounden George P. Stiles shall personally be and appear before the Circuit Court on the first day of the term thereof next to be holden for the County aforesaid, to give evidence and the truth to say on behalf of the State, touching such Matters as shall then and there be inquired of him and not depart the Court without leave, then this recognisance shall be void, otherwise it shall remain in full force and virtue in law.

Geo. P. Stiles [signature and seal]

Taken and acknowledged before me on the day and year above [written?—partly obscured].

Jona. Berry Just. Peace [signature]

The reverse endorsement

IMG_3677: “Recognisance of Witness.” The rest of the visible writing is largely bleed-through from the front.

A witness also had an obligation

Stiles’s fifty-dollar obligation is separate from the defendant’s bond. Its stated purpose is to secure his appearance, truthful testimony for the state, and continued attendance until the court allows departure. The retained plural formula and blank following “and” do not identify a second witness or surety. [M1]

The other wrapper labels

IMG_3687: “Geo. P. Stiles / Affidavit.” IMG_3675: “People / vs / John [Mackimer?].” The outer wrapper also has a red 19 and a canceled red 52. Those marks should be recorded as visible marks rather than treated as a settled case number. The indictment’s reverse specifically bears No 34. [M1]

Reading the indictment and true bill

IMG_3682 • May term 1843

At the May Term of the [Circuit—crossed out] Hancock Circuit Court Court in the year of our Lord One thousand eight hundred & forty three.

State of Illinois / Hancock County } ss.

The grand Jurors chosen elected & sworn in & for the county of Hancock in the name & by the authority of the People of the St of Illinois upon their oaths present That John Mackamer late of the County aforesaid On the fifteenth day of October in the year of our Lord One thousand eight hundred & forty two At & within the county aforesaid, One George P Stiles did then & there challenge to fight a duel with a deadly instrument the probable consequences of fighting with which might be the death of either him the said John Mackamer or of him the said George P Stiles Contrary to the form of the Statute in Such case made & provided and against the peace & dignity of the good people of the State of Illinois

J. H. Ralston [signature] States Atty pro tem

The repeated “Court” in the heading and the canceled word are retained in this reading. The surname in Ralston’s hand appears as Mackamer. The date reads “fifteenth day of October”; it has not been normalized to September.

The indictment is endorsed and filed

IMG_3683 • Reverse

The People / vs / John Mackamer / No 34

A True Bill Wesley Williams [signature] Foreman of the grand Jury

Witnesses Geo. P. Stiles Wm Backenstos

Filed May 17th 1843 J B Backenstos Clk By M Avise DC [deputy’s signature]

“A True Bill” records the grand jury’s approval of an accusation for prosecution. It is not a trial verdict. The witness list supplies Stiles and William Backenstos, but neither the questions asked nor the substance of any grand-jury testimony survives in these photographs. Jacob Backenstos is named as clerk; the filing is executed by deputy Matthias Avise. [M1, S8–S10]

The case of the alleged challenge

A challenge put into writing

George P. Stiles did not describe the quarrel in the affidavit. He gave Justice Jonathan Berry its alleged result: John Mackemer had challenged him to fight a duel with a deadly weapon. The statement was short enough to leave a reader wanting the conversation that came before it. What had one man said or done to the other? Why had their disagreement reached a point at which Stiles was willing to swear out a criminal complaint? [M1]

The accusation looked back to about the middle of September 1842. Berry's transcript located the challenge in Carthage. The account we have is the one Stiles put under oath on October 8, after the alleged encounter. [M1]

A threatened duel could come before the law even if the men never met to fight. The 1833 Illinois criminal code made a challenge to a potentially deadly duel an offense of its own. A conviction could bring a fine of up to one hundred dollars and disqualification from state civil or military office. The law also allowed the indictment to describe a deadly instrument without identifying the particular weapon. The language in this case therefore cannot tell us that pistols or swords had been chosen. [S11]

Stiles was asking the county to act on an accusation of a prohibited challenge. He signed his name, and Berry certified the oath. [M1]

The warrant and the man who answered it

Berry issued a warrant the same day. It commanded the county's officers to take John Mackemer and bring him before a justice to answer the complaint. The form even authorized pursuit into another Illinois county if he had fled. Nothing in the return says that such a pursuit occurred. [M1]

Constable E. B. Rose carried out the warrant. His brief return reported that he had taken Mackemer and that the defendant was present on October 8. The constable's signature closes the gap between an order on paper and a man brought before the justice. [M1]

An E. B. Rose, probably the same officer, later reported armed men threatening him at his Carthage home in 1845; his account appears in the fuller portraits that follow the case. [S16]

Mackemer now had to answer an accusation whose surviving written form gives him little voice. The packet preserves his name and signature, but no statement setting out his side of the quarrel. We cannot hear whether he denied the challenge, explained it, or said anything about the grievance behind it. [M1]

Two promises worth fifty dollars

At the preliminary hearing, Berry swore Stiles as a witness and heard his evidence. He then required Mackemer to appear before the circuit court to answer the charge. John Wilson joined the accused man in signing a fifty-dollar recognizance. The conditions required Mackemer to appear, abide the court's judgment, and remain until he had leave to depart. [M1]

Wilson's part was small enough to disappear in a summary of the case. His signature restores it. He agreed to stand surety for Mackemer, making himself financially answerable under the obligation. We do not know whether he acted as a friend, relative, employer, or in some other capacity. The relationship remains to be discovered, but the act is there on the page. [M1]

Stiles also had to make a promise. His separate fifty-dollar recognizance required him to appear for the state, give truthful evidence, and remain in attendance until excused. The lawyer who had initiated the

complaint could not simply leave its prosecution to other people. His testimony was part of the obligation he had undertaken. [M1]

These were conditional obligations, not fifty-dollar fines and not proof that money had already changed hands. The defendant's promise concerned answering the charge; the witness's promise concerned giving evidence. Each helped carry the case beyond Berry's hearing toward the circuit court. [M1]

On October 11, clerk Jacob Cunningham Davis filed Berry's transcript. It was an ordinary official act, but the name is one an LDS reader may recognize from a much darker proceeding. Davis later commanded a Warsaw militia rifle company and was indicted and acquitted in the prosecution arising from Joseph and Hyrum's murders. His later history should stay attached to its later dates. This 1842 filing itself tells us nothing about hostility toward Stiles. [M1, S5]

A marriage while the accusation waited

The next major paper in the packet belongs to May 1843. A later list of court terms gives October 3, 1842 and May 15, 1843 as opening dates. Since Berry's hearing occurred after the October term had opened, the bonds' requirement to appear at the next term fits the following May. The interval need not mean that the case had been neglected. [M1, S21]

During those months, Stiles's life gives the story a personal complication. He had married Julian Mackemer in Hancock County on 7 November 1841. The defendant's surname is the same as hers. The alleged September 1842 challenge thus falls after that marriage and before Stiles's marriage to Sophia J. Schofield on 4 February 1843. [S1, S3; M1]

That sequence makes the first marriage a promising question to pursue. It does not establish that Julian was John Mackemer's daughter or other relative, explain how her marriage ended, or show that the challenge concerned either woman. The case papers never name a woman or state the provocation. The family question remains part of the mystery, rather than its answer.

Joseph Smith performed the February marriage to Sophia. His signature survives on the certificate reproduced with the portraits later in this edition. In the same period, Stiles was doing legal work for him: a complaint Stiles wrote on 30 November 1842 carries Joseph's signature. These are brief glimpses of the complainant's life while his own accusation was awaiting the grand jury. [S3, S23]

Sophia adds another small thread. Her poem Love and Virtue appeared in the Nauvoo Neighbor on 17 May 1843, the date the indictment was filed. She wrote of affection enduring illness, adversity, and fading beauty. The poem does not mention the case. It lets us meet a woman writing for Nauvoo readers while her husband's name was before the county's courts. [NP2; M1]

The accusation reaches the grand jury

In May the accusation reached the grand jury. The resulting indictment charged Mackemer with challenging Stiles to a duel using a deadly instrument, with the death of either man as a possible consequence. The prosecutor who signed it was James Harvey Ralston, acting as state's attorney pro tem. A Quincy lawyer, former judge, and Illinois senator, he was acting temporarily for the state in this prosecution. [M1, S2]

Ralston was already familiar to the Saints as someone who had helped them. The First Presidency acknowledged him among their benefactors in January 1841. His work included assistance with Joseph Smith's legal troubles; in 1842, Ralston, Warren & Wheat represented Joseph, Hyrum, and other Nauvoo residents in bankruptcy proceedings. The signature at the bottom of the indictment belongs to a man whose dealings with Nauvoo had begun before this quarrel reached him. [S25–S27]

The reverse bears "A True Bill" and the signature of grand-jury foreman Wesley Williams. His earlier dealings with Joseph had included recording Nauvoo's plat in 1839. By 1842 he was a candidate for

state representative on an anti-Mormon ticket. In the present paper, his endorsement records the jury's approval of the accusation. [M1, S7, S28]

Two names appear under Witnesses: George P. Stiles and William Backenstos. Stiles is expected. William's presence raises a new question, because the paper does not say what he knew. Had he heard the challenge, witnessed some part of the dispute, or supplied other information? The list preserves his name without his evidence. [M1]

William was the sheriff elected in 1842. Later in 1843, Joseph performed his marriage to Clara Wasson, Emma Smith's niece. This is a personal connection beside his official role, and a reason an LDS reader might follow him beyond the witness list. It does not establish his Church membership or answer what brought him into this prosecution. [S8, S32, S33]

William's brother Jacob was the circuit clerk named in the May filing. Jacob had supplied an affidavit in support of Joseph's extradition defense that January, and Joseph stayed at his Carthage home in April. He never joined the Church, but Joseph and Hyrum valued his assistance. The brothers' parts in this case were different: William was listed as a witness; Jacob was the clerk represented by the filing. [S9, S31; M1]

Deputy Matthias Avise completed that filing on May 17. His signature, "M. Avise DC," appears for Jacob Backenstos. The chain of papers had now run from Stiles's oath before Berry to the circuit clerk's office, gathering each of these men into the record along the way. [M1]

What became of the alleged challenge

The indictment contains a date that does not fit the earlier papers. It alleges a challenge on 15 October 1842. Berry's proceedings had already taken place on October 8, and those papers had placed the challenge about the middle of September. A copying or pleading error is possible, but the file does not explain the discrepancy. There is no basis for inventing a second confrontation to make the dates agree. [M1]

Nor does the true bill supply the ending a reader might expect. It means the grand jury approved an accusation for prosecution. It is not a verdict of guilty. The packet contains no plea, trial verdict, dismissal, sentence, or other final disposition. [M1]

We can therefore follow the accusation farther than the alleged duel. Stiles swore to a challenge. Berry had Mackemer brought before him and bound both defendant and witness to attend court. A grand jury later approved the charge. These are documented steps. Whether the men actually fought, and what provoked the alleged challenge, remain unanswered. [M1]

One lead worth pursuing is the Mackemer surname in Stiles's first marriage, but it still needs records that join the people. A later Iowa family history describes a John Mackemer living in Carthage during these years and a daughter named Julia A. That family is examined in the portraits that follow. Its identification with the defendant remains provisional. William Backenstos's missing testimony and any further circuit-court entries may prove equally important. [S1, S12; M1]

The case closes for us with a formal accusation and no surviving resolution. It brought John Wilson into the case as Mackemer's surety and drew in officers with their own ties to Nauvoo. Stiles's work for Joseph Smith gives the complainant a familiar place in the Saints' history. Mackemer remains harder to know. The missing words between the two men are still the words that would tell us most.

The people beyond the case

George Philander Stiles

George Philander Stiles had been born in New York in 1816. By the early 1840s his name was appearing in the records of Nauvoo's civic life. A Nauvoo Legion election record of 6 March 1841 names him as an election clerk. The document gives him a small but definite place in the organization around which so much of the city's public life developed. [S1, S19]

April 1842 brought a closer association. The Nauvoo Masonic Lodge minutes for 13 April 1842 record his initiation along with Chauncey Robison and Jacob B. Backenstos. Joseph and Hyrum Smith were present. Backenstos would later be the circuit clerk named on the filing of Mackemer's indictment. Months before those names appeared together in the prosecution, they had already appeared in the same lodge record. [S4]

Such connections help us see how a lawyer could move through Nauvoo's community before becoming a Church member. Stiles's recorded baptism came in August 1844. In the autumn of 1842, his place among the Saints was being made through work and association. His later membership should not erase those earlier stages of his life. [S1]

On 30 November 1842, less than two months after his complaint against Mackemer, Stiles wrote a complaint concerning language Amos Davis had allegedly used about Joseph Smith. Joseph signed it. The handwriting and signature survive together. They bring the relationship into focus: Stiles supplied the legal wording, and Joseph put his name to it. [S23]

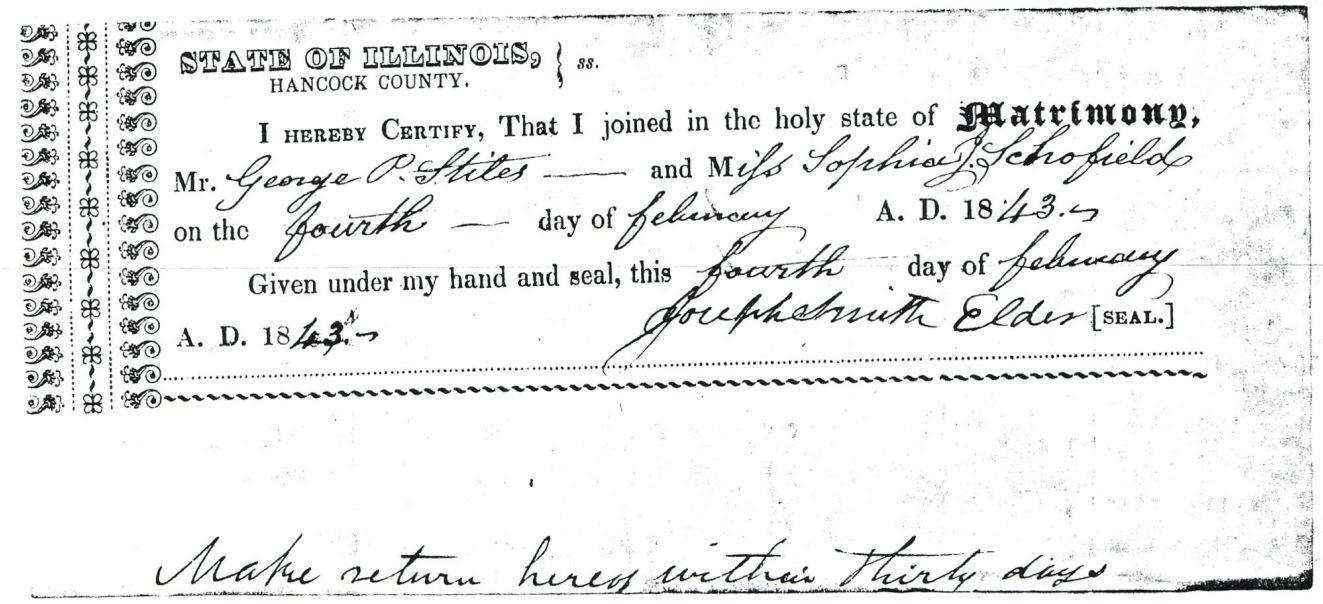
The connection continued into the same court term that produced Mackemer's indictment. A motion in Stiles's handwriting challenged the way Amos Davis had appealed a Nauvoo judgment to the county circuit court. Its reverse was marked filed on 16 May 1843. The next day, the Mackemer indictment entered the files. Stiles's own accusation and Nauvoo's legal business were moving through the county system at almost the same moment. [S24; M1]

Julian Mackemer and Sophia Schofield

Stiles's first recorded Hancock County marriage took place on 7 November 1841. His bride was Julian Mackemer. Less than a year later, according to his October affidavit, John Mackemer challenged him to a duel. It is difficult to pass over that surname. A connection between the two Mackemers could change our understanding of the dispute. [S1; M1]

It would also be easy to tell more than the records permit. Julian has not been securely identified as the defendant's daughter or other relative. The end of her marriage to Stiles remains unresolved. No document examined for this case establishes that either marriage caused the quarrel. Julian belongs in the story because she was part of Stiles's life, and because her identity may help explain it. She should not be assigned a betrayal, bereavement, or family scandal that the record has not supplied.

On 4 February 1843, while the case was awaiting its next stage, Joseph Smith performed Stiles's marriage to Sophia J. Schofield. The surviving certificate records the ceremony and carries Joseph's signature. The marriage notice in the Wasp described Sophia as recently from New York. A reader looking only at the indictment would never meet her; the certificate opens a door into the lawyer's household. [S3, NP1]



STATE OF ILLINOIS, } ss.
HANCOCK COUNTY.

I HEREBY CERTIFY, That I joined in the holy state of Matrimony, Mr. George P. Stiles — and Miss Sophia J. Schofield on the fourth — day of February A. D. 1843.

Given under my hand and seal, this fourth day of February A. D. 1843.

Joseph Smith Elder [SEAL.]

Make return hereof within thirty days.

The surviving certificate of the 4 February 1843 marriage of George P. Stiles and Sophia J. Schofield. Joseph Smith's signature appears beneath the certification. The original license portion is missing. Image courtesy of the Joseph Smith Papers. [S3]

Sophia soon appeared in public under her own name. The Nauvoo Neighbor of 17 May 1843 printed her poem "Love and Virtue." Its author line reads "Mrs. Sophia J. Stiles." She wrote about affection that endured trial, failing fortune, illness, and the fading of beauty. One brief passage gives the warmth of her voice: "'Tis love that makes our pathway sweet, / And soothes and calms our keenest woe." [NP2]

That was the very day the indictment against Mackemer was filed at Carthage. The coincidence places two very different pieces of writing beside one another: an accusation involving Sophia's husband, and a poem bearing her married name. The poem does not mention the case. It offers no basis for treating it as a hidden message about Julian or Mackemer. Its value is more personal. Sophia was a woman contributing her words to a Nauvoo newspaper while her husband's name was moving through the county's criminal records. [NP2; M1]

The possible Mackemer household

The court papers give Stiles a voice and Mackemer a charge. Mackemer's recognizance adds his signature, but his response to the accusation is missing. There is no statement of his occupation, age, family, or explanation of what happened. It is an uneven survival of evidence, and it leaves the accused man much harder to know. [M1]

A later family history offers a possible way into his life. The Portrait and Biographical Album of Muscatine County Iowa, published in 1889, describes an elder John Mackemer whose family lived in Carthage from October 1840 until April 1846. Name, place, and dates make him a substantial candidate for the defendant. A contemporary record joining the family man to this prosecution is still needed. The following portrait therefore belongs to that possible identification. [S12]

The elder Mackemer had married Mary Lewis in Lewisburg, Pennsylvania, in August 1814. Mary died in 1836, leaving him a widower before the family's western moves. The account explicitly calls Mary a Lutheran. It remembers her husband as a Jacksonian Democrat, a kind father, and a Christian neighbor. Those are the terms of a family memorial, rather than evidence of LDS membership. [S12]

The family came to the Muscatine area in the spring of 1840 and moved to Carthage that October. They remained there through the growth of Nauvoo and the deaths of Joseph and Hyrum, then

returned to the Iowa side of the river in April 1846, settling at Fairport. The elder John died in 1853. If this is the man in the indictment, the accusation interrupts the life of a father who had already experienced marriage, loss, and migration. He becomes more than the opponent in Stiles’s complaint. [S12]

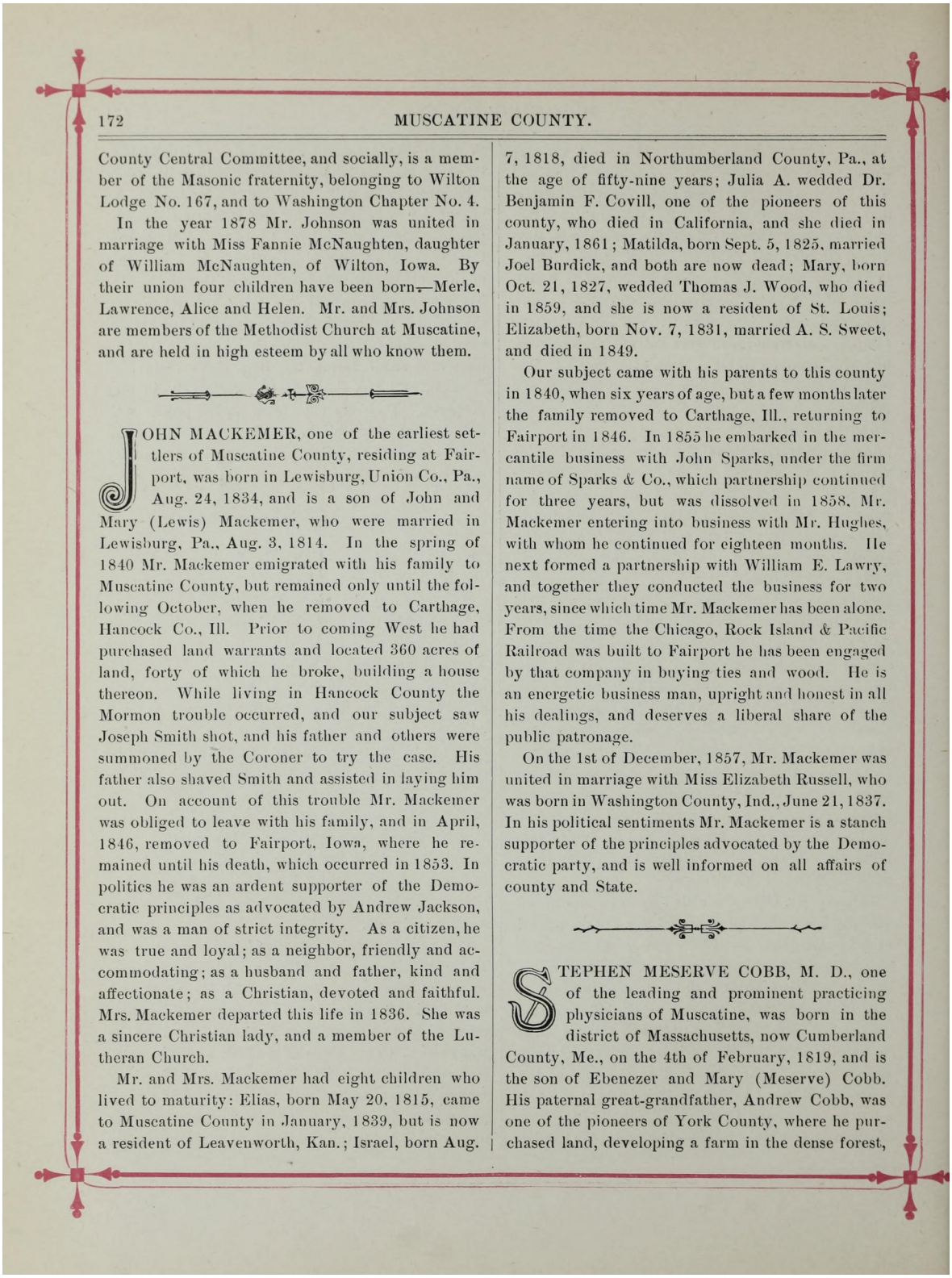
The family account also names a daughter, Julia A., later the wife of Dr. Benjamin F. Covill. This raises the possibility that she was the Julian who married Stiles. A Muscatine marriage transcription supplies a related lead under the names Benjamin Conell and Julia Ann Mockamer in December 1846. The spelling differences and the missing connection to Stiles prevent a secure identification. These records make the family question more specific, but they do not resolve it. [S12, S13]

The most startling passage in the 1889 biography concerns Joseph Smith’s death. It says the younger John Mackemer, born in August 1834, saw Joseph shot. It separately says the father was summoned by the coroner and helped shave and lay out Joseph’s body. The boy would have been nine. Father and son must be kept distinct, and both claims come from an account published forty-five years after the murders. They deserve further examination before either becomes part of the defendant’s established biography. [S12]

There is also a contemporary entry in Joseph’s estate records. On 14 April 1845, a John Mackemer had a five-dollar account allowed against the estate. The account itself is missing, so we do not know what the debt was for. The entry cannot be turned into payment for preparing Joseph’s body, nor does it by itself prove that the claimant was the defendant. It does give the surname another documented point of contact with Joseph’s history. [S14]

This is why identifying Mackemer matters. A firmer family connection might illuminate the alleged challenge and reveal another household living alongside the Saints. For now, his own words remain absent. His signature on the recognizance is the closest this packet brings us to the man answering Stiles’s accusation. [M1]

The retrospective Mackemer family account



County Central Committee, and socially, is a member of the Masonic fraternity, belonging to Wilton Lodge No. 167, and to Washington Chapter No. 4.

In the year 1878 Mr. Johnson was united in marriage with Miss Fannie McNaughten, daughter of William McNaughten, of Wilton, Iowa. By their union four children have been born,—Merle, Lawrence, Alice and Helen. Mr. and Mrs. Johnson are members of the Methodist Church at Muscatine, and are held in high esteem by all who know them.

JOHN MACKEMER, one of the earliest settlers of Muscatine County, residing at Fairport, was born in Lewisburg, Union Co., Pa., Aug. 24, 1834, and is a son of John and Mary (Lewis) Mackemer, who were married in Lewisburg, Pa., Aug. 3, 1814. In the spring of 1840 Mr. Mackemer emigrated with his family to Muscatine County, but remained only until the following October, when he removed to Carthage, Hancock Co., Ill. Prior to coming West he had purchased land warrants and located 360 acres of land, forty of which he broke, building a house thereon. While living in Hancock County the Mormon trouble occurred, and our subject saw Joseph Smith shot, and his father and others were summoned by the Coroner to try the case. His father also shaved Smith and assisted in laying him out. On account of this trouble Mr. Mackemer was obliged to leave with his family, and in April, 1846, removed to Fairport, Iowa, where he remained until his death, which occurred in 1853. In politics he was an ardent supporter of the Democratic principles as advocated by Andrew Jackson, and was a man of strict integrity. As a citizen, he was true and loyal; as a neighbor, friendly and accommodating; as a husband and father, kind and affectionate; as a Christian, devoted and faithful. Mrs. Mackemer departed this life in 1836. She was a sincere Christian lady, and a member of the Lutheran Church.

Mr. and Mrs. Mackemer had eight children who lived to maturity: Elias, born May 20, 1815, came to Muscatine County in January, 1839, but is now a resident of Leavenworth, Kan.; Israel, born Aug. 7, 1818, died in Northumberland County, Pa., at the age of fifty-nine years; Julia A. wedded Dr. Benjamin F. Covill, one of the pioneers of this county, who died in California, and she died in January, 1861; Matilda, born Sept. 5, 1825, married Joel Burdick, and both are now dead; Mary, born Oct. 21, 1827, wedded Thomas J. Wood, who died in 1859, and she is now a resident of St. Louis; Elizabeth, born Nov. 7, 1831, married A. S. Sweet, and died in 1849.

Our subject came with his parents to this county in 1840, when six years of age, but a few months later the family removed to Carthage, Ill., returning to Fairport in 1846. In 1855 he embarked in the mercantile business with John Sparks, under the firm name of Sparks & Co., which partnership continued for three years, but was dissolved in 1858, Mr. Mackemer entering into business with Mr. Hughes, with whom he continued for eighteen months. He next formed a partnership with William E. Lawry, and together they conducted the business for two years, since which time Mr. Mackemer has been alone. From the time the Chicago, Rock Island & Pacific Railroad was built to Fairport he has been engaged by that company in buying ties and wood. He is an energetic business man, upright and honest in all his dealings, and deserves a liberal share of the public patronage.

On the 1st of December, 1857, Mr. Mackemer was united in marriage with Miss Elizabeth Russell, who was born in Washington County, Ind., June 21, 1837. In his political sentiments Mr. Mackemer is a stanch supporter of the principles advocated by the Democratic party, and is well informed on all affairs of county and State.

STEPHEN MESERVE COBB, M. D., one of the leading and prominent practicing physicians of Muscatine, was born in the district of Massachusetts, now Cumberland County, Me., on the 4th of February, 1819, and is the son of Ebenezer and Mary (Meserve) Cobb. His paternal great-grandfather, Andrew Cobb, was one of the pioneers of York County, where he purchased land, developing a farm in the dense forest,

Portrait and Biographical Album of Muscatine County Iowa (Chicago: Acme Publishing Co., 1889), printed page 172. The John Mackemer biography begins in the left column and continues at the top of the right. Read “our subject” as the son born in 1834, and “father” as the elder man. [S12]

Other lives behind the signatures

James Harvey Ralston

James Harvey Ralston's name at the foot of the indictment would have meant something to people in Nauvoo. He was a Quincy lawyer who had helped the Saints when they needed friends in Illinois. After their expulsion from Missouri, assistance in Quincy helped them begin again, and the First Presidency publicly acknowledged Ralston among their benefactors in January 1841. Before he became the prosecutor whose signature appears in this packet, he had already earned a place in the community's memory. [S25]

His association with Joseph Smith continued in the courts. Ralston helped with Joseph's extradition defense in 1841. The following year, the firm of Ralston, Warren & Wheat represented Joseph, Hyrum, and other Nauvoo residents in bankruptcy proceedings. In August 1842, Ralston and Calvin Warren also met Governor Thomas Carlin about the renewed effort to send Joseph to Missouri. These were matters touching the security, property, and future of people building their lives in Nauvoo. [S18, S26, S27]

Now Ralston appeared in a different capacity: state's attorney pro tem, the lawyer temporarily acting for the state in Mackemer's prosecution. He had been a circuit judge and was serving in the Illinois Senate, but his responsibility in this document was to present the criminal accusation. His signature connects Stiles's complaint with a professional world in which lawyers moved among private clients, public office, and the Saints' urgent legal troubles. Ralston's assistance to the Saints is documented; his Church membership has not been established. [M1, S2]

William and Jacob Backenstos

The Backenstos surname appears twice in the indictment's endorsements because two brothers had different parts in the case. William was the sheriff elected in 1842. His name stands beside Stiles's in the list of witnesses. Jacob was the circuit clerk named in the filing made by deputy Matthias Avise. Their personal ties to the Smith family give each a place in Nauvoo's story. [M1, S8, S9]

Jacob Backenstos was a friend whom Joseph Smith could call upon in Carthage. In January 1843, Jacob and Stephen A. Douglas furnished an affidavit supporting Joseph's defense against extradition. Jacob had seen Joseph reviewing the Nauvoo Legion when the attempted assassination of former Missouri governor Lilburn Boggs occurred. In April, Joseph stayed at Jacob's Carthage home. Their acquaintance extended beyond documents exchanged across an office counter. [S9, S31]

That November, Joseph and Hyrum wrote in support of keeping Jacob as circuit clerk. Their letter offered substantial electoral backing and clarified that Joseph's recommendation of another man's character did not mean he wanted Jacob displaced. Jacob belonged to the Nauvoo Masonic Lodge and served in the Legion, but never joined the Church. His story gives an LDS reader a particular example of friendship and assistance across religious lines. [S4, S9, S31]

William's connection became a family one. On 3 October 1843, Joseph performed his marriage to Clara Wasson, Emma Smith's niece. Joseph's journal places the ceremony in the evening, before a select party, following the day's opening celebration at the Mansion House. The sheriff whose name appears among this case's witnesses had entered Emma's extended family. What William knew about the alleged challenge is missing from the packet, but the wedding establishes a direct family connection with Nauvoo. [M1, S32, S33]

The county officers and the surety

Another familiar signature belongs to Wesley Williams, the grand-jury foreman. In September 1839, he had written the receipt for recording Nauvoo's town plat: 590 lots at four cents each, with additional

charges for the field notes and certificate. The total was $25.85. A record of the Saints' new town had passed through his hands. By 1842, Williams was running for state representative on an anti-Mormon ticket. Those two dated acts show how dealings over the city's beginnings existed alongside growing political opposition. His endorsement here approved an accusation for prosecution; it does not reveal his private opinion of the quarrel. [M1, S7, S28]

Jacob Cunningham Davis received Berry's transcript as circuit clerk in October 1842. For readers who know the later Carthage story, his name carries a grim association: in 1844 he captained a Warsaw militia rifle company, and he was subsequently indicted and acquitted in the prosecution arising from the Smith murders. In this earlier file, however, he was performing the ordinary act of receiving court papers. His later history gives the signature significance without supplying a motive for anything he did in Stiles's case. He was a different man from Amos Davis, against whom Stiles prepared Joseph's November 1842 complaint. [M1, S5, S23]

Matthias Avise's handwriting also crossed these histories. As deputy clerk, he wrote the August 1842 circuit-court habeas corpus for Joseph Smith; the following May, he filed Mackemer's indictment for Jacob Backenstos. He later worked as a watchmaker and jeweler in Philadelphia. The deputy behind the brief "M. Avise" signature had a working life extending far beyond Hancock County's courthouse. [M1, S29, S30]

Three quieter figures complete the circle. Jonathan Berry received Stiles's oath and conducted the preliminary hearing. Constable E. B. Rose brought Mackemer before him. John Wilson signed as surety, putting his name behind Mackemer's promised appearance. Their fuller lives remain incompletely identified. An E. B. Rose, probably the same officer, later described armed men threatening him at his Carthage home and ordering him out of the county in September 1845. That account leaves a troubling possibility: the constable who carried out this warrant may himself have experienced the intimidation that later overtook the county. [M1, S16]

Where Stiles went after Carthage

Stiles became Nauvoo's city attorney on 13 April 1844. Two months later he was helping Joseph and Hyrum Smith answer charges arising from the destruction of the Nauvoo Expositor press. His recorded baptism still lay ahead. [S34, A1–A3]

In June, the destruction of the Nauvoo Expositor press brought a new round of arrests and arguments over the city's powers. Stiles took up his pen for the defendants. His handwriting survives in Joseph Smith's petition of June 12, asking the municipal court to examine the authority under which he was held. The next day, Stiles wrote another petition for Hyrum and fifteen other men. Among its signers were John Taylor and Orrin Porter Rockwell. Here is a tangible connection to names familiar to LDS readers: the words on the page were written by the lawyer named in these earlier challenge papers. [A1–A2]

On June 17, Stiles represented the defendants before Daniel H. Wells, a Hancock County justice of the peace. The hearing examined what had happened at the printing office and whether the destruction amounted to a riot. The published report followed the witnesses, objections, and competing arguments, then ended with the court's decision to discharge the prisoners. Stiles had helped secure that result. It did not bring lasting safety. Joseph and Hyrum were murdered at Carthage ten days later. [A3, A4]

Stiles's connection with the Saints continued after their deaths. On August 26, 1844, Brigham Young entered a brief notice in his journal: "Baptised G[e]orge [P.] stiles the Lawyer." The journal does not explain his decision. He had known Joseph, worked for Nauvoo, and defended its leaders. Now the record places him within the Church during the uncertain weeks when its members were deciding how to carry on. [A4]

His life took him westward. By January 1846 he was a seventy. By 1850 he was in Pottawattamie County, Iowa, eventually settling in Council Bluffs, where voters elected him city attorney in April 1853. He subsequently reached the Salt Lake Valley. In August 1854 he was appointed an associate justice of Utah Territory. The lawyer who had practiced among the settlements of Hancock County now held a place on the territorial bench. [S1]

The relationship eventually broke. Wilford Woodruff's journal describes a hearing on December 22, 1856, at which Stiles faced an accusation of adultery. Woodruff wrote that Stiles denied it, then neither denied nor acknowledged it after Woodruff confronted him. The meeting ended with his removal from the Church. A week later came another disturbing event. Hosea Stout recorded that the law library shared by Stiles and T. S. Williams had been broken into, its books and papers carried away, and books burned in a nearby privy. Stout's entry names no attackers. [A5–A6]

Stiles left Utah for Washington in 1857. By 1860 he was in Ohio; he served in the Civil War and became mayor of Cardington in 1867. Later he returned to Washington and worked as a Treasury clerk. He died in Belton, Texas, in September 1885. The challenge papers catch him near the beginning of a life that would pass through some of the most difficult chapters of the Saints' history—and then continue far beyond them. [S1]

Follow these people further

These readings begin with short documents and personal accounts. Each offers a way to follow a person or episode encountered in the case.

Begin with Stiles himself

Start with the biography, then open the marriage certificate and the legal papers. The linked originals show how Stiles's work brought him into Joseph Smith's circle.

George Philander Stiles biography and documents

Joseph Smith signs the Stiles marriage certificate

Read Sophia in her own words

Find Love and Virtue by Mrs. Sophia J. Stiles. This short poem offers her public voice, without supplying an explanation of the quarrel.

Nauvoo Neighbor for 17 May 1843

Follow Stiles into Joseph and Hyrum's last legal crisis

Joseph I. Bentley's article explains the wider crisis. The two petitions show Stiles's particular work for Joseph and Hyrum in June 1844.

Road to Martyrdom in BYU Studies

Joseph's petition in Stiles's handwriting

Hyrum and others petition the court

Meet the Backenstos brothers at home and in public life

The letter shows Jacob's valued friendship; the journal records William's marriage to Emma's niece. Both are brief documents with helpful notes.

The Smith brothers support Jacob Backenstos

William Backenstos and Clara Wasson marry

Read the Mackemer family's account

This is the younger John's biography, including memories of his father. The father's identity with the defendant remains provisional; the page is reproduced in this edition.

The Mackemer biography on page 172

See why the Saints remembered Ralston

Read the notes to Warren's letter alongside the First Presidency's acknowledgment of aid. They explain Ralston's relationship with the Saints before this prosecution.

Calvin Warren's letter and its historical notes

First Presidency proclamation of 15 January 1841

Follow Stiles beyond Nauvoo

Young records the baptism; Woodruff describes the 1856 hearing and excommunication. Each account preserves its author's perspective.

Brigham Young's journal including 26 August 1844

Wilford Woodruff's account of 22 December 1856

Church membership and documented relationships

Membership is stated at the date the evidence supports it. A marriage performed by Joseph Smith, service in the Nauvoo Legion, membership in a Masonic lodge, or help given to the Saints does not by itself establish LDS baptism. “Not established” means that the records reviewed do not settle the question; it is not a finding of nonmembership.

Person	LDS membership finding	Documented relationship with Nauvoo
George P Stiles	Documented baptism: 26 August 1844, after this case began. [S1]	Prepared Joseph Smith’s November 1842 complaint; Joseph performed his February 1843 marriage; wrote Nauvoo’s May 1843 appeal motion. Appointed city attorney 13 April 1844. [S3, S23, S24, S34]
James H Ralston	Not established.	Acknowledged for assistance to the Saints; associated with Joseph’s extradition defense and the firm handling Nauvoo residents’ bankruptcies in 1842. [S18, S25–S27]
Jacob B Backenstos	Explicitly identified as never having joined. [S9]	Supported Joseph’s alibi in January 1843, hosted him in April, and received Joseph and Hyrum’s support for the clerkship in November. [S31]
William Backenstos	Adult LDS affiliation not established. His recorded 1813 Lutheran Reformed baptism was in infancy. [S8]	Joseph performed his 3 October 1843 marriage to Emma’s niece Clara Wasson. A listed witness in this case; the substance of his evidence is unknown. [S32, S33; M1]
Wesley Williams	Not established.	Recorded Nauvoo’s town plat in 1839; stood on an anti-Mormon ticket in 1842. Political opposition does not settle a membership question. [S28, S7]

What can presently be said about the cast

Stiles is the securely identified later Latter-day Saint among these participants. None has yet been positively established by this investigation as a baptized member during the October 1842–May 1843 proceedings. Jacob Backenstos’s documented nonmembership is a separate, affirmative finding. The remaining entries require additional evidence.

The longer Stiles biography also records his ordination as a seventy by January 1846 and excommunication in December 1856. Those later events belong in an epilogue to his life, rather than being projected backward into this prosecution. [S1]

The remaining participants and their affiliations

Person	Membership or identity finding	What can be connected to the Saints
Jacob C Davis	LDS membership not established; identity as Jacob Cunningham Davis secure.	His clerk's office issued Joseph Smith's August 1842 circuit-court habeas corpus through Avise. Later indicted and acquitted in the Smith murder prosecution. [S30, S5]
Matthias Avise	LDS membership not established.	His handwriting appears on the August 1842 writ for Joseph and on later docketing of the November complaint prepared by Stiles. These are administrative contacts. [S30, S23]
E B Rose	Probably Ethel B Rose; full identification remains provisional. LDS membership not established.	An Ethel B Rose reported threats at his Carthage home in September 1845 and said he warned Chauncey Robison. The later affidavit does not prove the constable's baptism. [S16]
Jonathan Berry	Justice's identity is readable; fuller biography and LDS affiliation unresolved.	Received the complaint and conducted the preliminary proceeding involving Stiles. No further direct Nauvoo relationship securely established here. [M1]
John Mackemer	Defendant's fuller identity and LDS affiliation unresolved.	A John Mackemer had a $5 claim allowed against Joseph's estate in 1845. Identification with this defendant, the claim's purpose, and retrospective family stories need separate proof. [S14, S12]
John Wilson	Surety's fuller identity and LDS affiliation unresolved.	The Carthage innkeeper and an 1845 trial witness are possible same-name leads. Their dealings cannot yet be assigned to this surety. [M1, S17]

Julian Mackemer belongs in the family inquiry

Julian is documented as Stiles's first wife, married in November 1841. Her own church affiliation, relationship to defendant John Mackemer, and subsequent life remain unresolved. A marriage to Stiles before his recorded baptism does not establish her faith. The daughter Julia A. in the later Muscatine account remains a candidate to test, not an identification to assume. [S1, S12, S13]

The Saints named in these contextual records—Joseph, Hyrum, Emma, Brigham Young, and others—are not thereby added to the case's participant census. No role for them in the alleged quarrel is established by this packet.

Notes on the surviving evidence

What the surviving case establishes

The packet contains thirteen photographs, comprising an outer wrapper and six apparent front-and-back pairs. They document the complaint, warrant and return, preliminary proceedings, recognizances, and indictment. The indictment reverse carries No. 34. The wrapper's red 19 and canceled 52 have not been established as the operative case number. No disposition or original challenge letter appears in the packet. The witnesses listed for the indictment are Stiles and William Backenstos; the list does not establish what either told the grand jury. [M1]

Dates and the law

The October 8 complaint and preliminary papers allege a challenge about the middle of September; the May indictment alleges October 15, 1842. The dates have been preserved rather than reconciled by conjecture. A later court-officer list gives October 3, 1842 and May 15, 1843 as term openings, making the next-term language in the October bonds consistent with a May appearance; the original docket is still needed. The cited statutory framework is the 1833 Illinois Criminal Code, sections 44–45, pages 178–179. Section 44 specifies a fine up to $100 and disqualification from state civil or military office upon conviction; section 45 permits the deadly-instrument pleading. All intervening amendments through 1842 have not been collated. [M1, S11, S21]

Names that still need to be joined

The defendant, the elder Mackemer of the 1889 family sketch, and the John Mackemer whose estate claim was allowed in 1845 remain separate identifications to test. Julian Mackemer and the later Julia A. Covill also remain unjoined. The 1890 newspaper printing of an earlier coroner's verdict names John Mahernar; it is not an original manuscript signature and does not establish Mackemer's jury service. The $5 estate allowance cannot be assigned a purpose from its amount. [S1, S12–S15]

Other identification limits

John Wilson's signature establishes the surety. The Carthage Wilson House proprietor and the John Wilson named in the 1845 murder-trial testimony are useful candidates, not completed identifications. E. B. Rose is probably the Ethel B. Rose of later Hancock records; the identification remains provisional. The Masonic record writes a different middle initial for Stiles, whom the Joseph Smith Papers identifies as George P. Stiles. The lodge initiation does not establish that he received every degree that day. [M1, S4, S16, S17]

What the newspaper work found

The project's recorded searches covered collected OCR for the Wasp, Nauvoo Neighbor, and Times and Seasons; name and duel searches and selected-date browsing in the Warsaw archive; and a focused Quincy search from August 1842 to July 1843, widened for names to 1841–1844. Ten potentially relevant Quincy page PDFs were read. These searches found the Stiles marriage notice and Sophia's poem, but no identified account explaining the Mackemer–Stiles challenge. Some results and issue runs remain incomplete, and OCR can miss names. An accessible Carthage newspaper run covering the case dates has not been established. These are bounded search results, not proof that the press never reported the affair. [NP1–NP5]

Susan Easton Black's collections

Black's 1996 description of the Family Land and Records Center in Nauvoo lists Biographical Information on Hancock County Residents, including Biographies of Early Settlers of Hancock County Illinois, separately from LDS-resident material. This appears to match the county collection sought for this project. Her fifty-volume Membership of The Church of Jesus Christ of Latter-day Saints 1830–1848 is a different compilation. No actual entry for John Mackemer, Julian Mackemer, or Stiles has yet been verified in either collection for this project. The collection descriptions therefore supply a route to further evidence, not a positive or negative membership finding. [B1, B2]

The records most likely to add an ending

The priority is the Hancock circuit-court docket following the 17 May 1843 indictment, then any continuances. The Illinois State Archives catalog lists Circuit Court Record 2/0061/32, Circuit Court Index 2/0061/36, and Circuit Court Case Files 2/0102/23. The other crucial records are Stiles's 1841 marriage license and return, any divorce proceeding through early 1843, and the original Muscatine marriage entry indexed as Benjamin Conell and Julia Ann Mockamer on 10 December 1846. A record naming the provocation could explain the alleged challenge even if no duel occurred. [S13, S20; P1]

Sources and further evidence

The photographs are the primary evidence for the case. M identifies the manuscript packet; S and A identify linked sources; NP identifies newspapers; B identifies the biographical collections; P identifies related project reports. Links open the cited document or edition. Historical originals, later recollections, and modern editorial identifications are distinguished in the notes. Sources consulted through 17 October 2026.

The case packet and earlier projects

[M1] Supplied case photographs. IMG_3675.jpeg through IMG_3687.jpeg, People / State of Illinois v. John Mackemer, Hancock County, Illinois, 1842–1843. Thirteen photographs: outer wrapper and six paired documents. Court-file provenance beyond the visible headings and endorsements has not been independently established. The indictment reverse carries No 34.

[P1] Earlier Stiles project. George_P_Stiles_Final_Illustrated_Report_2026-10-12.pdf, 18 pages, especially its first-marriage research and March 1845 judgment assignment involving William Backenstos. Used for continuity and research leads; critical dates are also checked against the sources below.

[P2] Earlier Potts project. People_v_Jacob_Harrison_Potts_Illustrated_Narrative.pdf, 42 pages, especially the discussion of the May 1843 indictment and its officers. Used as a comparison, not as evidence about Mackemer's alleged conduct.

Stiles and Ralston

[S1] Joseph Smith Papers, George Philander Stiles biography. Biographical reference for the 1841 marriage and 1844 baptism; not a source for the unresolved end of the first marriage. Open source

[S2] Joseph Smith Papers, James Harvey Ralston biography. Identifies the Quincy lawyer, former judge and senator. Open source

[S3] Marriage License and Certificate for George Stiles and Sophia J Schofield, 3 and 4 February 1843. Surviving certificate and editorial source note, Joseph Smith Papers. The license portion is missing. Open source

[S4] Nauvoo Masonic Lodge minute book, 13 April 1842, page 30. Facsimile of the entry naming Stiles, Robison, and J B Backenstos. The Stiles middle initial differs from the modern identification. Open source

Sources for the other participants

[S5] Joseph Smith Papers, Jacob Cunningham Davis biography. Clerkship in 1841–1843 and later prosecution and acquittal. Open source

[S6] Joseph Smith Papers, Wesley Williams biography. Background identifying Wesley independently of Levi Williams. Open source

[S7] Letter to the Citizens of Hancock County, circa 2 July 1842, annotation. The document footnote identifying the 1842 anti-Mormon ticket names Wesley Williams and cites the Warsaw Signal, 9 July 1842, page 3. Open source

[S8] Joseph Smith Papers, William Backenstos biography. Identifies the sheriff elected in 1842. Open source

[S9] Joseph Smith Papers, Jacob B Backenstos biography. Clerk, later sheriff, Nauvoo Legion and Masonic associations, and nonmembership in the church. Open source

[S10] Affidavit, 6 August 1844, Davis v JS et al. Joseph Smith Papers source note and handwriting identification provide a comparison for Matthias Avise signing on the clerk's behalf. Open source

[S16] E B Rose affidavit, 21 September 1845. Printed in the Nauvoo Neighbor, 1 October 1845, page 2, column 3; digital newspaper transcription. This supports the later account, not a fully closed identification of the 1842 constable. Open source

[S17] Joseph Smith journal, 10 January 1844, Wilson House annotation. A lead for the Carthage innkeeper; identity with the surety remains unproved. Open source

[S17 continued] Account of trial, 26 May 1845, John Wilson testimony. A separate man-of-the-same-name lead. The report does not merge him with the surety. Open source

[S18] Letter to Wilson Law, 14 August 1842, document footnote 5. Annotation cites the August report of Ralston and Calvin Warren meeting Governor Carlin about extradition. Open source

Sources for the family and the legal setting

[S11] Revised Laws of Illinois, 1833, Criminal Code, sections 44 and 45, pages 178–179. Verified text from the digitized volume. Supplies the period statutory framework; intervening amendments have not all been collated. Open source

[S12] Portrait and Biographical Album of Muscatine County Iowa. Chicago: Acme Publishing Co., 1889, printed page 172. Facsimile reproduced in this edition. This is the retrospective biography of the younger John Mackemer, born in 1834. Open source

[S13] Genealogy Trails, Muscatine County marriages. Volunteer transcription submitted by Barb Ziegenmeyer: Benjamin Conell and Julia Ann Mockamer, 10 December 1846. An index lead requiring the original register; no underlying record citation is supplied on the page. Open source

[S14] Docket Entry, Allowed Claim from John Mackemer, 14 April 1845. Hancock County Probate Record A, page 413, handwriting of David Greenleaf, as edited by the Joseph Smith Papers. Open source

[S14 continued] Introduction to Coolidge Administrator of the Estate of JS. Identifies the underlying Mackemer account as not extant. The allowance cannot supply its missing purpose. Open source

[S15] Coroner's Jury Verdict, circa 24 October 1844, later published version. The actual JSP facsimile is Mormon Prophets, San Francisco Chronicle, 11 September 1890, page 1. It prints John Mahernar; an original manuscript signature has not been inspected. Open source

[S19] Poll Record and Election Report from Third Company First Cohort, 6 March 1841. Nauvoo Legion election record naming Stiles as an election clerk. Open source

[S20] Illinois State Archives, Hancock County local government records catalog. Finding aid for circuit court records, indexes, and case files. No missing disposition is claimed as located. Open source

[S21] Charles J Scofield, ed., Historical Encyclopedia of Illinois and History of Hancock County, volume II. Chicago: Munsell Publishing Company, 1921, page 1414. Original page inspected. This later compilation lists court officers at term openings, including October 1842, May 1843, and May 1845; it is not the original convening order. Open source

[S22] Trial of the Persons Indicted in the Hancock Circuit Court for the Murder of Joseph Smith, 1845, page 2. Contemporary published trial account, facsimile in the Joseph Smith Papers. Credits Josiah Lamborn with conducting the prosecution. Open source

Sources for the Nauvoo connections

These sources document relationships surrounding the case. They do not supply the cause of Mackemer's alleged challenge or establish anyone's participation in an actual duel. Source notes and editorial identifications are distinguished from the words of the surviving documents.

[S23] Complaint, 30 November 1842, City of Nauvoo v. Davis for Slander of JS [C]. Joseph Smith Papers facsimile and source note. Identifies George P. Stiles's handwriting, Joseph Smith's signature, and later docketing by Matthias Avise. The defendant was Amos Davis, a different person from clerk Jacob Cunningham Davis. Open source

[S23 continued] Introduction to City of Nauvoo v. Davis for Slander of JS [B] and [C]. Joseph Smith Papers case history and document calendar. Provides the procedural context for the November complaint and the May 1843 appeal papers. Open source

[S24] Motion, circa 15 May 1843 [B], City of Nauvoo v. Davis for Slander of JS [C]. Joseph Smith Papers, both manuscript pages inspected. The source note identifies Stiles's handwriting; the reverse records filing on 16 May 1843. Neither an autograph by Stiles nor his personal argument of the motion is established. Open source

[S25] First Presidency, Proclamation, 15 January 1841. Contemporary acknowledgment of assistance to the Saints. Read with the following editorial annotation identifying Ralston's help in Quincy. Open source

[S25 continued] Letter from Calvin A. Warren, 31 August 1841. Joseph Smith Papers historical introduction and annotations connect Ralston and Warren with aid to the Saints after their expulsion from Missouri and with Joseph Smith's legal affairs. Open source

[S26] Statement of Expenses to Thomas King, 30 September 1841. Joseph Smith Papers edition and annotations concerning Joseph Smith's June 1841 extradition proceeding and legal expenses. Used with the Warren letter for Ralston's connection to the defense. Open source

[S27] Notice, 28 April 1842. Joseph Smith Papers facsimile and historical introduction. Identifies Ralston, Warren & Wheat as counsel in bankruptcy proceedings involving Joseph Smith, Hyrum Smith, and other Nauvoo residents. Open source

Sources for public offices and family ties

[S28] Receipt from Wesley Williams, 5 September 1839. Contemporary receipt to Joseph Smith and company for recording the Nauvoo plat, field notes, and certificate. Records 590 lots and a charge of $25.85; establishes an administrative transaction with Williams. Open source

[S29] Joseph Smith Papers, Matthias Avise biography. Identifies the deputy circuit clerk, born in 1807 and deceased in 1875, and his later work as a clock and watch maker and jeweler. Distinguishes Matthias from other people bearing the Avise surname. Open source

[S30] Habeas Corpus, 10 August 1842, Extradition of JS for Accessory to Assault. Joseph Smith Papers facsimile and source note. Identifies Avise's handwriting on the circuit-court writ issued through Jacob Cunningham Davis's office. This is an administrative contact; it does not establish religious affiliation. Open source

[S31] Letter to Jesse B. Thomas, 27 November 1843. Joseph and Hyrum Smith's support for retaining Jacob B. Backenstos as circuit clerk. The Joseph Smith Papers introduction supplies context for his January 1843 alibi evidence and Joseph's April stay at his Carthage home. Read with Backenstos's biography [S9]. Open source

[S32] Joseph Smith journal, 3 October 1843. Contemporary journal entry recording Joseph's marriage of William Backenstos and Clara M. Wasson. The ceremony does not establish William's LDS membership. Open source

[S33] Joseph Smith Papers, Clara M. Wasson Backenstos biography. Biographical identification and family relationships, including Clara's relationship to Emma Smith. Supports the family connection separately from the journal's account of the ceremony. Open source

[S34] Nauvoo city council minutes, 13 April 1844. Joseph Smith Papers edition of the council proceedings appointing George P. Stiles city attorney. This appointment followed the 1842–1843 proceedings in the present packet. Open source

[S34 continued] Nauvoo city council minutes, 8 June 1844, page 6, annotation. Editorial annotation explicitly dates Stiles's appointment as city attorney to 13 April 1844. Used to verify the identification and appointment date. Open source

Newspapers and biographical collections

NP1. The Wasp, collected 1842–1843 issues. Marriage notice checked against the 8 March 1843 facsimile, p. 3, col. 4. Collected OCR was searched for the case and name variants. Open source

NP2. Nauvoo Neighbor, 17 May 1843. Issue transcription; "Love and Virtue" also checked against the newspaper facsimile. Open source

NP3. Times and Seasons, collected 1839–1846 issues. Downloaded collected OCR used for the bounded name and subject searches. Open source

NP4. Warsaw newspaper archive. Searches and date browsing described in the evidence notes; local query records retained with the project research. Open source

NP5. Quincy newspaper archive. Query records and the ten newspaper-page PDFs reviewed are retained with the project research. Open source

B1. Susan Easton Black, "Family Land and Records Center in Nauvoo." BYU Studies 36, no. 1 (1996), p. 179 and following; descriptive holdings note. Open source

B2. BYU Family History Library research guide. Guide to Membership of The Church of Jesus Christ of Latter-day Saints, 1830–1848; a guide to the compilation, not a verified individual entry. Open source

Sources for the later Stiles story

[A1] Petition to Nauvoo Municipal Court, 12 June 1844, State of Illinois v. JS for Riot on Habeas Corpus. Joseph Smith Papers facsimile, source note, and historical introduction identify Stiles's handwriting and Joseph's signature. Open source

[A2] Petition, 13 June 1844, State of Illinois v. H. Smith et al. on Habeas Corpus. Joseph Smith Papers; petition written by Stiles for Hyrum and the other petitioners. The signatures continue on the second page. Open source

[A3] Trial Report, 19–21 June 1844, State of Illinois v. JS et al. for Riot–B. Nauvoo Neighbor Extra, 21 June 1844, reproduced by the Joseph Smith Papers. Account of the 17 June hearing before Daniel H. Wells and discharge of the defendants. Open source

[A4] Brigham Young, journal, 26 August 1844. The Brigham Young Journals, volume 1, Religious Studies Center edition. Records Stiles's baptism; the editorial introduction also supplies the context of Joseph and Hyrum's deaths. Open source

[A5] Wilford Woodruff, journal, 22 December 1856, Wilford Woodruff Papers. Used as Woodruff's contemporary account of the accusation, Stiles's response, and excommunication; no independent finding of the alleged act is claimed. Open source

[A6] Hosea Stout, diary, 30 December 1856, reporting the previous night. Transcription with underlying Church History Library reference, B. H. Roberts Foundation. Describes removal of books and papers and a fire; names no perpetrators. Open source

[A7] Joseph I. Bentley, "Road to Martyrdom: Joseph Smith's Last Legal Cases," BYU Studies. Further reading on the June 1844 proceedings and their broader sequence; not evidence about the cause of the 1842 challenge. Open source

Name census for the case packet

Scope: All readable personal names in IMG_3675–IMG_3687. “(signed)” marks a name appearing in a signing position; it is not forensic authentication. Biography expansions are separated from uncertain identifications. The photograph numbers below omit the common IMG_ prefix and .jpeg suffix.

Individual	Role in this packet	Signature or name location
George P Stiles (signed)	Complainant and witness	Signs 3676, 3686; witness list 3683
John Mackemer (signed)	Defendant	Signs 3684; named throughout
Jonathan Berry (signed)	Justice of the peace	Signs 3676, 3678, 3680, 3684, 3686
John Wilson (signed)	Surety for Mackemer	Signs Jno Wilson, 3684
E B Rose (signed)	Constable; probably Ethel B Rose	Signs return 3679; named 3680
Jacob C Davis (signed)	Circuit clerk; Jacob Cunningham Davis	Signs J C Davis, 3681
James H Ralston (signed)	Prosecutor pro tem; James Harvey Ralston	Signs J H Ralston, 3682
Wesley Williams (signed)	Grand-jury foreman	Signs true bill, 3683
Matthias Avise (signed)	Deputy circuit clerk	Signs M Avise DC, 3683
Jacob B Backenstos	Circuit clerk named by his deputy	Named 3683; no autograph here
William Backenstos	Listed witness	Named Wm Backenstos, 3683
Samuel Marshall [?]	Canceled name; no acting role established	Possibly under correction in 3686

Count: Eleven securely readable active participants, including nine signers. One additional canceled name is recorded provisionally. A name in the body or a docket label is not counted as a signature. In particular, William Backenstos is a listed witness, and Jacob Backenstos is the clerk represented by Avise’s filing. [M1]

Names to keep distinct: Wesley Williams and Levi Williams; William Backenstos and Jacob B Backenstos; the elder and younger John Mackemer in the 1889 family history. The elder man’s identity with the defendant remains provisional. Julian Mackemer and the research sources’ other family names belong to the background inquiry, not this manuscript name census.