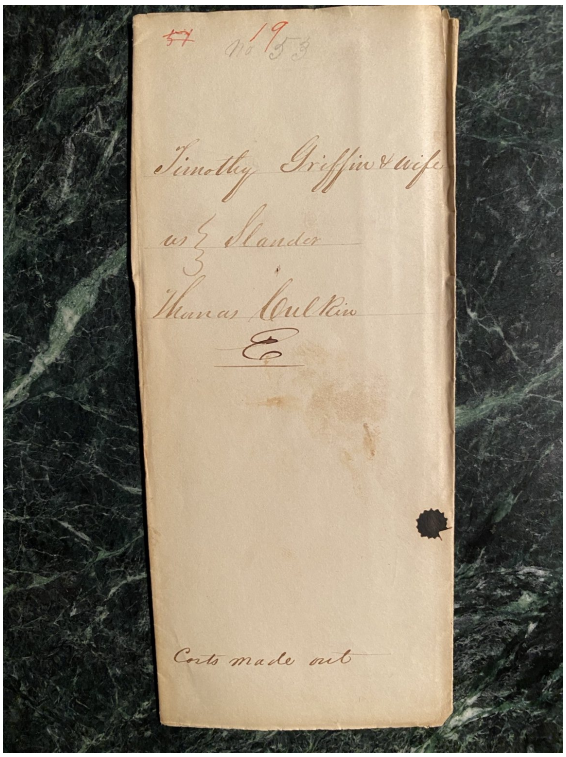
A Reputation at Stake

The Griffins, Thomas Culkin, and the men behind an 1843 Hancock County lawsuit

Highlights

An alleged injury to Ann Griffin's reputation brought the parties to court.
Timothy Griffin authorized his attorneys to discontinue the suit.
The attorneys and officials later figured in the conflicts surrounding the Saints.

In the summer of 1843, Timothy and Ann Griffin turned to the Hancock County courts over something Thomas Culkin was alleged to have said about Ann. The surviving papers do not tell us what those words were. They tell us that the Griffins hired attorneys, demanded five hundred dollars in damages, and summoned Ann Middleton as a witness. Then Timothy instructed his attorneys to stop.



The original case wrapper. Its brief caption preserves a dispute whose spoken words are now missing. Original photograph IMG_3798, supplied by David Larsen.

Transcript

[Red docket number, struck through: 57?]
[Red docket number:] 19
[Pencil:] No 53

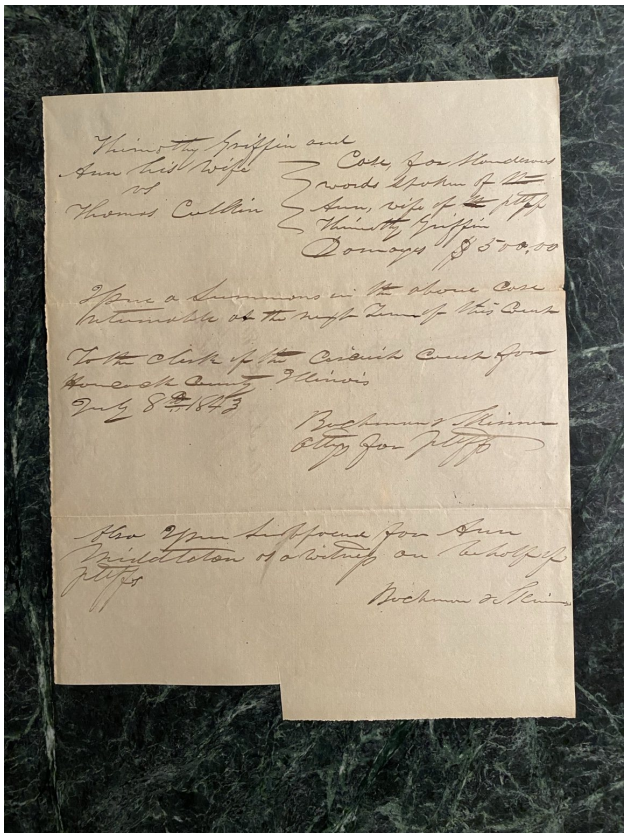
Timothy Griffin & wife
vs } Slander
Thomas Culkin
[Flourish]

Costs made out

Among the names on the papers were George Bachman, Onias Skinner, and Jacob Backenstos. Their later relationships with the Latter-day Saints give this small case a wider historical reach. For a moment, however, their business concerned Ann Griffin's reputation.

Words worth taking to court

On July 8, 1843, Bachman and Skinner requested a summons against Thomas Culkin and a subpoena for Ann Middleton. The demand was five hundred dollars: the amount sought, not an award. What Middleton knew remains uncertain. No testimony or statement of the alleged slander survives in this packet.



The attorneys' request initiated the process. The firm name establishes Bachman and Skinner's role; it does not establish that both men personally signed. Original photograph IMG_3801.

Transcript

Timothy Griffin and
Ann his Wife
vs
Thomas Culkin

Case for Slanderous
words Spoken of [deleted: the]
Ann wife of [deleted: the] pltff
Timothy Griffin
Damages $500,00

Issue a Summons in the above Case
Returnable at the next Term of this Court

To the Clerk of the Circuit Court for
Hancock County Illinois
July 8th 1843
Bachman & Skinner
Attys for pltffs

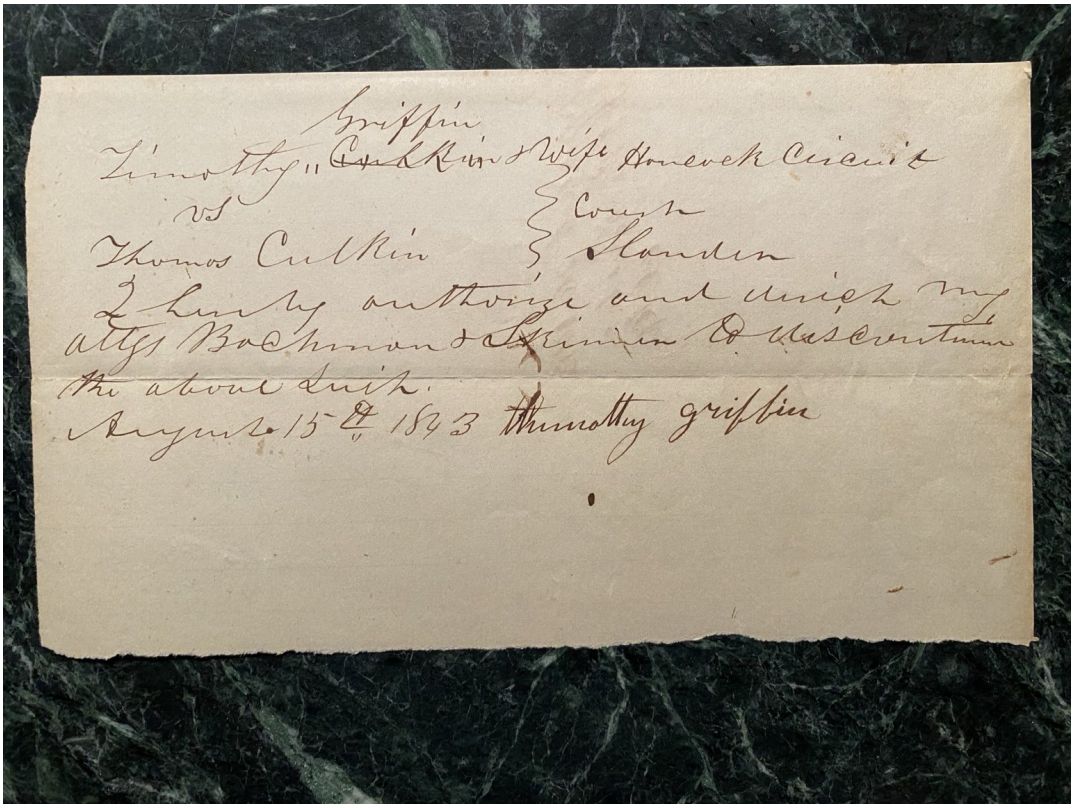
Also Issue Subpoena for Ann
Middleton as a witness on behalf of
pltffs
Bachman & Skinner

Reading the document

The request describes a case for slanderous words spoken of Ann, Timothy Griffin's wife; asks for a summons returnable at the next term; and directs that Ann Middleton be subpoenaed for the plaintiffs. The full transcript appears immediately above; this paragraph explains its purpose.

Jacob B. Backenstos was circuit clerk, and deputy David E. Head acted in his name. Jacob's brother William was sheriff. The returns report that Culkin was not found, but Middleton was served by reading the subpoena to her on July 31. Service, mileage, and return fees totaled a dollar and fifty cents. The eighteen miles charged do not establish where she lived.

A decision to stop



Timothy Griffin's authorization to discontinue the action, dated August 15, 1843. Original photograph IMG_3805. The full transcript follows, including the corrected name in the caption.

Transcript

Timothy [deleted: Culkin; inserted above: Griffin] & wife
vs
Thomas Culkin

Hancock Circuit
Court
Slander

I hereby authorize and wish my
attys Bachman & Skinner to discontinue
the above suit.
August 15th 1843 Timothy griffin

“I hereby authorize and wish my attys Bachman & Skinner to discontinue the above suit. August 15th 1843”
Timothy griffin

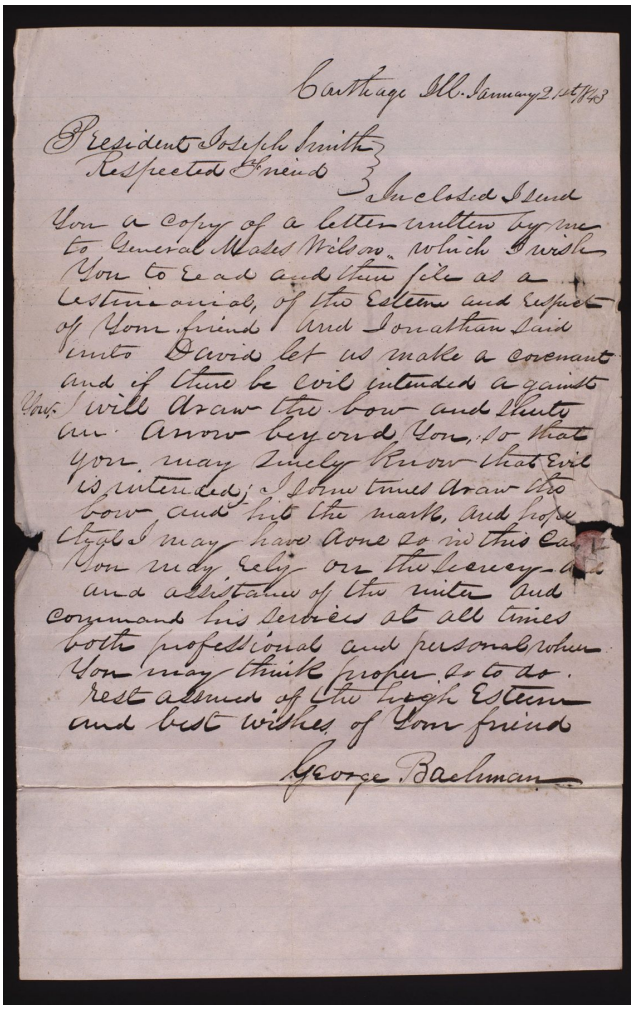
The direction was straightforward. Its reason was not recorded. Perhaps the parties reached an understanding, or the Griffins reconsidered the expense or difficulty of continuing. The documents do not choose among those possibilities. There is no surviving apology, payment agreement, or explanation from Ann.

The reverse bears a filing notation dated October 26, 1843. Timothy made his decision in August; the clerk recorded the paper's filing in October. The packet preserves the instruction to discontinue, rather than a separate judicial order explaining a final disposition.

For the Griffins and Culkin, that is where this record falls silent. For their attorneys and the clerk, it is only an early chapter.

George Bachman: an earlier friendship

Earlier that same year, George Bachman had written Joseph Smith a friendly letter offering assistance. Dated January 21, 1843, it belongs beside the Griffin papers as evidence of an attorney whose relationships crossed community boundaries. Bachman could offer friendship to Joseph Smith and, a few months later, undertake an ordinary slander action for the Griffins. [1]



Carthage Ill. January 21st 1843

President Joseph Smith
Respected Friend

Inclosed I send you a copy of a letter written by me to General Moses Wilson, which I wish you to read and then file as a testimonial, of the Esteem and respect of your friend and Jonathan said unto David let us make a covenant and if there be evil intended against you I will draw the bow and shoot an arrow beyond you, so that you may surely know that Evil is intended; I sometimes draw the bow and hit the mark, and hope they I may have done so in this case you may rely on the secrecy and assistance of the writer and command his services at all times both professional and personal when you may think proper so to do. Rest assured of the high Esteem and best wishes of your friend

George Bachman

George Bachman to Joseph Smith, January 21, 1843. His own letter gives the reader an earlier view of a man later accused in Edmund Durfee's murder. Source: Joseph Smith Papers; Church History Library. [1]

Transcript

Carthage Ill. January 21st 1843
President Joseph Smith
Respected Friend

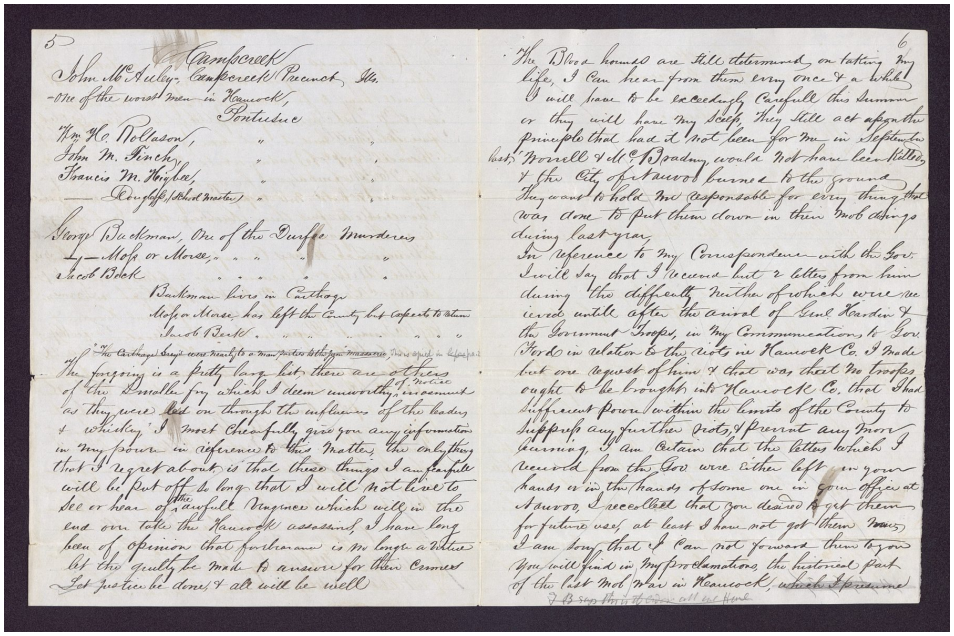
Inclosed I Send
You a copy of a letter written by me
to General Moses Wilson, which I wish
You to read and then file as a
testimonial, of the Esteem and respect
of Your friend! And Jonathan Said
unto David let us make a covenant
and if there be evil intended against
You I will draw the bow and Shoot
an Arrow beyond You, so that
You may timely know that evil
is intended; I Sometimes draw the
bow and hit the mark, and hope
that I may have done so in this Ca[se]
You may rely on the Secrecy aid
and assistance of the writer and
command his Services at all times
both professional and personal, when
You may think proper so to do.
rest assured of the high Esteem
and best wishes of Your friend
George Bachman

That earlier friendliness gives particular weight to what followed. In November 1845, Bachman's name entered the story of the killing of another Latter-day Saint: Edmund Durfee.

The death of Edmund Durfee

On November 15, 1845, fire broke out near Solomon Hancock's barn. Men went out to prevent the flames from reaching the building. James H. Woodland's sworn account describes whistles from opposite directions, followed by gunfire. A ball struck Edmund Durfee above the heart, killing him. His death came as the Saints were gathering their resources to leave Illinois. [2]

The church history records that state attorney Mason Brayman reported the arrests of George Backman, Moss, and Snyder and requested witnesses. Solomon Hancock urged that people with relevant knowledge come to Carthage. The same history reports that the accused were discharged without examination and the witnesses “returned unheard.” The precise reason their testimony went unheard remains unresolved. [2]



Backenstos's report, manuscript pages 5-6. On the left-hand page he identifies George Backman as “One of the Durfee Murderers.” The catalog dates the report circa March 1846. Source: Church History Library, CR 100 396. [3]

Transcript

[Manuscript page 5]
Campcreek
John McAuley, Campcreek Precinct, Ills.
-one of the worst men in Hancock,
Pontusuc
Wm H. Rollason, [ditto]
John M. Finch, [ditto], [ditto]
Francis M. Higbee, [ditto], [ditto]
[blank] Douglass, School Master, [ditto], [ditto]

George Backman, One of the Durfee Murderers
[blank] Moss or Morse, [ditto]
Jacob Beck [ditto]
Backman lives in Carthage
Moss or Morse has left the County but expects to return
Jacob Beck [ditto]

[Struck-through sentence:] The Carthage Greys were nearly to a man parties to the June massacre
[Pencil note:] This is copied in before pa. 2 [reading uncertain]

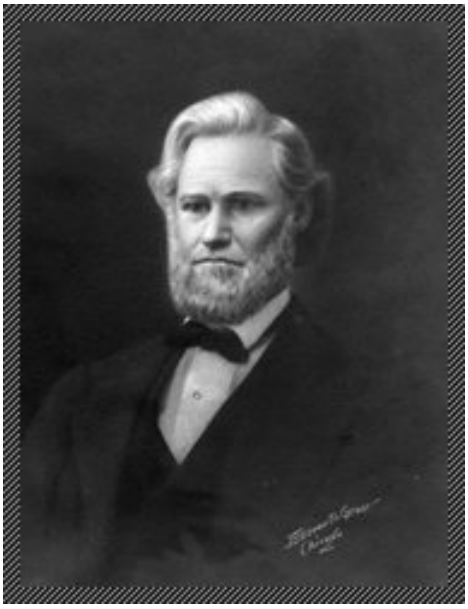
The foregoing is a pretty large list, there are others
of the Smaller fry which I deem unworthy [inserted: of notice] inasmuch
as they were led on through the influence of the leaders
& whiskey, I most Cheerfully give you any information
in my power in reference to this Matter, the only thing
that I regret about, is that these things I am fearful
will be put off so long that I will not live to
see or hear of [inserted: the] awful Vengence which will in the
end over take the Hancock assassins, I have long
been of opinion that forbearance is no longer a virtue

let the guilty be made to answer for their Crimes
Let justice be done, & all will be well

[Manuscript page 6]
The Blood hounds are Still determined on taking my
life, I can hear from them every once & a while
I will have to be exceedingly Careful this Summer
or they will have my Scalp, they Still act upon the
principle that had it not been for me in September
last, Worrell & McBradney would Not have been Killed,
& the City of Nauvoo burned to the ground
They want to hold me responsible for every thing that
was done to put them down in their mob doings
during last year
In reference to my Correspondence with the Gov.
I will Say that I received but 2 letters from him
during the difficulty neither of which were re
ceived untill after the arival of Genl Hardin &
the Government troops, in my Communications to Gov.
Ford in relation to the riots in Hancock Co. I made
but one request of him & that was that no troops
ought to be brought into Hancock Co. that I had
Sufficient power within the limits of the County to
Suppress any further riots, & prevent any more
burning, I am Certain that the letters which I
received from the Gov. were either left in your
hands or in the hands of Some one in your office at
Nauvoo, I recollect that you desired to get them
for future use, at least I have not got them Now,
I am Sorry that I Can not forward them to you
You will find in my proclamations the historical part
of the last mob war in Hancock, [deleted: which I presume]
[Pencil below:] J B says this is the end all we Have [reading uncertain]

Governor Thomas Ford likewise described the attackers as acting “under Backman” and condemned their release despite what he regarded as apparent guilt. These explicit accusations belong in Bachman's biography. They do not establish every detail of his actions or prove he fired the fatal shot. His release cannot establish his innocence. [4]

Skinner and Backenstos



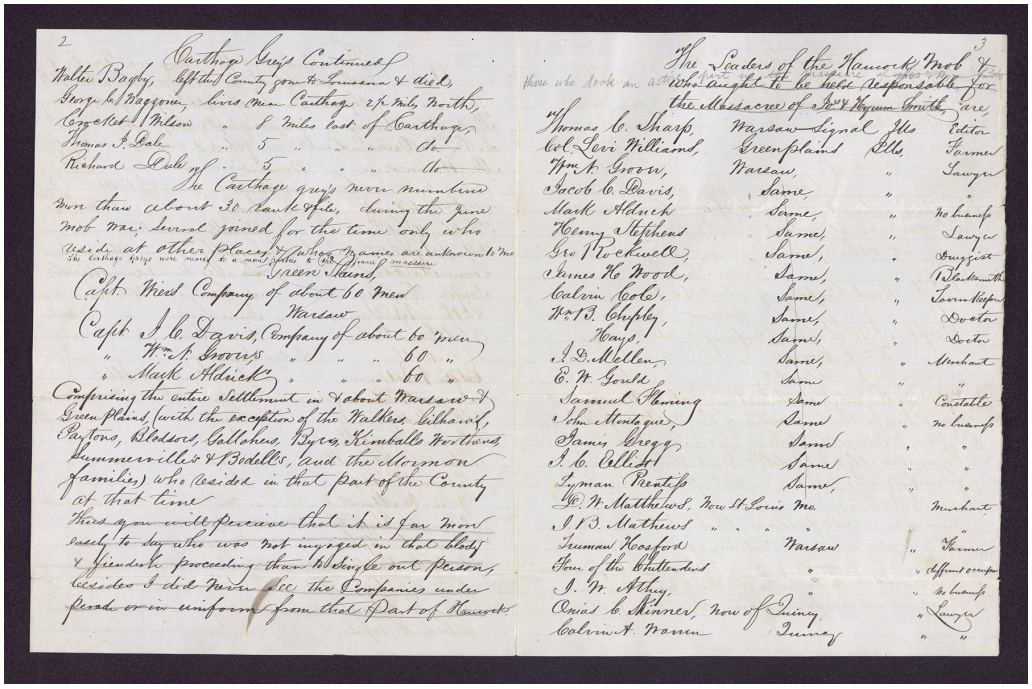
Onias Childs Skinner, in a later-life portrait. Image credited to the Abraham Lincoln Presidential Library in the Illinois Supreme Court Historic Preservation Commission's biography. The portrait does not depict his appearance in 1843. [5]

Onias Childs Skinner, Bachman's associate in the Griffin case, also belongs in this wider story. Backenstos included him among those accused of leadership or active involvement in the massacre of Joseph and Hyrum Smith. That accusation must be distinguished from the specific Durfee accusation against Bachman. [3]

Skinner's documented legal work supplies another connection. In May 1845, he delivered a closing argument for the defense in the trial of men accused of Joseph Smith's murder. His role as counsel is established by the surviving argument. Backenstos's accusation is separate evidence; it should not be inferred merely from Skinner's representation of the defendants. [6]

Jacob Backenstos appears in the Griffin papers as circuit clerk. Later, as sheriff, he became closely involved in efforts to protect the Saints and suppress violence. His denunciations came from a participant in the conflict, a man who also wrote of threats against his own life. Readers should understand both the gravity of his accusations and the position from which he made them. [3]

The names that outlived the lawsuit



Backenstos's report, manuscript pages 2-3. Skinner's name appears near the bottom of the right-hand page, within the list associated with Joseph and Hyrum Smith's murders. This is an accusation, not a judicial finding. [3]

Transcript

[Manuscript page 2]
Carthage Greys Continued
Walter Bagby, left the County gone to Louisiana & died,
George C. Waggoner, lives near Carthage 2½ miles North,
Crocket Wilson, 8 miles East of Carthage,
Thomas J. Dale, 5 [ditto] do.
Richard Dale, 5 [ditto] do.

The Carthage greys never numbered
more than about 30 rank & file, during the June
mob war, several joined for the time only who
reside at other places, & whose names are unknown to me
[Interlineation:] The Carthage Greys were nearly to a man parties in the June massacre

Green Plains
Capt. Weir Company of about 60 men
Warsaw
Captn J C. Davis, Company of about 60 men
[ditto] Wm N. Grovers [ditto] 60 [ditto]
[ditto] Mark Aldrichs [ditto] 60 [ditto]
Comprising the entire Settlement in & about Warsaw &
Green Plains, (with the exception of the Walkers, Gilhams,
Paytons Bledsors, Gallahers, Byrs, Kimballs, Worthens,
Summerville's & Bedells, and the Mormon
families, who resided in that part of the County

at that time
Thus you will perceive that it is far more
easily to say who was not engaged in that bloody
& fiendish proceeding than to single out persons,
besides I did never See the Companies under
parade or in uniform from that Part of Hancock

[Manuscript page 3]
The Leaders of the Hancock Mob &
who ought to be held responsible for
the Massacree of Jos & Hyrum Smith are
[Pencil revision overlapping the heading: those who took an active part in the massacre of Jos & Hyrum Smith; remaining marks unclear]

[Columns: name; place; state; occupation. Ditto marks are retained as [ditto].]
Thomas C. Sharp, Warsaw Signal, Ills, Editor
Col. Levi Williams, Green plains, Ills, Farmer
Wm N. Grover, Warsaw, [ditto], Lawyer
Jacob C. Davis, Same, [ditto], [ditto]
Mark Aldrich, Same, [ditto], no business
Henry Stephens, Same, [ditto], Lawyer
Geo Rockwell, Same, [ditto], Druggist
James H Wood, Same, [ditto], Blacksmith
Calvin Cole, Same, [ditto], Tavern Keeper
Wm B. Chipley, Same, [ditto], Doctor
[blank] Hays, Same, [ditto], Doctor
J. D. Mellen, Same, [ditto], Merchant
E. W. Gould, Same, [ditto], [ditto]
Samuel Fleming, Same, [ditto], Constable
John Montague, Same, [ditto], no business
James Gregg, Same, [ditto], [ditto]
J. C. Elliott, Same, [ditto], [ditto]
Lyman Prentiss, Same, [ditto], [ditto]
D. W. Matthews, Now St Louis Mo., Merchant
J. B. Matthews, [ditto], [ditto]
Truman Hosford, Warsaw, [ditto], Farmer
Four of the Chittendens, [ditto], [ditto], different occup[ations]
J. W. Athey, [ditto], [ditto], no business
Onias C. Skinner, Now of Quincy, Lawyer
Calvin A. Warren, Quincy, [ditto], [ditto]

Ann Griffin remains the person at the center of the lawsuit, even though the record gives us so little of her voice. Someone allegedly spoke against her. A case was prepared in her name and her husband's. A witness was summoned. Then Timothy signed the instruction that brought the effort to an end.

The documents cannot restore the missing words or explain the family's decision. They preserve the steps the Griffins took and the people whose help they sought.

They also let us see Bachman, Skinner, and the Backenstos brothers at work before later events gave their names a darker or more contentious significance. The broader history belongs here because these

were the men who handled the case. Their subsequent choices affected Latter-day Saints far beyond the courthouse.

The Griffin papers begin with a reputation someone wanted to defend. They leave us considering several others: the reputations of attorneys and officials whose actions, loyalties, and accusations became part of the history of Nauvoo.

The remaining court papers

The narrative reproduces the wrapper, the attorneys' request, and the authorization to discontinue. The six images below complete the nine-photograph court packet, including reverse-side filing and service notations.

Transcription conventions. Original spelling and abbreviations are retained where legible. Square brackets identify editorial descriptions, uncertain readings, blanks, deletions, insertions, and ditto marks. Printed form language is included. Line breaks approximate the originals; columns are set out in reading order. Capitalization and punctuation can be ambiguous in handwriting. Unused returns are labelled so they are not mistaken for completed acts. Seal lettering too faint to read is not reconstructed. Pencil notes on Backenstos's report are distinguished from the main manuscript.

Two court dates require caution: the filing day on IMG_3802 and the overwritten appearance day on IMG_3803. Both remain explicitly uncertain. Amounts in the sheriff's fee columns are transcribed as written; the narrative explains their dollar-and-cent values.

Summons to Thomas Culkin



State of Illinois, HANCOCK COUNTY. } Sct.

THE PEOPLE OF THE STATE OF ILLINOIS,
TO THE SHERIFF OF SAID COUNTY,—GREETING:
WE COMMAND YOU TO SUMMON
Thomas Culkin
if to be found in your county, to appear before the CIRCUIT COURT of said county of Hancock,
on the first day of the next term thereof, to be holden at the Court House, in Carthage, on the
third Monday in the month of October next to answer
the complaint of Timothy Griffin and Ann his wife
[Interlineation, continuing into the left margin: for Slanderous words Spoken of Ann wife of pltff Timothy Griffin]
of a plea of [deleted: Trespass; inserted: on] the Case [deleted: on Promises], to their damage, the sum of
Five Hundred
Dollars, as They say. And have you then there this writ, and make return thereon in what
manner you execute the same.

Witness, [deleted: J. C. DAVIS; inserted: J B Backenstos], Clerk of our said Circuit Court,
at Carthage, this Tenth day of
July in the year of Our Lord one
thousand eight hundred and forty-three

Original court photograph IMG_3799, supplied by David Larsen.

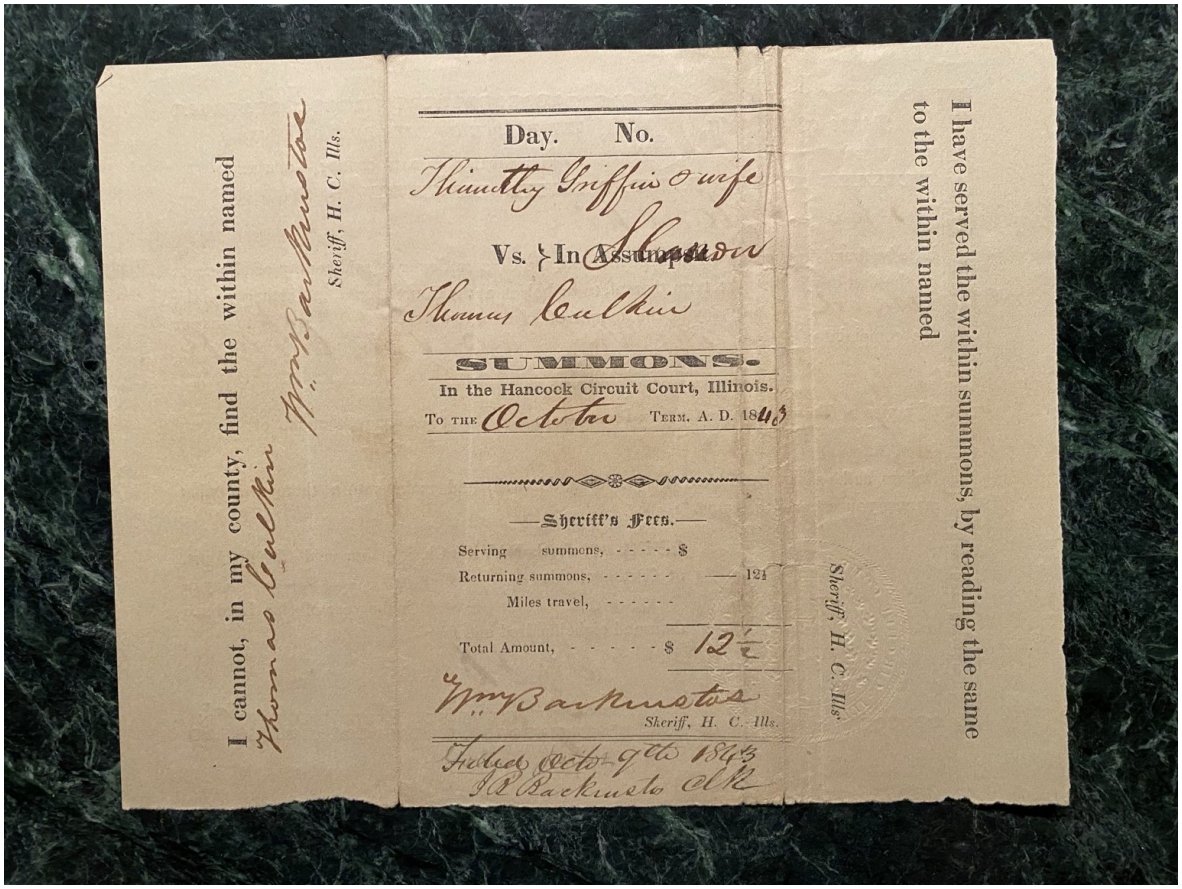
Transcript

State of Illinois,
HANCOCK COUNTY. } Sct.
THE PEOPLE OF THE STATE OF ILLINOIS,
TO THE SHERIFF OF SAID COUNTY,—GREETING:
WE COMMAND YOU TO SUMMON
Thomas Culkin
if to be found in your county, to appear before the CIRCUIT COURT of said county of Hancock,
on the first day of the next term thereof, to be holden at the Court House, in Carthage, on the
third Monday in the month of October next to answer
the complaint of Timothy Griffin and Ann his wife
[Interlineation, continuing into the left margin: for Slanderous words Spoken of Ann wife of pltff Timothy Griffin]
of a plea of [deleted: Trespass; inserted: on] the Case [deleted: on Promises], to their damage, the sum of
Five Hundred
Dollars, as They say. And have you then there this writ, and make return thereon in what
manner you execute the same.

Witness, [deleted: J. C. DAVIS; inserted: J B Backenstos], Clerk of our said Circuit Court,
at Carthage, this Tenth day of
July in the year of Our Lord one
thousand eight hundred and forty-three

J B Backenstos
by David E Head depty Clerk.
[Embossed seal]

Summons: return and filing



Original court photograph IMG_3800, supplied by David Larsen.

Transcript

[Central docket panel]
Day. [blank] No. [blank]
Timothy Griffin & wife
Vs. } In [overwritten printed word: Assumpsit; manuscript: Slander]
Thomas Culkin
SUMMONS.
In the Hancock Circuit Court, Illinois.
To the October Term, A. D. 1843

—Sheriff's Fees.—
Serving summons, $ [blank]
Returning summons, 12½
[blank] Miles travel, [blank]

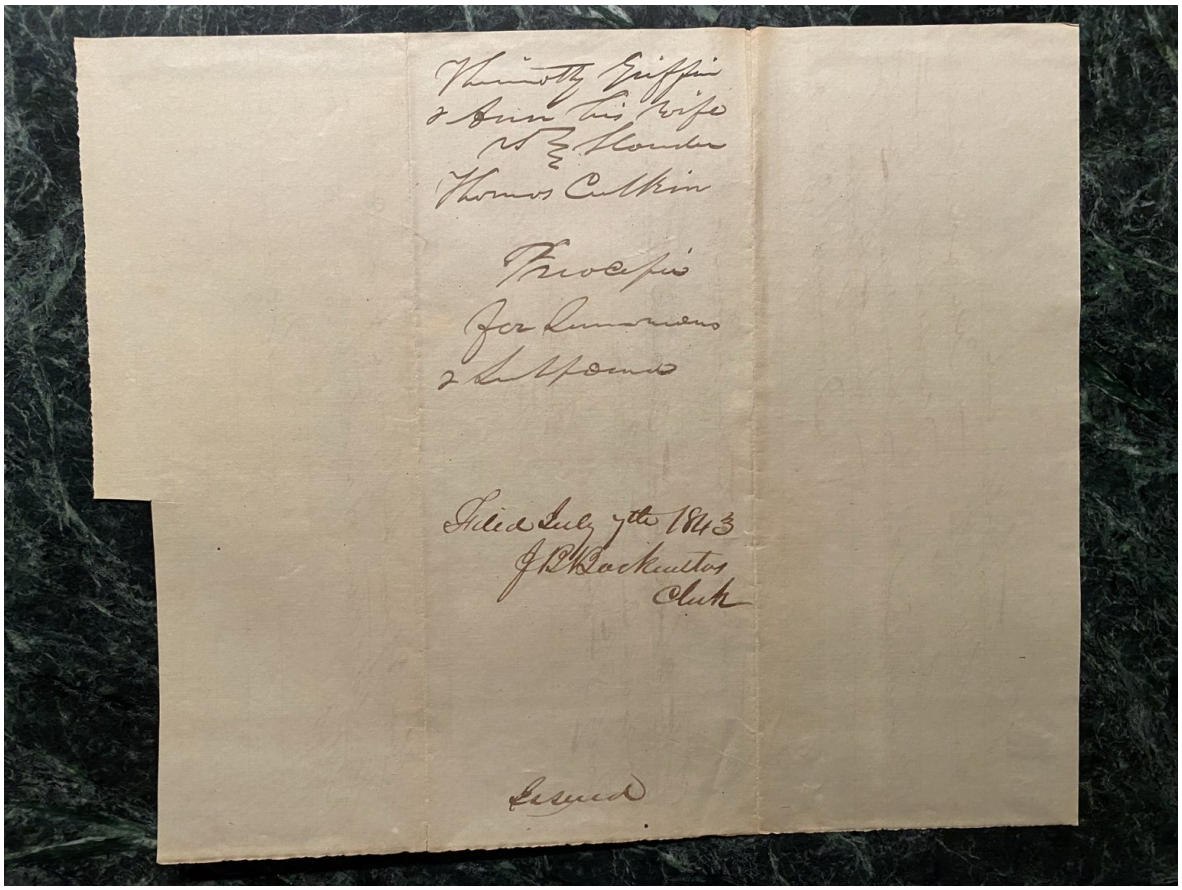
Total Amount, $ 12½
Wm Backenstos
Sheriff, H. C. Ills.

Filed Octo 9th 1843
J B Backenstos Clk

[Completed return, left panel]
I cannot, in my county, find the within named
Thomas Culkin
Wm Backenstos
Sheriff, H. C. Ills.

[Unused printed return, right panel]
I have served the within summons, by reading the same
to the within named [blank]
[blank]
Sheriff, H. C. Ills.

Praecipe: filing endorsement



Original court photograph IMG_3802, supplied by David Larsen.

Transcript

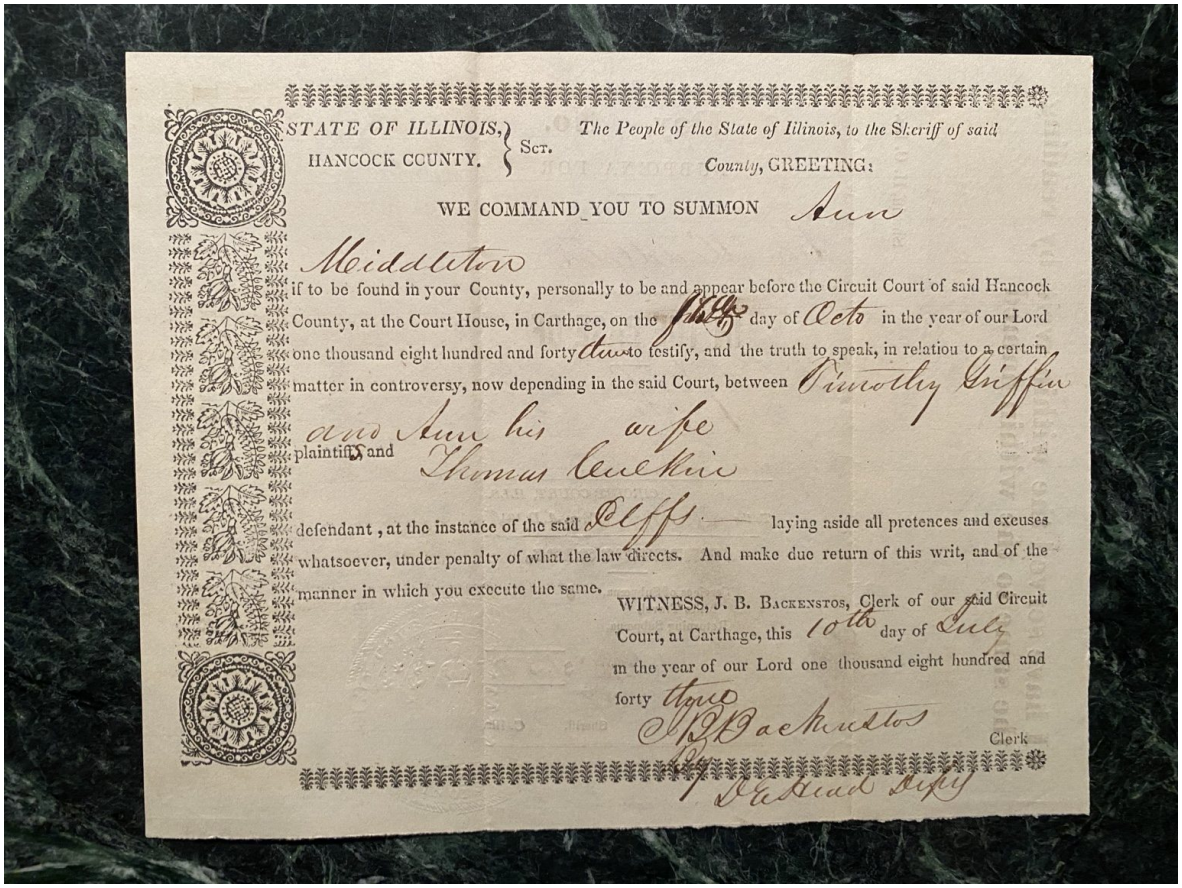
Timothy Griffin
& Ann his wife
vs } Slander
Thomas Culkin

Praecipe
for Summons
& Subpoena

Filed July [day unclear] 1843
J B Backenstos
Clerk

Issued

Subpoena for Ann Middleton



STATE OF ILLINOIS, } Scr. The People of the State of Illinois, to the Sheriff of said
HANCOCK COUNTY. } County, GREETING:

WE COMMAND YOU TO SUMMON Ann
Middleton
if to be found in your County, personally to be and appear before the Circuit Court of said Hancock County, at the Court House, in Carthage, on the 1st day of Octo in the year of our Lord one thousand eight hundred and forty two to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between Timothy Griffin
plaintiff, and Ann his wife
Thomas Culkin
defendant, at the instance of the said Plffs laying aside all pretences and excuses whatsoever, under penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.

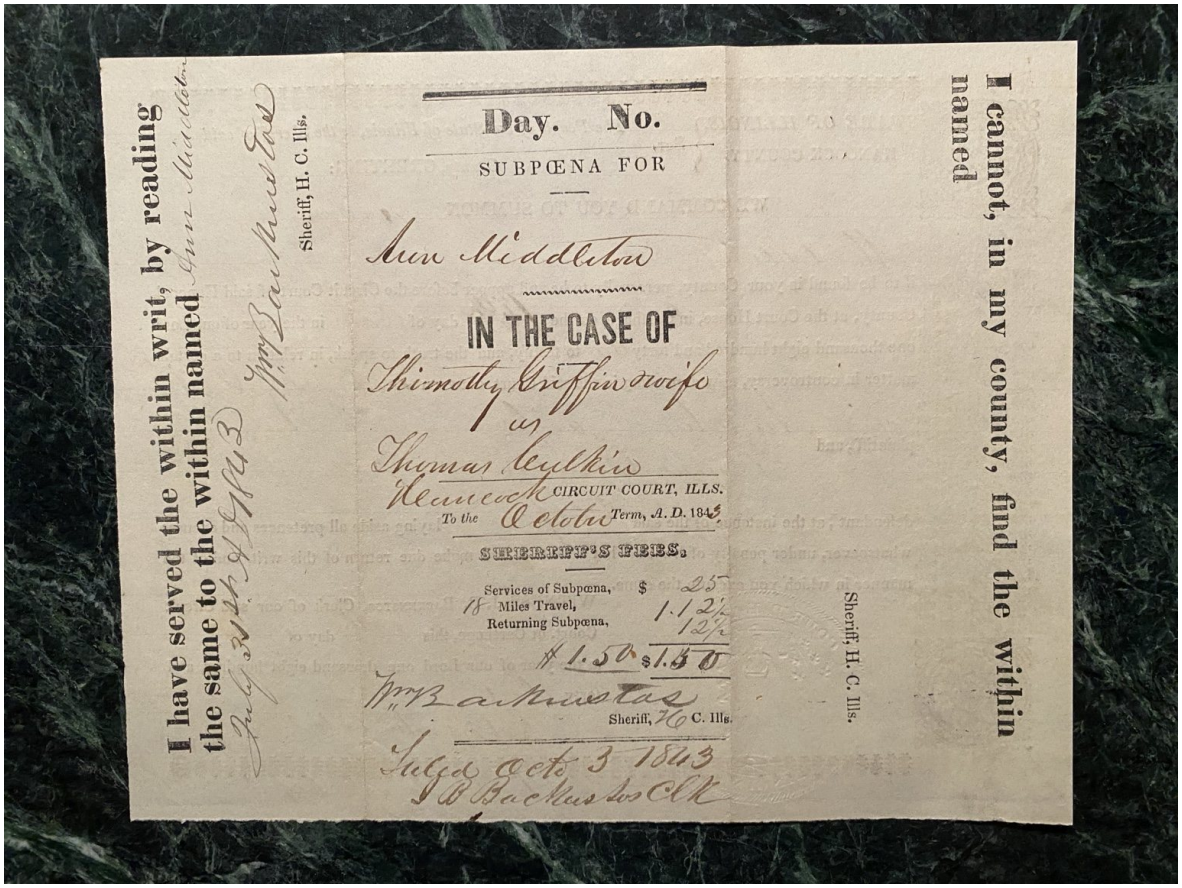
WITNESS, J. B. Backenstos, Clerk of our said Circuit Court, at Carthage, this 10th day of July in the year of our Lord one thousand eight hundred and forty three
J B Backenstos
Clerk
Deputy

Original court photograph IMG_3803, supplied by David Larsen.

Transcript

STATE OF ILLINOIS,
HANCOCK COUNTY. } Sct.
The People of the State of Illinois, to the Sheriff of said
County, GREETING:
WE COMMAND YOU TO SUMMON Ann
Middleton
if to be found in your County, personally to be and appear before the Circuit Court of said Hancock
County, at the Court House, in Carthage, on the [overwritten day unclear] day of Oct in the year of our Lord
one thousand eight hundred and forty three to testify, and the truth to speak, in relation to a certain
matter in controversy, now depending in the said Court, between Timothy Griffin
and Ann his wife
plaintiffs and Thomas Culkin
defendant, at the instance of the said Plffs laying aside all pretences and excuses
whatsoever, under penalty of what the law directs. And make due return of this writ, and of the
manner in which you execute the same.
WITNESS, J. B. BACKENSTOS, Clerk of our said Circuit
Court, at Carthage, this 10th day of July
in the year of our Lord one thousand eight hundred and
forty three
J B Backenstos Clerk
By D E Head Depty
[Embossed seal]

Subpoena: service and filing



Original court photograph IMG_3804, supplied by David Larsen.

Transcript

[Central docket panel]
Day. [blank] No. [blank]
SUBPŒNA FOR
Ann Middleton
IN THE CASE OF
Timothy Griffin & wife
vs
Thomas Culkin
Hancock CIRCUIT COURT, ILLS.
To the October Term, A. D. 1843.

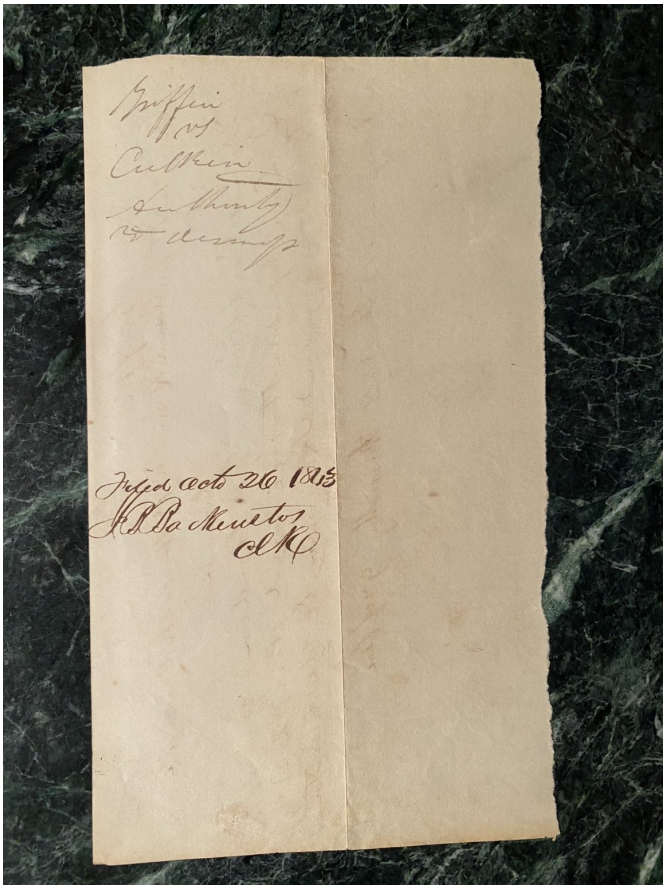
SHERIFF'S FEES.
Services of Subpœna, $ 25
18 Miles Travel, 1.12½
Returning Subpœna, 12½
$ 1.50 $ 1.50
Wm Backenstos
Sheriff, H C. Ills.

Filed octo 3 1843
J B Backenstos Clk

[Completed return, left panel]
I have served the within writ, by reading
the same to the within named Ann Middleton
July 31th A D 1843
Wm Backenstos
Sheriff, H. C. Ills.

[Unused printed return, right panel]
I cannot, in my county, find the within
named [blank]
[blank]
Sheriff, H. C. Ills.

Authorization: filing endorsement



Original court photograph IMG_3806, supplied by David Larsen.

Transcript

Griffin
vs
Culkin
Authority
to dismiss

Filed octo 26 1843
J B Backenstos
Clk

Sources and illustration notes

This edition includes all nine original court photographs, the January 1843 Bachman letter, and the four reproduced pages of the Backenstos report. A transcript immediately follows every manuscript image. Only the reproduced pages of the longer Backenstos report are transcribed here.

Original case papers
Timothy Griffin and Ann his wife v. Thomas Culkin, 1843. Nine photographs supplied by David Larsen, IMG_3798-3806. All nine photographs are reproduced and transcribed in this edition.

1. Bachman letter
George Bachman to Joseph Smith, January 21, 1843. Joseph Smith Papers.
Open source

2. Durfee murder and proceedings
History of the Church, volume 7, chapter 36, especially pp. 525-532. Contains Woodland's affidavit and accounts of the arrests and release. The compiled history's account is attributed as such.
Open source

3. Backenstos report
Jacob B. Backenstos report, circa March 1846, Joseph Smith history documents, CR 100 396, Church History Library. Manuscript pp. 2-3 and 5-6. The catalog dating governs; its placement under June 1844 in the published history does not date its composition.
Open source

4. Ford history
Thomas Ford, A History of Illinois (1854), pp. 409-410, consulted through an online transcription. Ford's accusation is distinguished from a court finding.
Open source

5. Skinner portrait
Illinois Supreme Court Historic Preservation Commission, Onias C. Skinner biography, p. 1; image courtesy of the Abraham Lincoln Presidential Library. Small source image reproduced at a modest size.
Open source

6. Skinner argument
Closing Argument of Onias Skinner, May 29, 1845, Copy, State of Illinois v. Williams et al., Joseph Smith Papers.
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