A Three Dollar Judgment

James Porter and the people of Nauvoo in 1845

A narrative history from the original case papers | October 23 2026

Highlights

- An assault complaint brings a missionary, a future pioneer captain, Joseph Smith's former legal associate, and a Nauvoo justice into the same case.
- The case continues through the year in which the Saints prepared to leave Illinois. The people's later journeys carry the story into Iowa and the West.
- Samuel Gully's last letter and travelers' accounts preserve the circumstances of his death and his roadside burial in 1849.

The arrest

In February 1845, Samuel Gully brought James Porter before Aaron Johnson to answer an accusation of assault and battery. Russell Rogers said Porter had struck and unlawfully beaten him two days earlier. The complaint was sworn on February 14. A quarrel had become a criminal case.

Johnson, a local justice of the peace, authorized Gully to serve the warrant because the regular constable was absent. The papers do not explain what started the quarrel.

Porter pleaded not guilty. He gave up trial by jury and asked Johnson to hear the case. The justice found against him and assessed a fine of three dollars, with $1.68 in costs. Porter appealed, giving a bond with Joel Sands as his security. Sands thereby put himself under a legal obligation on Porter's behalf.

Three dollars might seem an unlikely beginning for a history of Nauvoo. Yet the names on these papers lead directly into the Saints' experience after Carthage. The men who handled this small prosecution had known religious conversion, public service, hostility, and displacement. Some would leave Illinois together. Some would reach Utah. One would be buried beside the trail.[1]

The justice and the man who served the warrant

Aaron Johnson had followed the Church from Connecticut to Kirtland, Far West, and finally Commerce, where he arrived in March 1839, before the town became Nauvoo. A gunmaker by trade, he had been baptized by Daniel Spencer three years earlier.

The journey cost his family dearly. A later account associated with his clerk, William Gallop, recalls the loss of Johnson's Missouri home and the fever that laid him low during his first Illinois year. It also describes a friendship with Joseph Smith that began with a visit to Kirtland. By the time Porter stood before him, Johnson had become a high councilor, a temple worker, a missionary, and a justice. His name appears in the revelation now published as Doctrine and Covenants 124.

His work had brought him close to more dangerous cases. In December 1843, when men reportedly threatened to resist the arrest of Levi Williams in the Daniel Avery kidnapping affair, Johnson asked Joseph Smith for military assistance. Joseph, acting as mayor, ordered it. After the murders at Carthage, Johnson received William Daniels's sworn account and later John Taylor's complaint against suspected participants. He helped turn accusations about the killings into legal proceedings.

These were responsibilities he carried into the room where he heard Porter's case. They do not explain his decision against Porter. They do explain why his name belonged to much more than a neighborhood court.

Gully had lived in Mississippi before gathering to Nauvoo with his wife, Jane. Hyrum Smith gave him a patriarchal blessing in February 1843. That autumn he left on a mission to Mississippi with Wilkinson Hewitt, returning to a region he knew.

At Nauvoo, religion, business, and public service ran through the same households. Gully and Johnson appear in Masonic records alongside Joseph and Hyrum. Gully became a high priest and belonged to the Legion. A transaction involving Lyman Wight and Joseph Smith helped place a lot in Jane Gully's name. The family established a home and store at Parley and Hyde Streets.

During the year of Porter's prosecution, Hosea Stout recorded goods being moved into Gully's store for an association and later described work to obtain financing and iron. Gully's service to the community involved warrants and meetings, but also the materials and supplies on which families depended. That practical experience would matter again when the Saints organized their departures.[2]

A lawyer calls a witness

For the May term of the circuit court, George Philander Stiles asked the clerk to summon John Hamer for Porter's defense. His short signed request preserves an attorney preparing the appeal.

Stiles had already worked on a far more consequential defense. In May 1844, he wrote the petition used to challenge Joseph Smith's arrest in the Francis Higbee suit. His handwriting survives in the Joseph Smith Papers. At that time he had not yet joined the Church. Brigham Young baptized him in August, almost two months after Joseph and Hyrum were killed.

Stiles's professional association with Joseph preceded his conversion. When he represented Porter in 1845, he was a comparatively new Church member who already knew Nauvoo's courts. He had also applied to the Nauvoo Masonic lodge while identified with Carthage. He belonged to the legal world on both sides of the county's widening religious divide.

The likely witness was John Wood Hamer, who joined the Church as a teenager in England and came to America aboard the Hope in 1842. A Nauvoo temple labor receipt also bears the name John Hamer. The identification fits, though the final link to this case remains unproved.

What Hamer would have said about the assault is lost. Another subpoena named a witness called Carter, leaving his first name blank. Gully reported that Hamer had been served and Carter had not been found. Those few lines preserve people who might otherwise disappear from the history, even where their testimony has not survived.[3]

An appeal through a troubled year

Porter's case remained in motion as the seasons passed. In October, a subpoena sought Russell Rogers for the prosecution. The sheriff's return said he could not be found in the county. The missing witness leaves us with a practical difficulty for the case, but no explanation of where Rogers had gone.

The probable complainant was Russell Heber Rogers, baptized in 1837 and named in a Nauvoo Legion election record in 1841. His family had lived in Missouri before gathering to Nauvoo. If the identification is correct, he was twenty-four when he complained against Porter.

The county officers who processed the appeal had their own connections to the crisis. David E. Head, the circuit clerk, handled the papers at Carthage. Miner Rudd Deming, whose name appears to be on the May service return, had written to Joseph and Hyrum in jail on June 26, 1844, concerning the guards and access to visitors. He died in September 1845. Jacob B. Backenstos, the sheriff named in the later return, was a friend of the Saints and a Nauvoo Legion officer who did not become a Church member.

These men belonged to a county still living with the consequences of the murders. Nauvoo's charter had been repealed early in 1845. Renewed violence and pressure for the Saints' removal transformed the autumn. Families had to consider the disposal of homes, the completion of temple work, the purchase of

teams, and a journey to a destination many had never seen. Porter's appeal occupied a place within that year, although nothing in the file establishes a religious or political motive for his assault.

On December 9, Head issued a writ called a procedendo. In plain language, it directed Johnson to proceed with the case again. Service was recorded on December 27. The file had returned to the justice who heard the original complaint.

That is the last secure stage of the case before us. Johnson's conviction is recorded. A later acquittal, reversal, payment, or precise reason for the circuit court's action has not been established. We can follow the papers back to Johnson; we cannot supply the judgment that is missing.[4]

Preparing to leave

While the case made its way through the courts, Nauvoo's workshops and mills were becoming part of the preparations to move. In November 1845, Hosea Stout and Jesse D. Hunter visited a James Porter who joined Stout's company and offered the use of his steam mill. A few days later Stout negotiated grinding for the temple committee.

The name tempts us to finish the defendant's biography. But there were different James Porters in the record. One was James Buchanan Porter, husband of Elizabeth Schlotterback, who went west and later worked in Utah's mills and other trades. Another, married to Mary Buchanan, owned property in Hancock County and remained in Illinois long after the exodus. The prosecution does not give the defendant's wife, age, occupation, or a signature that securely distinguishes him.

James Buchanan Porter and Elizabeth received their endowments in January 1846. That July, Newel Knight's roster lists James with Betsey and their children in the organized mountain expedition. His household can be followed out of Nauvoo; the criminal defendant cannot yet be securely identified with it.

Joel Sands offers another glimpse of departure. An appeal bond places him beside Porter in the court papers. A letter printed many years later places a man of that name at a Nauvoo mill, arranging to leave with the Saints. The letter reported a sale for $980 and a rental to the temple committee at $40 a month. Sands expected to take mill irons, three wagons, and five yoke of oxen west.

He imagined a route through Council Bluffs and across the mountains to San Francisco Bay. The Salt Lake settlement familiar to later generations was still in the future. His proposed destination reminds us how much remained unsettled when people began disposing of their Illinois property.

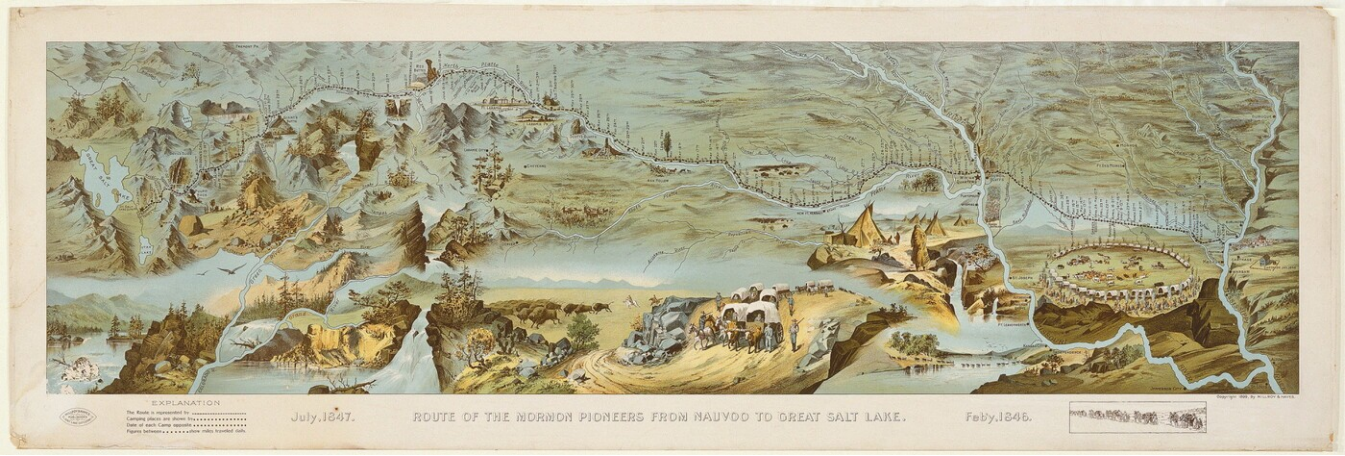
The letter survived because a nephew, Samuel Schertz, was still searching for him in 1895. Schertz said the family had heard nothing further. The miller is a strong candidate for Porter's surety, but his eventual journey and fate remain unknown. We can see the sale, the equipment, and the intended departure. We lose sight of the man beyond them.[5]

The roads after Illinois

The departures scattered the people in Porter's case. Aaron Johnson led a company to Utah in 1850 and became Springville's first bishop. Stiles became a federal judge in Utah, then left after his excommunication. John Wood Hamer, the probable witness, arrived in 1851 and worked as a Salt Lake City blacksmith. Backenstos eventually settled in Oregon; Head remained in Illinois.

One possible connection brings the story back to Gully. Russell Heber Rogers traveled in the Gully–Spencer company in 1849. If he was the complainant, the man who accused Porter and the man who arrested him were together again on the plains.

Their later lives appear in the biographies that follow. Gully's journey ended before most of those chapters had begun.[6]



From Nauvoo at the right to Great Salt Lake at the left. Millroy & Hayes published this pictorial map in 1899 to commemorate the 1846–1847 migration. Gully followed the route in 1849.

Captain Gully

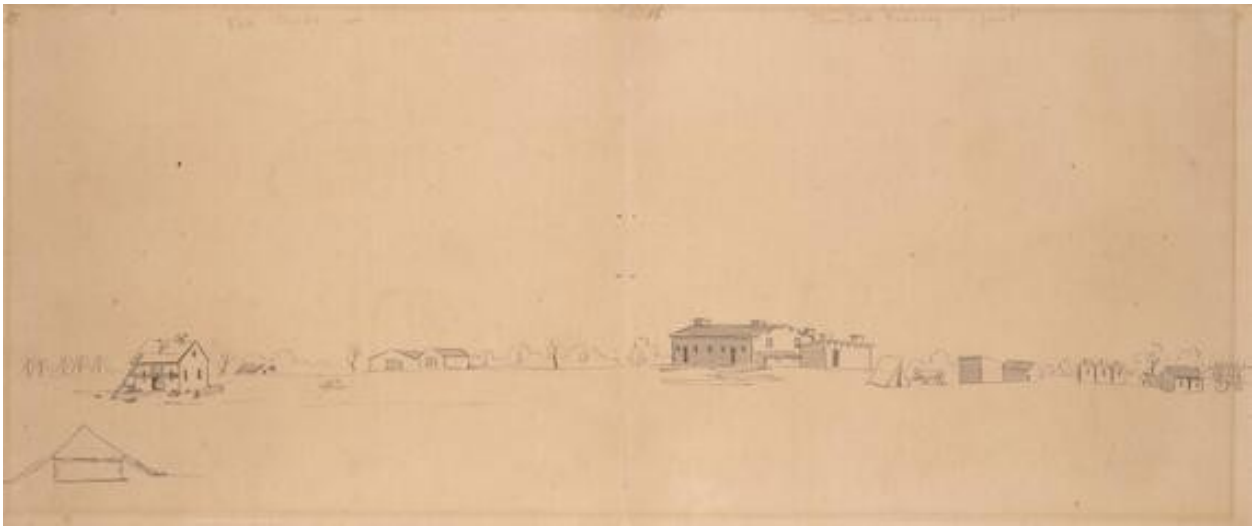
After leaving Illinois, Gully served as a second lieutenant in Company E of the Mormon Battalion during the Mexican War. By 1849 he was again with emigrants preparing to cross the plains. This time the responsibility was his.

On June 4, near Winter Quarters, George A. Smith addressed travelers whose wagons were still crossing the Missouri. He urged experienced people to help those who were new to the journey. He then nominated Gully to captain the combined company, organized in two divisions of fifty. The vote was unanimous. Orson Spencer became president of the camp, with William Miller and William Hyde chosen to captain the divisions. The familiar name Gully–Spencer company reflects that shared leadership.

Gully had to help move people, animals, wagons, and supplies along a difficult road. The company depended on men who could organize work and keep it moving when rivers, weather, and sickness interrupted the journey.

Cholera traveled the emigrant roads that summer. It spread through contaminated water and food and could kill through rapid dehydration. Travelers did not understand its cause or have the effective treatment available today. Mormon emigrants and California gold seekers used the same corridor; death appeared in both kinds of company.

By early July, Gully was writing to Brigham Young from a camp he placed 192 miles from Winter Quarters. He reported three deaths and continuing illness. Heavy rain had slowed the wagons. He also attended to freight and arrangements for merchants traveling with the company. Even while reporting death, he was still carrying out the everyday business of the journey.[7]



Fort Childs or New Fort Kearny, drawn by James F. Wilkins in 1849. Gully's final camp lay near this Platte River post, still far from the Salt Lake Valley.

The letter left unsealed

Gully dated his letter July 3. He hoped the company would be spared more cholera and left the sheet unsealed while waiting for possible news from the nearby army post. He never finished sending it himself.

William Hyde added a postscript on July 5. Gully had become ill the previous day and died at five that morning. Hyde signed Gully's name and forwarded the letter. A captain's report became the announcement of the captain's death.

Reuben Miller's journal supplies the swiftness of the illness: a violent attack began about noon on July 4; by the next morning Gully was dead. Miller placed the camp on the Platte bottom, approximately five miles below the post he called Fort Childs. The post had been renamed Fort Kearny. They were in the country around present-day Kearney, Nebraska, still far from the valley.

Gully was buried beside the road. Thomas Atkin remembered the burial. Later parties found the grave, so its existence rests on more than a later family tradition. William I. Appleby described two graves near a prairie-dog town, covered with sod and marked with inscribed headboards. One belonged to Gully; the other to Henry Vanderhoof, a California emigrant who had died the day before him. Men bound for different destinations lay beside the same trail.

On August 3, Silas Richards's company came upon Gully's grave. Many of the travelers knew him, but had not yet heard he had died. The discovery stopped them. Richards remembered how "we gazed with emotion on the spot of ground that contained his body."

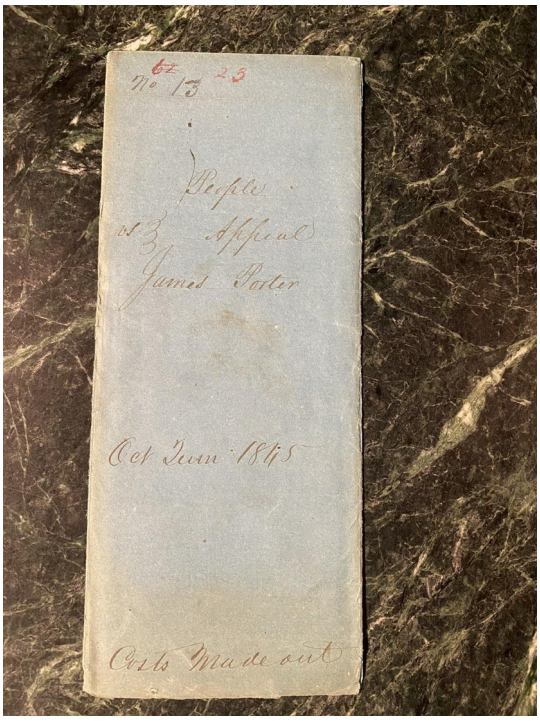
In Nauvoo, Gully had carried the authority that brought James Porter before Aaron Johnson. At the Missouri, fellow Saints entrusted their journey to him. On the Platte, his own letter carried the news that he would travel no farther.

The company continued west. Those who followed paused at his grave.[8]

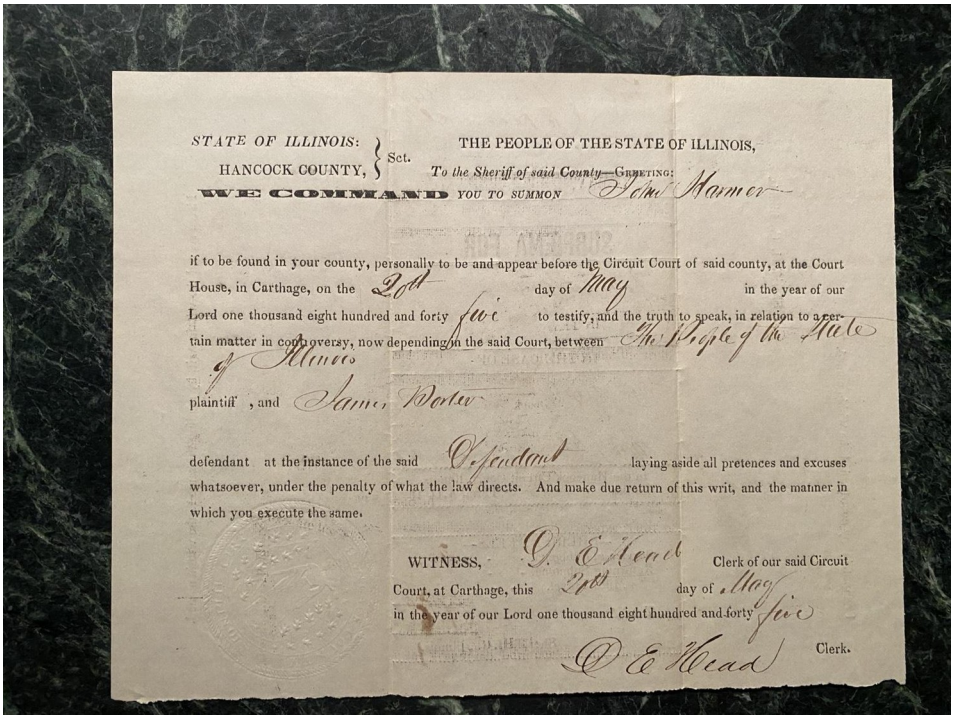
The original case papers

The sixteen photographs supplied by David Larsen follow in their original numbered sequence. Each is oriented to its principal text; some reverse sides contain additional writing running in other directions. The photographs include folded covers, reverse sides, and a close view of the cost account. Selected passages in plain type follow the images.

IMG 3737 The folded case wrapper



IMG 3738 October subpoena for Russell Rogers



STATE OF ILLINOIS: } Set. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY, } To the Sheriff of said County—Greeting:
WE COMMAND YOU TO SUMMON John Harmer

if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, on the 20th day of May in the year of our Lord one thousand eight hundred and forty five to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of the State of Illinois plaintiff, and James Porter defendant at the instance of the said Defendant laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

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

D E Head Clerk.

IMG 3739 October subpoena reverse and return



Filed May 24, 1845
D. C. Pease Clk

DAY. NO.

SUBPŒNA FOR

John Hamer

IN THE CASE OF

The People

James Porter

In the Hancock Circuit Court, Illinois.
To the Term, A.D. 18

—SHERIFF'S FEES—
Service of Subpœna, - - $ 0.25
Returning Subpœna, - -
20 Miles Travel, - - - -
Total Amount, - - - - $

Sheriff, H. C., Illinois.

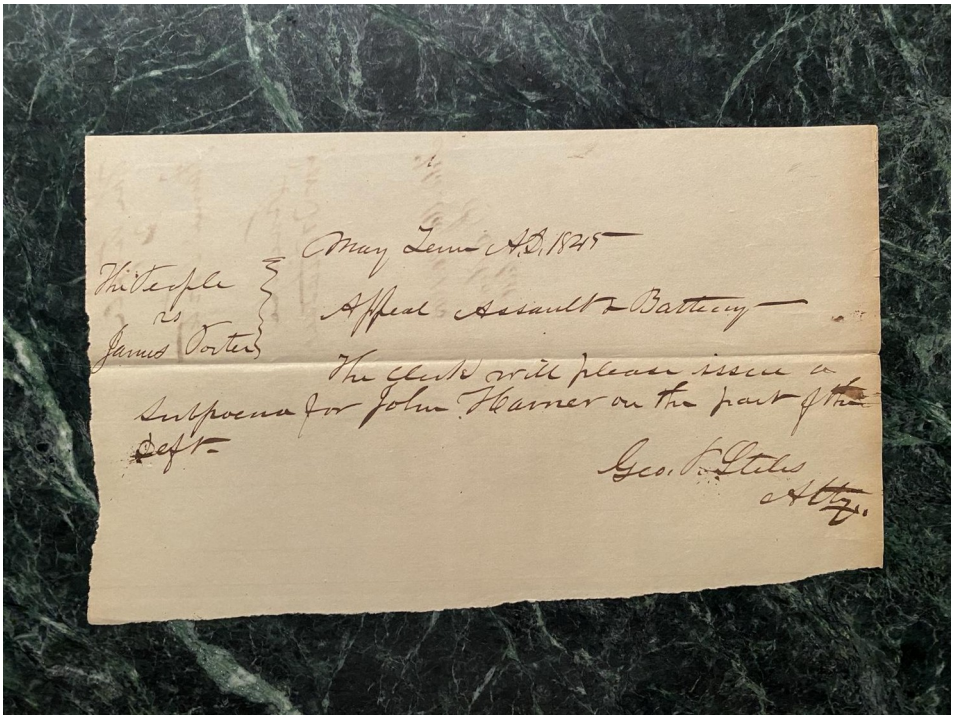
I cannot, in my county, find the within named.

Sheriff, H. C., Illinois.

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

Sheriff, H. C., Illinois.

IMG 3740 Stiles requests John Hamer for the defense



May Term A.D. 1845

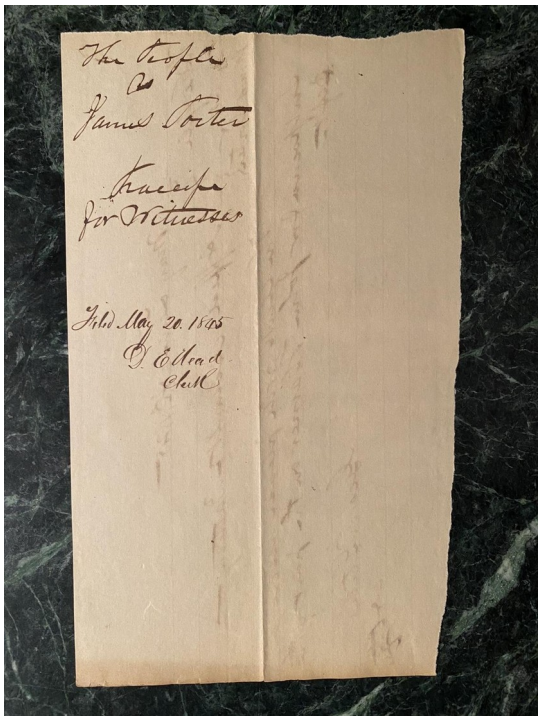
The People
vs
James Porter

Appeal Assault & Battery

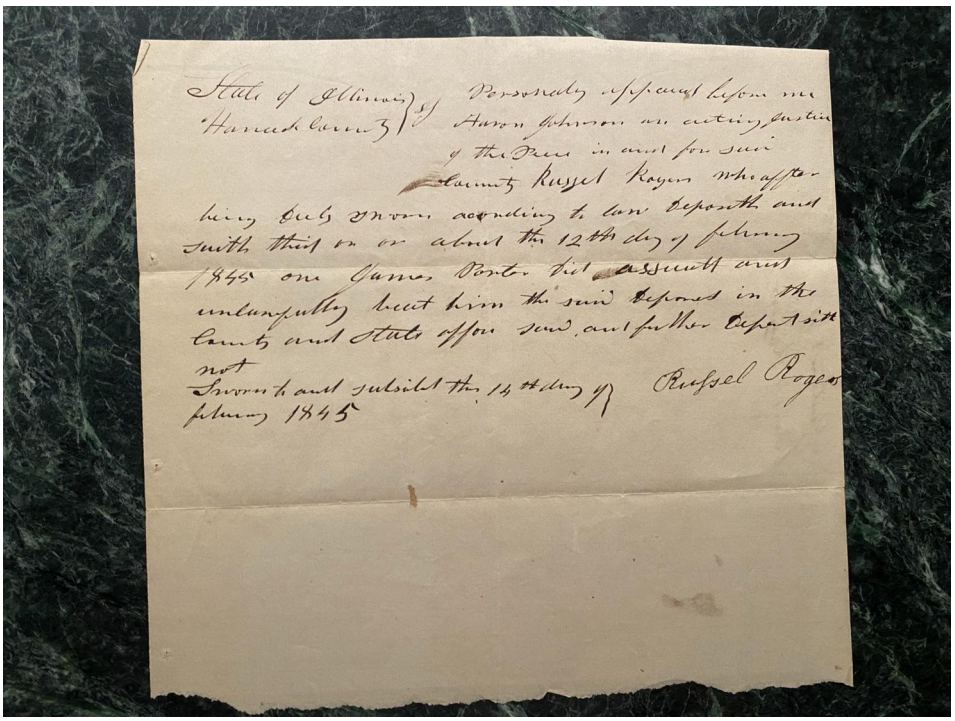
The Clerk will please issue a Subpoena for John Hamer on the part of the Defts

Geo. T. Stiles
Atty.

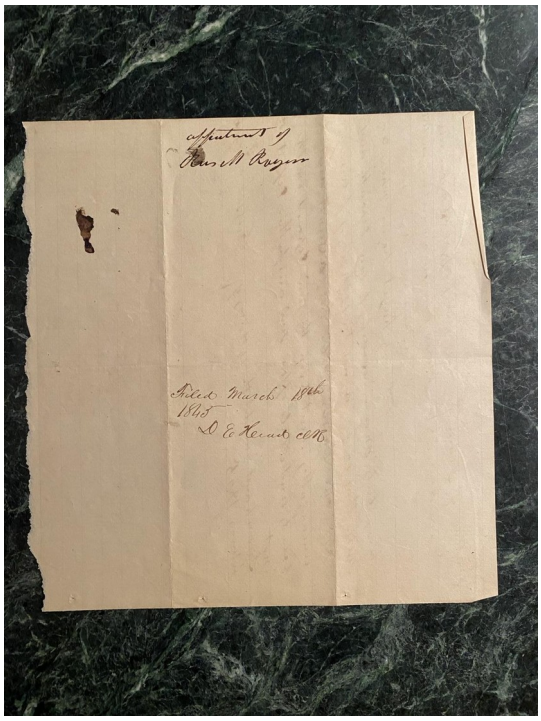
IMG 3741 Endorsement on the subpoena request



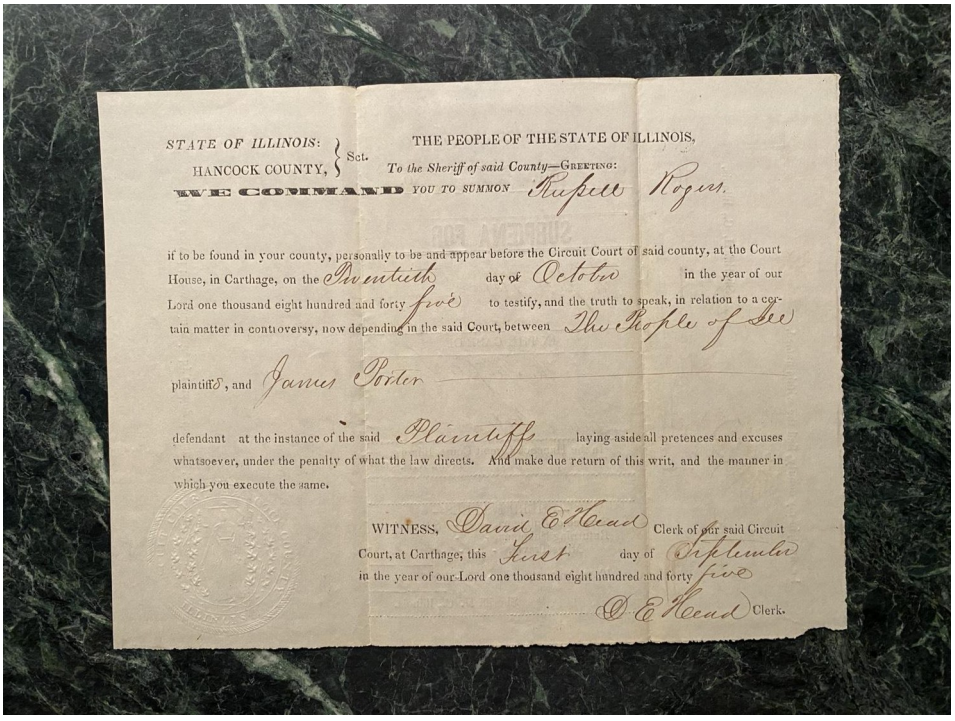
IMG 3742 Rogers swears his complaint before Johnson



IMG 3743 Complaint reverse



IMG 3744 May subpoena for John Hamer



STATE OF ILLINOIS: } Sct.
HANCOCK COUNTY, }

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Sheriff of said County—GREETING:

WE COMMAND YOU TO SUMMON Rufell Rogers

if to be found in your county, personally to be and appear before the Circuit Court of said county, at the Court House, in Carthage, on the Twentieth day of October in the year of our Lord one thousand eight hundred and forty five to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of Ill

plaintiff, and James Porter

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

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

D E Head Clerk.

IMG 3745 May subpoena reverse and service return



Filed Oct 21st 1845
D. C. Howard Clk

DAY. NO.

SUBPŒNA FOR

Rufus Rogers

IN THE CASE OF

The People
vs
James Porter

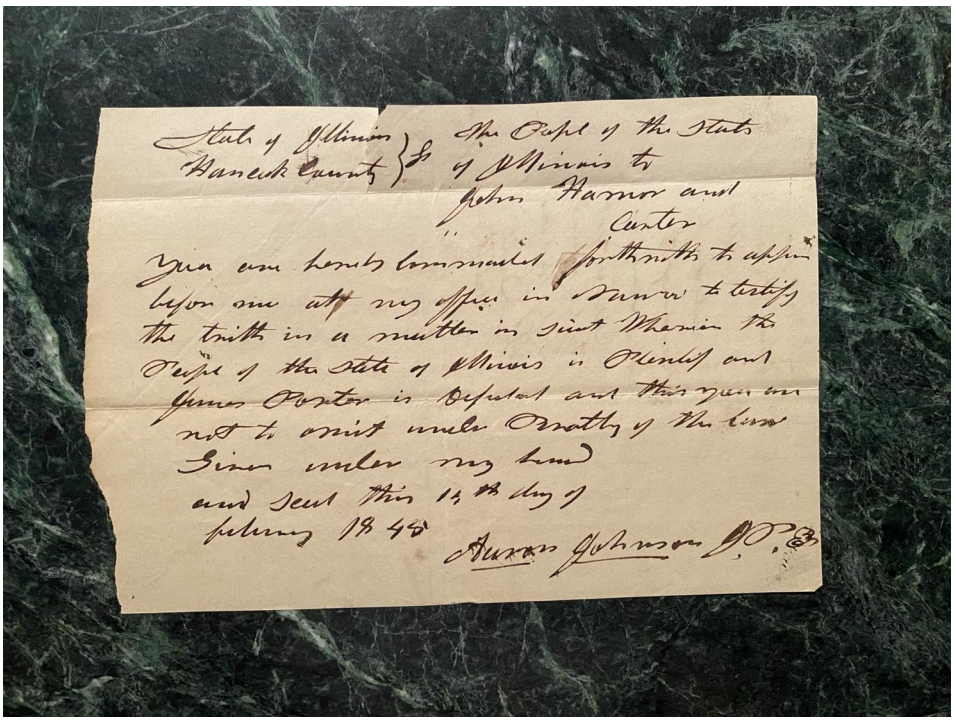
In the Hancock Circuit Court, Illinois.
To the October Term, A.D. 1845

—SHERIFF'S FEES—
Service of Subpœna, - - $
Returning Subpœna, - -
Miles Travel, - - - -
Total Amount, - - - - $
Sheriff, H. C., Illinois.

I have served the within writ, by reading the same to the within named.
Sheriff, H. C., Illinois.

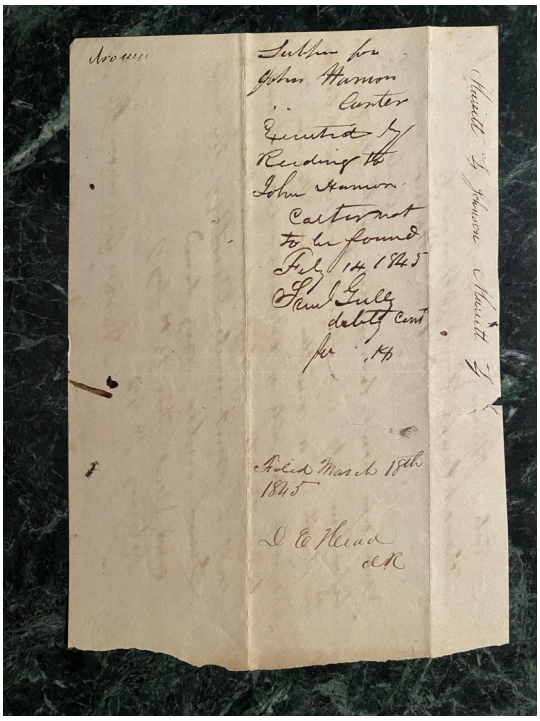
I cannot, in my county, find the within named. Rufus Rogers
Oct 20th 1845
Sheriff, H. C., Illinois.
By Wm. Buckmaster Dep.

IMG 3746 February subpoena for Hamer and Carter



State of Illinois } ss The People of the State
Hancock County } of Illinois to
John Hamer and
Carter
You are hereby commanded forthwith to appear
before me at my office in Nauvoo to testify
the truth in a matter in joint wherein the
People of the State of Illinois is Plaintiff and
James Porter is Defendant and this you are
not to omit under Penalty of the Law
Given under my hand
and seal this 14th day of
February 1846
Aaron Johnson J.P. (Seal)

IMG 3747 February subpoena reverse and return

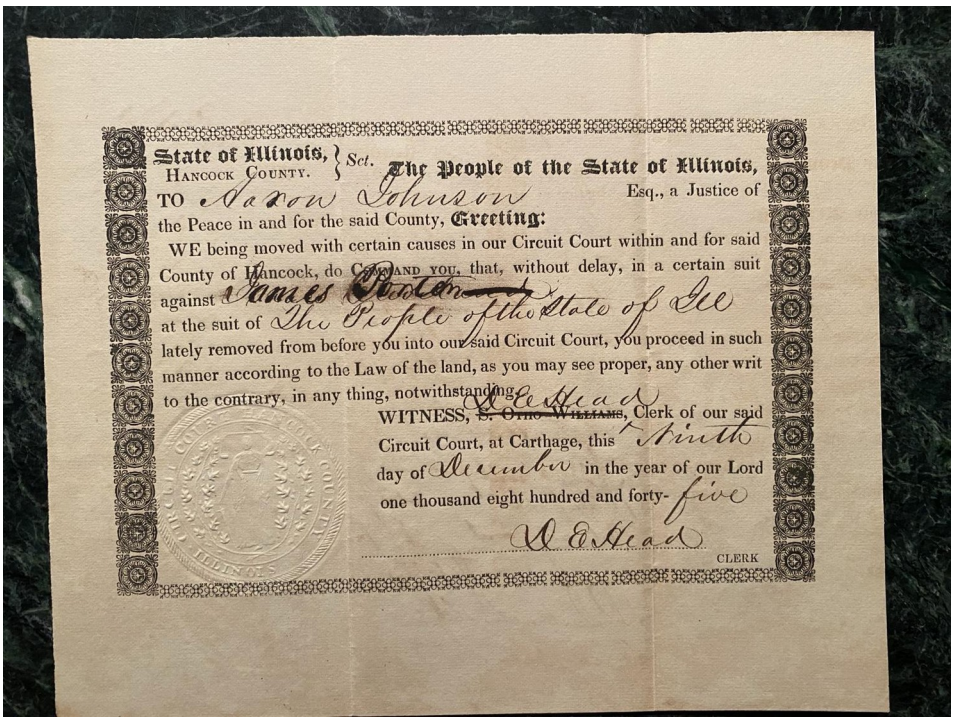


Subpa for
John Harmon
Carter
Returned by
Reading the
John Harmon
Carter not
to be found
Feb 14 1845
Saml Gully
debt & cost
for $3

Filed March 18th
1845

D E Head
clk

IMG 3748 The December procedendo returns the case to Johnson



State of Illinois, } Set.
Hancock County. }

The People of the State of Illinois,

TO Aaron Johnson Esq., a Justice of the Peace in and for the said County, **Greeting:**

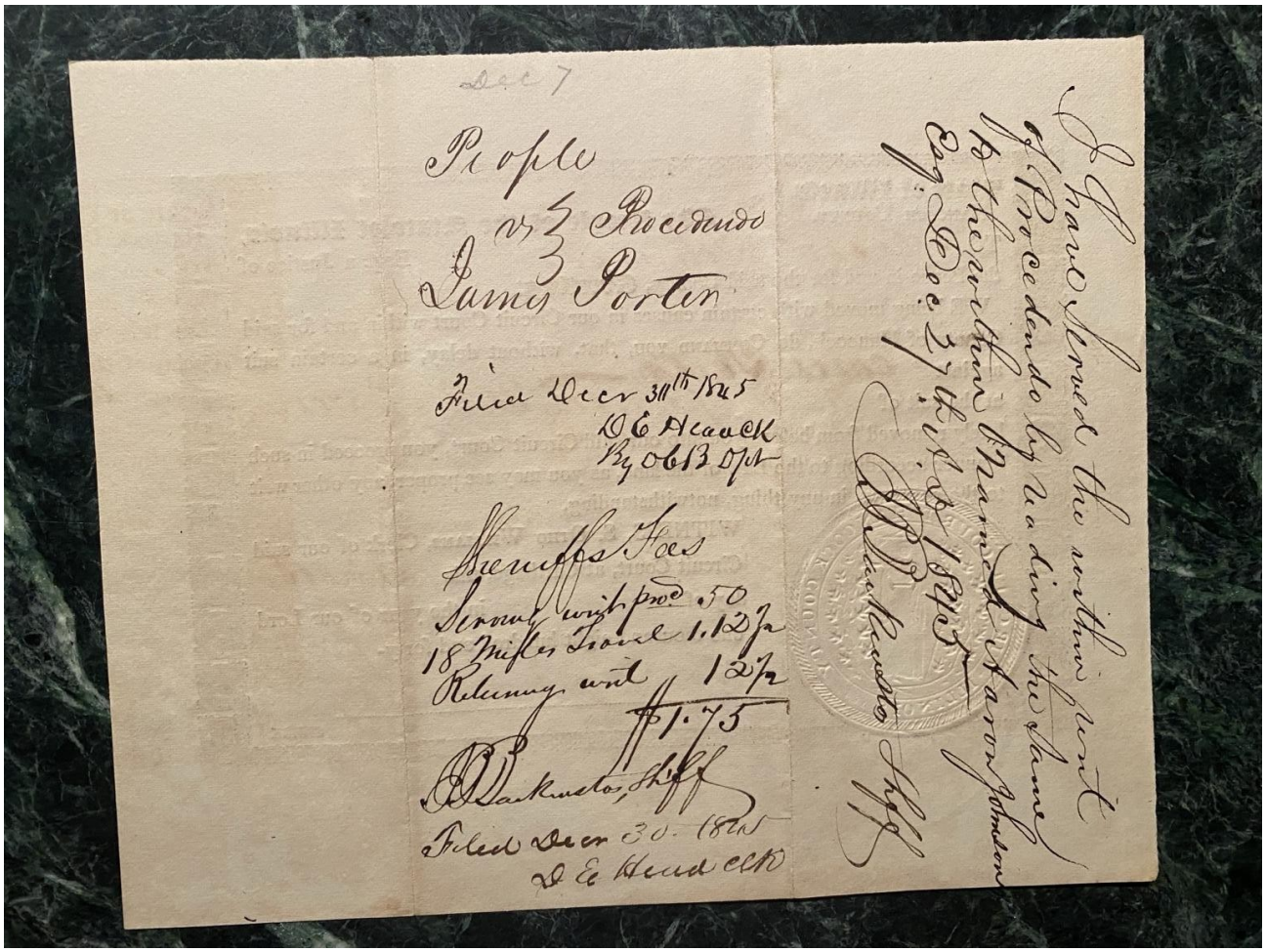
WE being moved with certain causes in our Circuit Court within and for said County of Hancock, do COMMAND YOU, that, without delay, in a certain suit against James Porter at the suit of The People of the State of Ill lately removed from before you into our said Circuit Court, you proceed in such manner according to the Law of the land, as you may see proper, any other writ to the contrary, in any thing, notwithstanding.

WITNESS, ~~S. Otho Williams~~, Clerk of our said Circuit Court, at Carthage, this Ninth day of December in the year of our Lord one thousand eight hundred and forty-five

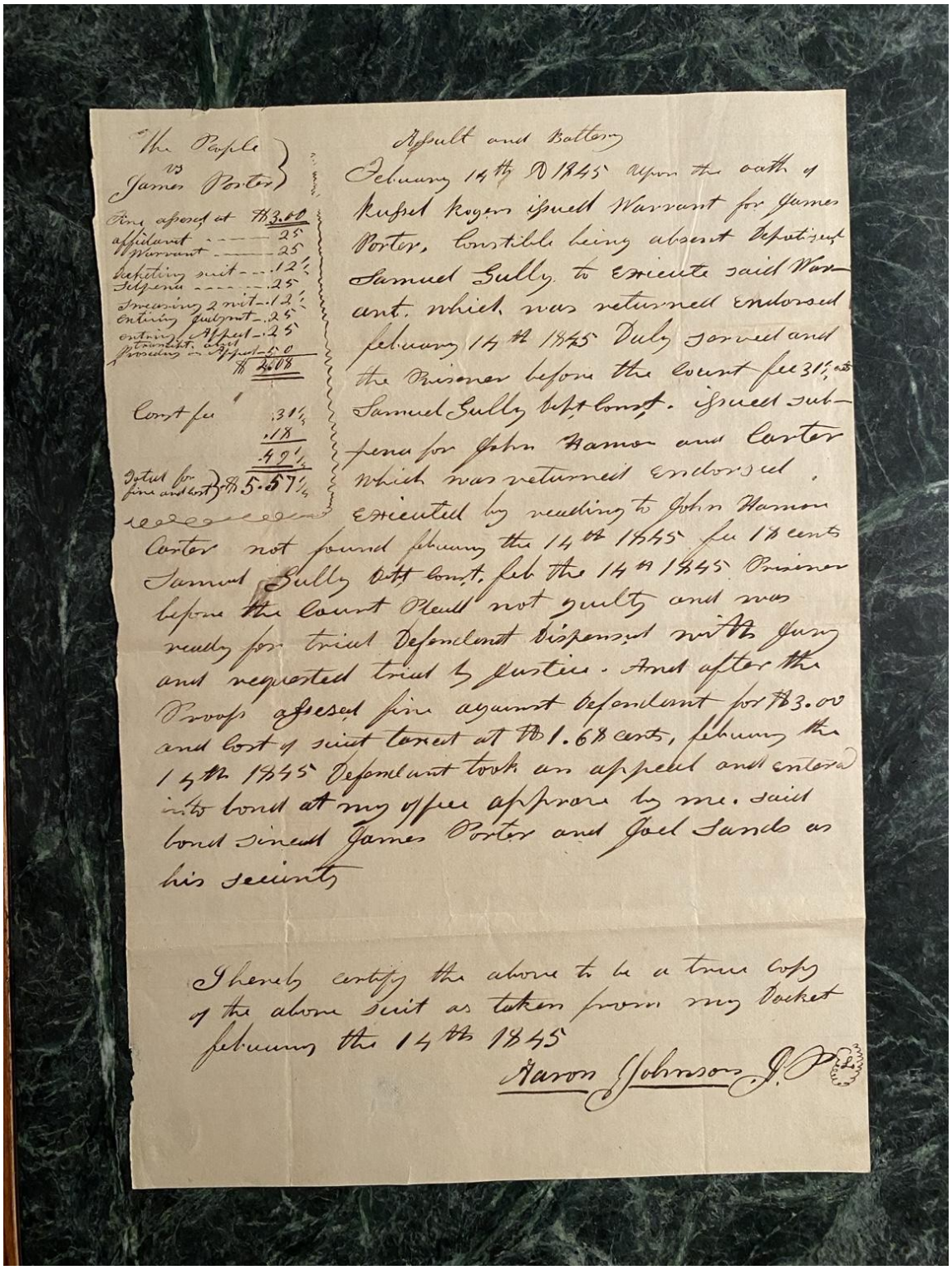
D E Head

CLERK

IMG 3749 Procedendo reverse and December return



IMG 3750 Johnson certifies the docket transcript



The People
vs
James Porter

Fine agreed at $3.00
affidavit ----- 25
Warrant ----- 25
docketing suit --- 12½
Subpena ----- 25
swearing 2 wit - 12½
Entering Judgment - 25
entering Appeal - 25
transmitting papers on Appeal 1.00
$2.08

Cost fee .31¼
.18
.49¼
Debt for fine and cost $5.57¼

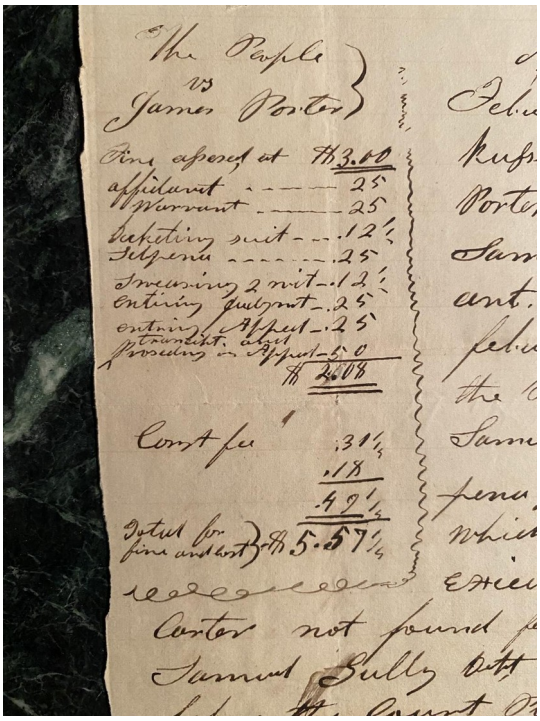
Assault and Battery

February 14th D 1845 Upon the oath of Rufus Rogers issued Warrant for James Porter, Constable being absent deputized Samuel Sully to execute said Warrant which was returned endorsed February 14th 1845 Duly served and the Prisoner before the Court fee 31¼ as Samuel Sully Deft Const. Issued subpena for John Hamon and Carter which was returned endorsed. Executed by reading to John Hamon Carter not found February the 14th 1845 fee 18 cents Samuel Sully Deft Const. Feb the 14th 1845 Prisoner before the Court Plead not guilty and was ready for trial Defendant dispensed with Jury and requested trial by Justice. And after the Proofs assessed fine against Defendant for $3.00 and cost of suit taxed at $1.68 cents, February the 14th 1845 Defendant took an appeal and entered into bond at my office approved by me. said bond signed James Porter and Joel Sands as his security

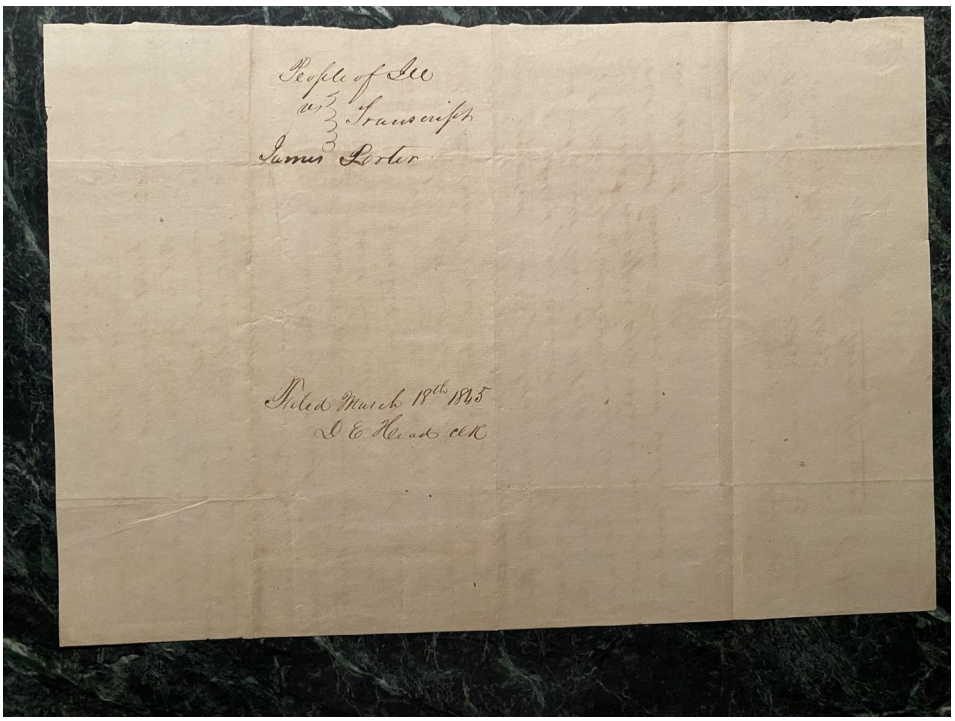
I hereby certify the above to be a true copy of the above suit as taken from my Docket February the 14th 1845

Aaron Johnson J. P.

IMG 3751 Detail of Johnson's cost account


The People
vs
James Porter
Fine agreed at $3.00
affidavit ------ 25
Warrant ------ 25
docketing suit --- 12½
Subpena ------ 25
swearing 2 wit - 12½
Entering judgmt - 25
entering Appeal - 25
transmitt. abst
proceeding on Appeal - 50
$4.08
Const fee ,31¼
,18
,49½
Total for fine and Cost $3.50½
Porter not found
Samuel Bully Att

IMG 3752 Reverse of the docket transcript


People of Ill
vs
James Porter
Transcript
Filed March 18th 1845
D C Haines clk

Selected passages in plain type

These short passages help readers use the handwriting. They are selected extracts, not a complete diplomatic transcription of all sixteen photographs. Line breaks are regularized; uncertain readings are identified.

The complaint

Rogers swore that “on or about the 12th day of february 1845 one James Porter did assault and unlawfully beat him the said Deponant in the County and State aforesaid and further Deponant saith not.” The complaint was sworn and subscribed February 14, 1845. [1, IMG 3742]

The defense witness

“The clerk will please issue a Subpoena for John Hamer on the part of the Deft.” Signed Geo. P. Stiles, Atty. [1, IMG 3740]

Johnson records the decision

“Prisoner before the Court Plead not guilty and was ready for trial Defendant dispensed with Jury and requested trial by Justice. And after the Proof assessed fine against Defendant for $3.00 and cost of suit taxed at $1.68 cents.” [1, IMG 3750]

Johnson then recorded the appeal and the bond, naming James Porter and Joel Sands as his security. Carter’s first name is blank in the subpoena. The complete cost account also includes later procedural charges; it should not be reduced to the original $1.68 trial costs. [1]

The people behind the story

The following fuller biographies preserve the family, missionary, Church, legal, military, and migration details behind the narrative. Bracketed numbers refer to the source list at the rear. A probable identification remains qualified throughout; the uncertain lives are kept separate.

Aaron Johnson

1806–1877 | Justice of the peace | Secure identity

The man who judged Porter had already experienced much of the Saints' early movement across the country. Born in Haddam, Connecticut, on June 22, 1806, Johnson became a gunmaker and married Polly Zeruah Kelsey in 1827. He joined the Church through Daniel Spencer's baptism on April 15, 1836. Kirtland followed in 1837, where he was ordained an elder; Far West followed in 1838, where he became a seventy. He reached Commerce on March 14, 1839. These dates place him within the Kirtland and Missouri story before the city became Nauvoo. [3]

A biographical sketch attributed to William Gallop, Johnson's clerk, adds the human cost. It describes limited childhood schooling, a gunsmith's apprenticeship, the loss of his Missouri home, and prolonged fever during the first Nauvoo year. It also remembers his acquaintance with Joseph Smith beginning with a Kirtland visit in November 1836 and developing into friendship. This is a later recollection rather than a diary written during those events. [4]

Johnson labored on the Nauvoo Temple, served as a justice of the peace, and held high council responsibilities. His name appears in Doctrine and Covenants 124:132. The Church History Biographical Database records an Eastern States mission in 1842, another assignment from Garden Grove to Iowa, Indiana, and Illinois about 1846, and a New England mission in the winter of 1849–1850. The Joseph Smith Papers dates one intermediate mission to 1847, while the autobiographical tradition describes horseback travel in 1848. Those differences need the underlying journals before a day by day missionary chronology can be fixed. [3–5]

A direct encounter with Joseph Smith is particularly well documented. On December 18, 1843, Johnson requested one hundred Nauvoo Legion men to support an arrest warrant for Levi Williams after reports that armed men would resist its execution. The warrant concerned the kidnapping of Daniel Avery. Joseph responded as mayor by ordering military assistance. Johnson was thus working at the point where civil process and Nauvoo's defense met well before Porter's prosecution. [6]

His Masonic connection is also documented. Nauvoo Lodge minutes list Johnson at the December 23, 1842 meeting, alongside Joseph and Hyrum Smith and Samuel Gully. A separate historical account of the hall's construction identifies Johnson with Lucius N. Scovil and Samuel Rolfe on the building committee appointed in February 1843. Presence in a lodge record supplies a sounder foundation than inferring membership from his municipal office. [7–8]

Gallop's sketch places Johnson with Joseph during the Carthage trials preceding the murders. It does not make Johnson an eyewitness to the shooting inside the jail. The distinction matters: companionship during the last legal crisis is established in the recollection; an eyewitness account of the actual attack has not been located for this edition. [4]

Johnson also helped turn accounts of the murders into legal evidence. William Daniels swore his July 4, 1844 affidavit before him; surviving copies preserve Daniels's allegations about the militia's movements and the assault on the jail. In September, John Taylor's murder complaint was sworn before Johnson, who certified it and issued process against suspects. The papers are dated September 21, while the JSP editors assign their creation to a September 22 meeting on contemporary journal evidence. Johnson's role was that of a magistrate receiving testimony and initiating process. It does not make Daniels's account Johnson's own eyewitness recollection. [37–38]

Johnson left Illinois in the exodus and served the displaced Saints in Iowa. His later offices included the Garden Grove bishopric and leadership at Kanesville. He captained an emigrant company in 1850, then helped establish Springville. Gallop's sketch reports that his wife Polly and eldest son died of cholera during the crossing. The loss gives a personal dimension to a journey otherwise easily reduced to a company name and arrival date. [3–5]

In Utah he became Springville's first bishop and served in the territorial legislature, judicial offices, and militia leadership. He practiced plural marriage and built a large family. Ill health brought his resignation as bishop in 1870; he died at Springville on May 10, 1877. His documented career makes him a central figure for the narrative, but it does not by itself establish that his judgment against Porter arose from anything beyond the evidence in the assault trial. [3–5]

Samuel Gully

1809–1849 | Special constable | Secure identity

Gully carried out the arrest that put Porter before Johnson. The transcript explicitly describes him as specially deputized because the constable was absent. We should preserve that precise role rather than assume that this document establishes a permanent appointment. [1]

He was born in Smithfield, North Carolina, in May 1809 and married Jane Frelick, also rendered Frilick, in 1833. Their lives took them to Mississippi and then Nauvoo. The Joseph Smith Papers places his baptism by 1842; the Church History Biographical Database uses a before 1843 qualification. His baptismal day and officiator have not been established here. A newer JSP document introduction places the family's move in early 1843, while the person biography says by 1842. A December 1842 lodge appearance makes it unwise to assert a single arrival date without further reconciliation. [9–11]

Gully's connections to the Smith brothers are concrete. Hyrum Smith gave him a patriarchal blessing on February 12, 1843. An elder's license preceded his departure for Mississippi on October 25 that year. The database identifies Wilkinson Hewitt as his missionary companion. This was a return to a region where he had lived, rather than a documented Kirtland or Missouri phase. No evidence reviewed places him among the Saints expelled from Missouri in 1838–1839. [10–11]

The property trail reaches Joseph Smith directly. Lyman Wight's May 18, 1844 pay order asked Joseph to deed a Nauvoo lot to the Gully household. A deed to Jane followed on May 20. The lot was at Parley and Hyde Streets, and by December the Gullys had a home and store there. The reason Wight transferred the property is uncertain; the stated consideration should not be treated as proof that Jane handed over that amount in cash. The transaction documents an institutional connection without supplying a private conversation with Joseph. [11]

Gully belonged to the Nauvoo Legion and became a high priest in October 1844. His Masonic activity is independently visible: the December 23, 1842 minutes list him in a third degree meeting attended by Joseph and Hyrum, and the April 5, 1844 dedication minutes name him among those present at the new hall. These records support a real connection to Nauvoo's civic and fraternal world. [7,9,12]

After Illinois, his story became part of the Mormon Battalion and the overland migration. The Church History Biographical Database records his service as second lieutenant in Company E from July 1846 to July 1847. In May 1849 he became captain of the company now called the Samuel Gully–Orson Spencer Company. He died of cholera on July 5 before the company reached Utah. He went west, but he did not arrive in the Salt Lake Valley alive. [9–10]

The same emigrant company includes Russell Rogers in the official database. That later association does not explain their earlier roles in Porter's case, but it is a valuable connection between two participants whose paths continued after Nauvoo. No personal narrative by Gully describing the murder of Joseph and Hyrum has been located in this review. His military and migration records should not be substituted for such testimony. [10,13]

Stout's diary places Gully within Nauvoo's collective economy. March 10–12, 1845 entries describe discussions with Gully, approval from John Taylor, and goods moved into Gully's store for an association. On November 11, Stout and Gully sought financing and iron for company work. These entries illuminate his practical responsibilities during the year of Porter's prosecution. [36]

George Philander Stiles

1816–1885 | Porter's attorney | Secure identity

Stiles's signed request for a defense subpoena makes his role in this prosecution clear. He asked the clerk to summon John Hamer on Porter's behalf for the May 1845 term. The document does not preserve his argument, fee, or explanation of why Porter appealed. [1]

Born in Watertown, New York, on July 18, 1816, Stiles entered the Hancock County legal world before his recorded conversion. He served as Nauvoo city attorney, but the Joseph Smith Papers dates his baptism by Brigham Young to August 26, 1844, almost two months after the Smith brothers' deaths. His legal work for Joseph must therefore not be described as the work of an already baptized Church member. He had become a seventy by January 1846. [14]

His professional association with Joseph is visible in the May 6, 1844 habeas corpus petition arising from Francis Higbee's suit. The Joseph Smith Papers identifies Stiles's handwriting in that petition, which argued against the legality of Joseph's arrest. This is tangible participation in Joseph's legal defense during the weeks preceding Carthage. It establishes much more than a general statement that Stiles knew the Prophet. [15]

A February 3, 1842 Nauvoo Lodge minute records the petition of George P. Stiles, an attorney then identified with Carthage. That is evidence of a Masonic application; this entry alone does not establish the dates on which he received each degree. A later bibliographical discussion also identifies him among those designated to testify in Joseph's Carthage proceedings. It does not place him in the room at the moment of the murders. [16–17]

His family history requires care. The JSP biography records marriages to Julian Mackemer in 1841, Sophia Janett Schofield in 1843, and Isabell in 1846. Those entries should not be converted into a claim of simultaneous plural marriages without resolving the status of the earlier relationships. The case documents themselves tell us nothing about his domestic arrangements. [14]

Stiles moved to Iowa and became Council Bluffs city attorney in 1853. He subsequently went to Utah and received a federal appointment as associate justice in 1854. Peter Crawley's bibliographical notes trace the nomination, confirmation, and arrival. They record his excommunication for adultery on December 22, 1856, and departure the following spring. That stated disciplinary ground should remain distinct from broader disputes between federal judges and territorial leaders. [14,17]

After Utah, Stiles lived in Washington and Ohio, served in the Civil War, became Cardington's mayor, and worked in the Treasury. He died in Texas in September 1885. No formal mission or personal expulsion account has been located. [14]

Russell Heber Rogers

1820–1890 | Strong candidate for the complainant | Case identification still to be joined

The complainant's name is unambiguous in the affidavit: Russell Rogers. The strong biographical candidate is Russell Heber Rogers, son of Noah Rogers and Eda Hollister. His age, Nauvoo residence, and documented religious setting fit. The affidavit, however, supplies no age, parentage, or residence specific enough to complete the identification by itself. Until a signature or another record joins the two, the following life should be described as the probable complainant's biography. [1,13]

Rogers was born in Edinburg, Portage County, Ohio, on May 17, 1820. The Church History Biographical Database records his baptism on September 12, 1837, by S. Stoddard. That is more precise than older summaries giving 1837 or 1839. At the time of the alleged assault he would have been twenty four. His family's history belonged to the Missouri displacement and the subsequent gathering at Nauvoo. [13,18]

Maurine Carr Ward's reconstruction of the 1842 Nauvoo census places Russell in Noah and Eda's family and identifies an R. M. Rogers among their signatures seeking congressional redress for Missouri losses. Ward also traces his later household with Lydia Ann Trumble and children born in Iowa and Utah. This is a compiled reconstruction and should be used alongside, rather than in place of, the underlying petition and census. [18]

A contemporary Nauvoo Legion poll record supplies a firmer military connection. "Russle" Rogers appears among the voters at the March 6, 1841 election of a third lieutenant in the first company of the first cohort. It proves participation in that company election; it does not prove that Russell held the officer's rank being elected. [19]

The official database dates his marriage to Lydia Ann Trumble to January 12, 1846 and his migration with the Gully–Spencer company to 1849. It later places him in Fillmore as a seventy of the Twelfth Quorum. Called to the Southern States in October 1877 and set apart by Wilford Woodruff, he served in Mississippi, Alabama, and Georgia, became president of the Mississippi Conference in August 1878, and was released in November 1880. He died in Albuquerque on December 21, 1890. [13]

Several details remain open. The older census reconstruction assigns a different company label to the family migration; the present biography follows the official database for Russell's own company. No firsthand account by him of the Smith murders, no direct conversation with Joseph or Hyrum, and no Masonic initiation have been verified. His father's missionary or lodge history cannot automatically be assigned to the son. The October 1845 failure to serve him does not show when or why he left the county. [1,13,18]

John Hamer

Probably John Wood Hamer 1824–1874 | Defense witness | Probable identification

Stiles called for John Hamer as a defense witness. A February subpoena also names John Hamer with another witness whose name presently reads Carter. Hamer's role is therefore stronger than a passing mention, but neither document supplies his age, occupation, or family. We cannot reconstruct his proposed testimony. [1]

The strongest candidate is John Wood Hamer, born July 2, 1824. A Haslam family history identifies John as the son of Samuel Hamer and Jane Thornley, baptized in September 1840 by Robert Crook, and emigrating with his family aboard the Hope in 1842. Its account places the Hamers in Nauvoo and the family among those displaced in 1846. A signature comparison has not yet joined this candidate to the witness. [20]

The same family history contains a warning about inherited recollections. It reproduces a story that Samuel Hamer died after seeing Joseph Smith's body at Carthage, but reports that the Nauvoo Neighbor and sexton's record instead place Samuel's death in August 1843. Both cannot describe the same event. The Carthage story must not be presented as verified eyewitness testimony. The account of two Hamer brothers helping defend Nauvoo in 1846 likewise needs the original testimony before it is assigned confidently to John. [20]

John Wood Hamer's western migration is independently documented. The Church History Biographical Database places him in the James W. Cummings Company in 1851, traveling with Elizabeth Ann Wilding. The Winter Quarters settlement history transcribes their September 24, 1850 marriage at Ferryville, Iowa. These records carry the candidate from the Iowa settlements to Utah. [21–22]

A contemporary newspaper account now resolves the strongest death-date evidence. The Millennial Star of July 28, 1874, page 479, reprinted a Salt Lake Herald report that John Hamer, an English blacksmith living in the Sixteenth Ward, drowned in the Jordan River on Friday, June 26. His body was recovered the following morning; the report mentions an inquest and a belief that an epileptic seizure caused his fall. It describes him as about fifty and resident in the territory since 1851, closely matching this candidate. June 26 is preferred to the June 23 date in the modern Church profile. The medical explanation remains the newspaper's reported belief. The scan has been inspected. [21,45]

Two further Church records strengthen the candidate's biography. BYU catalogs a Theodore Curtis temple labor receipt to John Hamer dated October 10, 1845, in the Newel K. Whitney papers, Box 2, Folder 62, item VMSS76_S1_SS3_B2_F62_I2. This is catalog evidence for a contemporary Nauvoo association; the receipt image itself was not retrieved, so no amount, labor duration, or Hamer autograph is claimed. A January 5, 1855 report printed in the Deseret News on January 11, page 165, lists John Hamer among the members of the Twenty-Seventh Quorum of Seventies residing in Great Salt Lake City. The newspaper scan was inspected and an independent transcription checked. It supports quorum membership, not a presidency or a missionary appointment. No formal mission, Masonic membership, or direct conversation with Joseph or Hyrum has been established. These same-name records still need a firm bridge to the court witness. [46–47]

The Alfred Cordon emigrating company journal gives an additional primary migration record: John Hamer appears with two persons, one wagon, four oxen and one cow in the second ten of the second fifty of the first hundred of Orson Pratt's company. The differently nested company labels should be retained alongside the modern Cummings Company identification rather than treated as separate journeys. [48]

Joel Sands

Dates not established | Appeal surety | Strong Nauvoo miller lead

Johnson's transcript names Joel Sands as Porter's security on the appeal bond. That relationship is certain. It is evidence that Sands accepted an obligation on Porter's behalf, but it does not establish kinship, employment, or a shared religious affiliation. [1]

A remarkable possible continuation appears in the Deseret News of February 23, 1895. Samuel Schertz of Philadelphia sought information about his uncle Joel Sands and supplied a letter headed Nauvoo, January 2, 1846. Sands said he had sold his mill for $980, with possession to change in April, and had rented it to the temple committee for $40 a month. He planned to take mill irons, three wagons, and five yoke of oxen west with the Saints. [24]

The destination in that letter was San Francisco Bay, not a named settlement in the Salt Lake Valley. Sands described an anticipated route through Council Bluffs and along the Platte. This records his intentions at the beginning of 1846; it does not establish that he completed the journey. The letter's reference to a ship leaving New York on the eighth of "this month" is also a reason to retain the printed date cautiously rather than force it to match a known sailing. [24]

Schertz's inquiry says the family had not heard from his uncle since that letter. His fate remains unresolved. Same name, same town, and close dates make the miller a strong candidate for Porter's surety, but an independent bridge is still needed. A conversion date, missions, priesthood office, Masonic affiliation, direct Smith interaction, and actual western arrival remain unproved. [1,24]

James Porter

Defendant securely named | Personal identity unresolved

The most consequential remaining biographical problem is Porter himself. The court papers establish an adult defendant, a conviction, counsel, an appeal, and an association with Sands. They do not give a

middle name, age, wife, trade, birthplace, or signature by Porter. Two different lives must remain separate. [1]

James Buchanan Porter

The Church History Biographical Database identifies James Buchanan Porter, born August 4, 1805 and died April 17, 1873, as an 1848 pioneer traveling in an unidentified company with Elizabeth Schlotterback and children. The Early Latter day Saints Database associates him with Nauvoo property, the temple endowment register, seventies records, and Winter Quarters. These make him a genuine LDS candidate, but neither source identifies him as this criminal defendant. [25–26]

Newel Knight's diary supplies a valuable independent migration link: its July 23, 1846 roster lists James Porter with Betsey, Lydia Ann, Elizabeth, George, James, and Martha in the organized mountain expedition. That household closely matches the Buchanan Porter family. It demonstrates an actual exodus connection for that candidate, rather than a conclusion drawn solely from later residence in Utah. [27]

The pioneer candidate's later life can now be developed further. A family narrative attributed to his daughter Ann Catherine remembers James and his first wife embracing the faith before gathering to Nauvoo. It repeats Elizabeth's memories of danger near Haun's Mill and of attending the meeting at which she understood Brigham Young to inherit Joseph's mantle. These are family-transmitted recollections, not a newly discovered diary by James or Elizabeth. The narrative gives a conflicting birth date and does not establish the precise conversion date, baptizer, or a personal meeting with either Smith brother. Its claim of kinship to President Buchanan also remains unverified. [40]

The same family account associates Porter with the 1859 settlement of Mount Pleasant and a tannery and shoe shop. A local history compilation also credits James Porter Sr. and P. M. Peel with a small grain mill on Pleasant Creek. That is evidence for the pioneer's Utah occupations, not independent proof that he operated the Nauvoo steam mill or was the defendant. The compilation contains references to younger Porters after his death; those later militia and youth-association offices must not be assigned to the man who died in 1873. [40–41]

Patience Loader Rozsa Archer supplies a separate recollection of a useful civil role. Her autobiography describes a second marriage ceremony before Judge Porter at Fairfield on December 16, 1858, after an army officer questioned her earlier marriage. Porter's wife and daughter attended. The scholarly edition identifies this justice of the peace as James Buchanan Porter. This materially expands the candidate's Utah biography, while leaving the Illinois identification unresolved. [42, pp. 98–99, 222–223]

A freely available Nauvoo Temple Endowment Name Index supplies a more precise ordinance lead than the earlier database summary: James Porter, birth August 4, 1805, and Elizabeth Porter, birth February 20, 1800, are both indexed on January 31, 1846. The paired birth dates distinguish this household from James and Mary Buchanan Porter of Illinois. This remains an index transcription, not a newly inspected temple-register image, and it does not connect the couple to the criminal prosecution. [58]

The BYU Winter Quarters reconstruction also supplies the pioneer family's household and a transcription attributed to the 1850 Utah census. It gives James as 45, a lawyer born in Pennsylvania, with Elizabeth, George, Martha J. and James. The same reconstruction assigns son James Henry's birth to Shamokin, Pennsylvania, on July 5, 1842. These are useful leads for occupation and the family's movements, but the underlying census image and Pennsylvania birth evidence have not been inspected. The family summary and census transcription disagree on the younger James's implied age, and the transcription includes a further young James B. whose placement needs checking. The database cannot settle those discrepancies by itself. Pennsylvania birthplaces do not disprove an intervening Missouri residence; they do mean that the inherited Haun's Mill story needs an independently documented itinerary. [59]

The family's Utah milling connection has additional support. A 1940 Daughters of Utah Pioneers marker credits Jacob Houtz, James Porter and Edward Hall with a flour mill at Springville in 1851, with

machinery made and installed by Norton Jacobs. A later family outline concerning Mary Ann Leslie specifically names James Buchanan Porter helping establish a gristmill with Jacob Houtz, followed by the Mount Pleasant fort and tannery. Agreement makes this a useful candidate-biography connection, although the retrospective accounts do not establish that the same man owned the Nauvoo steam mill. The family outline's marriage reference to an Endowment House is not adopted as proof of the venue. [60–61]

James Porter of Durham and Appanoose

A Hancock County family compilation describes a different James Porter, husband of Mary Dixon Buchanan, with property purchased in Durham Township in 1837 and a long local residence. Its census summaries place him in Hancock County in 1850, 1860, 1870, and 1880, working as a carpenter and farmer. The compilation gives an 1803 birth; other online profiles use 1804. These discrepancies require original census, marriage, and cemetery evidence. This man's continued Illinois residence distinguishes him from the Utah pioneer. It does not, by itself, establish either membership or opposition to the Church. [28]

An original government land-entry database now independently verifies a James Porter purchase on March 25, 1837: west half of the southeast quarter, section 6, township 7 north, range 6 west, fourth meridian, Hancock County; 80 acres at $1.25 an acre, total $100. The Illinois State Archives result gives purchase number 0028874, volume 699, page 068, and residence unknown. This is an original-entry index, not a later chain of title. Neither a wife nor a Church affiliation links this purchaser conclusively to either candidate or the defendant. [49]

The 1842 Hancock tax index lists PORTER JAMES on page 200, coordinate 7N6W. Its column heading is Page: this does not verify the $200 personal-property assessment repeated in a family compilation. A delinquent-tax list printed in the Nauvoo Neighbor on April 2, 1845, for the 1844 tax year lists James Porter under Patentees' Names, with the present owner represented by a repeated "unknown." Its tract is the northeast part of the west half of the southeast quarter of section 6, township 7 north, range 6 west: 13 acres, valuation $39, tax $0.23. The location is consistent with a portion of the 1837 purchase, but Porter's appearance in the patentee column cannot establish current ownership in 1844. A deed chain is still needed. [50–51]

A Fayette County, Indiana marriage transcription independently indexes James Porter and Mary Buchanan on June 16, 1831. It supports the Illinois candidate's household but is not an inspected register image. The public FamilySearch profile KFX4-D9N supplies August 28, 1804 in Pittsburgh, parents Hugh Porter and Elizabeth Davidson, death December 15, 1880 in Nauvoo, and burial at Wythe Presbyterian Cemetery. These remain compiled leads pending the cited census and sexton-record images; the birth conflicts with the family compilation's July 28, 1803. The cemetery name alone does not prove religious membership. The 1870 Appanoose transcription groups James, Mary and Franklin Porter together, but gives James as 55 and Mary as 50, ages inconsistent with the proposed earlier births. Those numbers must be checked against the census image rather than silently corrected. [28,52–54]

Contemporary Church records with the name James Porter

The general Church recorder's License Record Book records an elder's license for James Porter on May 27, 1844. Tithing Daybook B records a turning lathe valued at five dollars under James Porter on August 13, 1844. These are real contemporary LDS associations for a man of this name. Without a family or signature bridge, neither record can establish which Porter it concerns or prove the accused was that elder. [29–30]

A contemporary economic lead emerged in Stout's diary. On November 8, 1845, Stout and Jesse D. Hunter visited James Porter, who joined Stout's company and contributed use of his steam mill. On November 11 Stout negotiated grinding for the temple committee with Albert P. Rockwood. This places a James Porter in cooperative work during preparations to leave Nauvoo. Because neither the diary nor

the case supplies the needed family identifier, the millowner, the elder in the license book, the Utah pioneer, and the accused remain separate identifications to test. Sands's mill letter makes the industrial context worth pursuing, but no partnership between Sands and Porter has been demonstrated. [24,29–30,36]

A further James Porter appears in the published Mary Gibbs Bigelow autobiography and its editorial narrative. Mary remembered a Porter living on Nahum Bigelow's farm warning of threatened mob violence in late 1845. The editor also recounts an alleged later poisoning involving coffee in the Porter household and an alleged admission of bribery. This is a retrospective, serious allegation, not an independently established criminal finding. No reliable identity bridge joins this Porter to the accused or either candidate above; the episode cannot responsibly be incorporated as the defendant's conduct. It nevertheless identifies a Camp Creek family and farm network worth testing through deeds and original testimony. [55]

A provisionally complete biography of the accused cannot honestly be claimed yet. In particular, conversion, missions, Church assignments, temple participation, personal memories of Joseph and Hyrum, and the decision to go west depend on resolving this identification first. Both candidate files remain open; neither man is assigned the conviction in this edition.

The circuit court officers

David E Head

1818–1877 | Circuit clerk | Secure identity

Head's name and signature recur on the circuit papers. Born in Washington County, Kentucky, on April 27, 1818, he moved to Macomb about 1834, became a deputy clerk, and was serving as Hancock circuit deputy by May 1843. The JSP biography dates his circuit clerkship to 1844–1856. He married Maria Atkinson in 1847, later served as chief clerk of the Illinois House of Representatives, and became a trustee of Carthage College. He died in Carthage on May 1, 1877. No reviewed source establishes LDS conversion, missionary service, or a western migration. His official processing of a prosecution is not proof of anti Mormon views. [31]

Miner Rudd Deming

1810–1845 | Probable sheriff named on the May return

The signature at the foot of the May subpoena return appears to read M. R. Deming. That reading fits the official chronology: Deming was elected sheriff in August 1844, preceding Backenstos. It is a stronger identification than treating all the returns as Backenstos's work, although a comparison with additional authenticated signatures would strengthen the reading. [1,39]

Born in Sharon, Connecticut, on February 24, 1810, Deming was the son of Stephen Deming and Sarah Buel. A teacher and farmer, he moved to Cincinnati in 1836, married Abigail Barnum that August, and settled in St. Mary's Township, Hancock County, in 1839. He became a brigadier general of Illinois militia in 1842. He died at Carthage on September 10, 1845. His short life therefore has no subsequent Utah migration. The JSP biography establishes his public career but supplies no LDS baptism or missionary appointment; conflicting later labels of his religious affiliation should not be resolved by assumption. [39]

His connection to Joseph and Hyrum is unusually direct. On June 26, 1844, while they were jailed at Carthage, Deming wrote to them about instructions for the guards and arrangements for admitted visitors. This is correspondence from a responsible militia officer on the day before the killings, not proof that he saw the attack. His sheriff's office subsequently participated in the proceedings against men accused of Joseph's murder. The Porter return thus brings another officer from the Carthage legal story into this smaller prosecution. No personal eyewitness narrative of the shooting by Deming has been verified here. [38,43]

Jacob B Backenstos

1811–1857 | Sheriff named in later returns | Secure official identity

Backenstos appears in the later sheriff's returns, although individual acts recorded under his name may have been performed by deputies. Born in Pennsylvania in 1811, he became a merchant, legislator, sheriff, and soldier. He was a friend of Joseph Smith and the Saints, a Nauvoo Legion officer, and a member of Nauvoo Lodge, but never joined the Church. His support must not be described as conversion. He served as sheriff in 1845–1846, later fought in the Mexican War, moved to Oregon, and drowned in the Willamette River in 1857. [1,32]

The sheriff is distinct from William Backensto. This file does not justify transferring William's family or marriage history to Jacob. A fuller treatment of the 1845 violence belongs in the eventual narrative only where it illuminates the return dates and the people involved; it does not supply a demonstrated motive for Porter's assault. [1,32]

Carter and the deputy

The February witness subpoena leaves Carter's first name blank. Gully's return reports serving John Hamer but not finding Carter. There is no sound basis for choosing Jared Carter, Simeon Carter, or another well-known Church member merely from the surname. Carter's biography remains an unidentified-person entry, with conversion, office, migration, and family history unassignable. [1]

The October return is made in Backenstos's name by a deputy. The handwriting may read W. C. Dennis, but the surname is not secure enough to attach a life history. Searches using Dennis and related spellings did not produce a verified Hancock County officer matching the return. This should remain a tentative transcription, not a named biography. [1]

Notes on the narrative and the evidence

1 The arrest

The original complaint, warrant material, subpoena and certified docket transcript establish the prosecution. The docket narrative places the hearing and appeal on February 14; an underlying warrant endorsement has also been read as February 15. The discrepancy is retained in the research record. No testimony explains the initial quarrel. [1]

2 Johnson and Gully in Nauvoo

Johnson's conversion, migration and public duties rest on JSP and Church biographical records. Gallop's later account supplies the friendship, illness, and family-loss recollections. The Avery petition, Daniels affidavit, Taylor complaint, lodge minutes, and Gully property transaction supply specific contemporary associations with Joseph and Hyrum. Their presence does not establish a religious motive for Porter's assault. [3–12,36–38]

3 Stiles and Hamer

Stiles's conversion followed his work on Joseph's May 1844 petition. His Masonic application does not by itself establish all degree dates. Hamer is probably John Wood Hamer, but no signature or family identifier joins the court witness conclusively. The 1845 temple receipt is known from catalog metadata; its image was not inspected. [14–17,20–23,45–48]

4 The appeal

The October return establishes unsuccessful service on Russell Rogers, not flight. Russell Heber Rogers is a strong candidate whose biography is supported independently. The May sheriff signature appears to be Deming; the October deputy signature remains uncertain. The December procedendo returns the cause for further proceedings but does not supply the missing circuit ruling or prove payment. [1–2,13,18–19,31–32,39,43–44]

5 Porter and Sands

The defendant's identity remains open. James Buchanan Porter and James Porter married to Mary Buchanan are distinct candidate lives. Elder's-license, tithing, mill, tax and land entries must be joined by further evidence before they can be assigned to the accused. The 1842 tax index's 200 is a page number. In the 1844 delinquent-tax list Porter is in the patentee column, with current ownership unknown. The Sands letter is preserved in an 1895 reprint dated January 2, 1846; its intended journey has not been verified. The narrative omits an uncorroborated Bigelow poisoning allegation because no identity bridge connects that Porter to this defendant. [24–30,36,40–42,49–61]

6 The later roads

Fuller references and qualifications appear in the biographies. Hamer's drowning date of June 26, 1874 is preferred on contemporary newspaper evidence over June 23 in a modern profile. Johnson's family losses are attributed to the later family account. The case does not prove that the probable Rogers or Hamer identifications are final. [3–5,13–14,17,21–22,31–32,45,47–48]

7 Gully receives his assignment

The modern company database dates formation to May 28, 1849. Miller describes the June 4 organization west of the Missouri: Gully captain of the combined company, Spencer president, and two divisions of fifty. These are stages of organization, not necessarily conflicting appointment dates. The captaincy was a documented emigrant responsibility; no separate letter of appointment by Brigham Young was located. [10,63]

8 Gully dies and later companies find his grave

Gully's July 3 letter and Hyde's July 5 postscript directly document the death. Miller gives the onset and approximate camp location. Atkin remembers the roadside burial; Appleby and Richards describe the grave a month later. Appleby's two records repeat the same encounter and are not counted as two independent witnesses. The headboard reportedly gave age 39; the modern birth date May 27, 1809 would make Gully 40. No exact modern gravesite or verified reburial was established. The modern label Kearney is a regional locator, not proof of burial within the later city. Fort Childs had already been renamed Fort Kearny in 1848. [63–70] No evidence examined places Gully in a fort cemetery or identifies a surviving cemetery plot that can confidently be visited. This was the Platte River post, distinct from the older Fort Kearny on the Missouri.

What the surviving record can tell us

The biographies are substantial provisional accounts. Porter, Sands, Hamer, Carter and the deputy still present identification questions. The circuit order and a later Johnson docket entry remain the best prospects for the final disposition. The free online search has identified further deed, tax, cemetery, census and manuscript targets, but inaccessible images and paid county searches were not examined. The narrative does not invent conversations, weather at the hearing, private thoughts, or missing testimony.

Sources and document references

Source numbers retain the numbering of the research edition. All online material was consulted October 23, 2026. The original case photographs belong to David Larsen's supplied project materials. Web source labels are active links.

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72. James F. Wilkins, Fort Childs or New Fort Kearny (1849). Wisconsin Historical Society, W0131LX; collection PH 374.12(5). Contemporary drawing used in preference to a later photograph. https://www.wisconsinhistory.org/record/image/W0131LX Image credit: Wisconsin Historical Society, W0131LX, PH 374.12(5); public domain.