A Debt in Wheat

People and Justice in Joseph Smith's Hancock County

George Caffee v. Thomas Dixon
Hancock County Circuit Court • 1842–1843
Illustrated reading draft • Revised reading edition

A small debt brought Thomas Dixon and George Caffee into Hancock County's courts. Their papers lead from an absent witness to a contested judgment, and introduce officials whose lives crossed the history of Joseph Smith's Nauvoo.

Highlights

- A $12.50 note permitted payment in wheat at the market price.
- Dixon sought a witness, then appealed the judgment against him.
- The county sheriff later married Emma Smith's niece.

The story follows the surviving records. Manuscript images and faithful transcripts, source notes, and a name census follow the narrative.



Nauvoo across the Mississippi. Hand-colored engraving published by Hermann J. Meyer, ca. 1855. Smithsonian American Art Museum, 1966.48.31. A later view of the city.

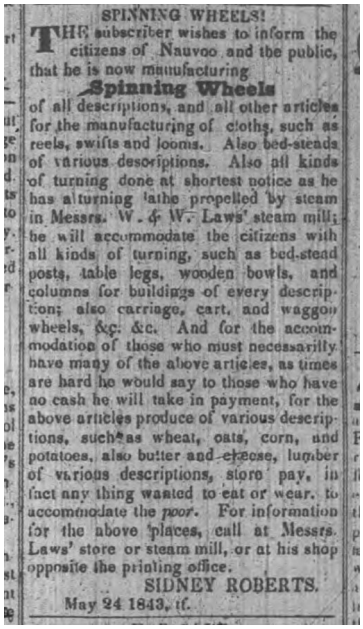
The missing witness

Thomas Dixon wanted the court to wait. A witness whose testimony mattered to his defense was absent, and Dixon asked for more time. James C. Graham, the justice of the peace hearing the case, postponed the proceeding. [1]

What could that witness have told him? The surviving papers leave the question open. A fuller account names him as David, but damage to the paper obscures his surname. He is the person Dixon wanted the court to hear—and the person whose account we cannot recover.

The dispute began with a promise made on June 30, 1842. Dixon agreed to pay George Caffee twelve dollars and fifty cents by September 1. He could discharge the debt in wheat at the market price. The note does not explain what Caffee had supplied in return. It records the obligation, the deadline, and the means of payment. [1]

Wheat gave the bargain a practical flexibility. The amount owed was fixed in dollars; the grain needed to satisfy it would depend on its market value. A Nauvoo advertisement from the following year offers a glimpse of that kind of commerce: Sidney Roberts offered to accept wheat and other produce in payment for spinning wheels and woodwork.



SPINNING WHEELS!

THE subscriber wishes to inform the citizens of Nauvoo and the public, that he is now manufacturing

Spinning Wheels

of all descriptions, and all other articles for the manufacturing of cloths, such as reels, swifts and looms. Also bed-steads of various descriptions. Also all kinds of turning done at shortest notice as he has a turning lathe propelled by steam in Messrs. W. & W. Laws' steam mill; he will accommodate the citizens with all kinds of turning, such as bed-stead posts, table legs, wooden bowls, and columns for buildings of every description; also carriage, cart, and waggon wheels, &c. &c. And for the accommodation of those who must necessarily have many of the above articles, as times are hard he would say to those who have no cash he will take in payment, for the above articles produce of various descriptions, such as wheat, oats, corn, and potatoes, also butter and cheese, lumber of various descriptions, store pay, in fact any thing wanted to eat or wear, to accommodate the *poor*. For information for the above places, call at Messrs. Laws' store or steam mill, or at his shop opposite the printing office.

SIDNEY ROBERTS.

May 24 1843, tf.

Sidney Roberts's advertisement, Nauvoo Neighbor, September 6, 1843, p. 4, column 4. It illustrates payment in produce; no connection to Caffee or Dixon is established.

From a promise to a hearing

September passed. On November 2, a summons was issued in Caffee's action against Dixon. It was directed to John Welch, the constable, and set a hearing for November 12. The note had become evidence in a lawsuit. [1]

Graham's work as a justice reached into ordinary households. A local marriage index also names him as the official who married Noah M. Hanthorn and Anna Moriah Spilman in December 1843. He could appear in one family's records on its wedding day and in another person's papers when a debt became disputed. [2]

Welch carried the court's business beyond the written page. The fuller transcript records service of the summons by reading it on November 9 and says both parties appeared at the hearing. Dixon then sought the postponement for his absent witness. [1]

This was the county surrounding Joseph Smith's Nauvoo: the Saints' city on the Mississippi, Warsaw farther downriver, and Carthage inland as the county seat. Its magistrates, constables, and clerks handled the agreements and disagreements of daily life alongside the political struggles for which the county is better remembered.

Graham allowed Dixon more time. The hearing was postponed to November 19.



Hancock County, from A. T. Andreas's 1874 atlas, p. 8. Nauvoo and Warsaw lie along the Mississippi; Carthage is inland. The later railroads and township boundaries shown here should not be read as an 1842 map.

Judgment and appeal

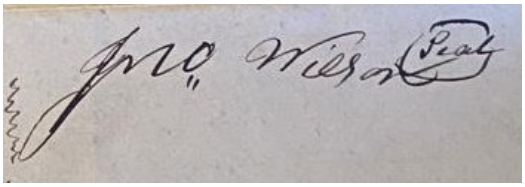
On November 19, Graham entered judgment by default. Debt and interest came to $12.61. The justice's fees added $1.55, and the constable's fees another seventy-eight cents. Dixon's original $12.50 promise now carried a total of $14.94. The record does not explain the default or preserve the testimony he had sought. [1]

Dixon appealed. On December 3, he executed a fifty-dollar appeal bond with John Wilson as his surety. The bond secured the obligations of the appeal, including payment of whatever judgment might follow; it did not turn the original debt into a fifty-dollar debt. [1]

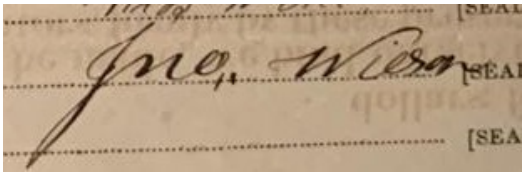
Wilson's signature gave the appeal another man's financial backing. His reason for agreeing is unknown, but his undertaking survives in the abbreviated signature "Jno. Wilson."

That hand appears elsewhere. A John Wilson signed the October 1842 recognizance in the Mackemer case. The forms of the abbreviated first name and the flowing surname support David Larsen's judgment that both signatures were written by the same man. The comparison connects two court packets, though it does not yet connect their signer securely to a particular household. [3]

The same hand in two cases



October 8, 1842 • Mackemer recognizance.



December 3, 1842 • Dixon appeal bond.

Signature details recovered from the earlier research report; displayed at comparable widths, not identical original scale. The match does not independently identify Wilson as the Wilson House proprietor. [3]

At the clerk's desk

Matthias Avise witnessed the appeal bond and acted for circuit clerk J. C. Davis. His endorsement helped carry the dispute from Graham's justice court into the circuit court. [1]

Avise combined public paperwork with a craftsman's occupation. Born in New Jersey in 1807, he worked as a watchmaker and jeweler as well as a deputy clerk. His service in the Hancock circuit clerk's office extended through much of the Nauvoo period, approximately 1841 to 1846. He later lived in Philadelphia. [4]

The clerk he represented, Jacob Cunningham Davis, was only twenty-two in December 1842. Born in Virginia, Davis had moved to Warsaw by 1838. His work as circuit clerk overlapped the beginning of his service in the Illinois Senate. [5]

For a reader of Nauvoo history, his name carries the weight of later events. Davis became captain of a Warsaw militia rifle company in 1844. In May 1845, he was among the defendants tried and acquitted in the prosecution for Joseph Smith's murder. He subsequently returned to the state senate and served in Congress. All of that lay ahead when Avise witnessed Dixon's bond in his office. [5]

By March 1843, a different clerk's name appears on the case papers: Jacob B. Backenstos. Graham certified a fuller transcript of the proceedings on March 13, and it was filed the following day. This account supplies the witness's first name, David, and more detail about service of the summons and the postponed hearing. [1]

Jacob already had ties to Nauvoo. He had received a commission in the Nauvoo Legion in March 1842 and belonged to the Nauvoo Masonic Lodge. His published biography identifies him as a member of the Lutheran Reformed Church. In 1845 he would become sheriff and take a prominent part in resisting violence against the Saints. [6]

For now, Jacob was the circuit clerk. The sheriff was his brother William, whose deputy had another task to perform in Dixon's appeal.

The sheriff and the wedding

On January 17, 1843, deputy sheriff George W. Stigall served an injunction on Graham and Welch. The order was intended to restrain enforcement while the appeal proceeded. The justice and constable who had handled the original claim were now receiving further court process. Stigall made his return under Sheriff William Backenstos's authority. [1]

William had been elected sheriff in 1842. Born in Pennsylvania in 1813, he was still in his twenties. His name appears in this packet through the work of his deputy; another record from that year brings him much closer to Joseph and Emma Smith. [7]

On October 3, 1843, William married Clara M. Wasson at the Nauvoo Mansion, with Joseph Smith officiating. Clara was the daughter of Benjamin Wasson and Elizabeth Hale Wasson. Elizabeth was Emma's sister: the sheriff was marrying Emma's niece. [8]

Joseph's journal places the wedding within a day of hospitality. About one hundred couples attended a large dinner; a select party gathered for the marriage that evening. The dinner and wedding were separate gatherings, both part of the Mansion House's life as a social center.



The Mansion House, photographed by George Edward Anderson in 1907. William and Clara married here in 1843. The people shown are later visitors, not the wedding party. Church History Museum Collection.

An unfinished appeal

The sheriff whose name appeared above Stigall's return was also a bridegroom entering Emma Smith's extended family. William's marriage gives a personal dimension to the official signature and a reminder of the relationships linking Carthage and Nauvoo.

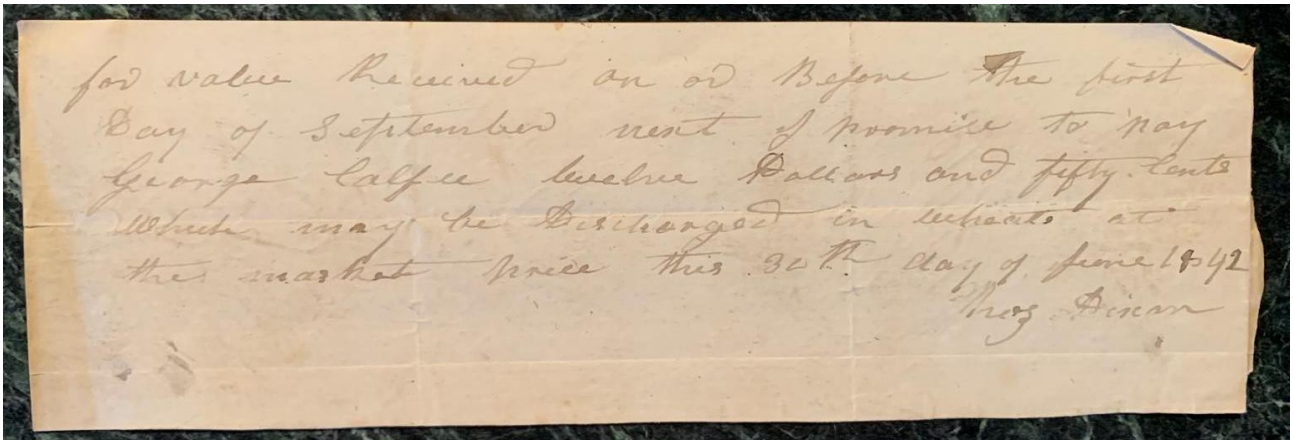
Both Backenstos brothers eventually left Hancock County. William later lived in Amboy, Wisconsin, and Iowa, where he died in 1875. Jacob entered military service and moved to Oregon. Their later lives took them far from the small dispute whose papers had passed through their offices. [6–7]

For Caffee and Dixon, the business still ahead was the appeal. Its summons looked toward the May 1843 circuit-court term. Stigall, acting for William Backenstos, reported that he could not find George Caffee in the county. The man to whom Dixon had promised payment was now the man the officer could not locate. [1]

The return does not explain Caffee's absence, and the surviving packet supplies no final judgment or settlement. It preserves the steps by which Dixon challenged the claim: a request for time, a bond backed by Wilson, and an order served on the officials who had handled the case.

The surviving papers end with an officer unable to find George Caffee. They do not tell us whether Thomas Dixon ever paid him—in money or in wheat.

The note that began the case



Thomas Dixon's note to George Caffee, June 30, 1842. Source photograph IMG_0796(2), rotated upright and cropped to the paper.

Faithful transcript

Original line divisions and spelling are retained below as read from the photograph. Superscript letters are placed on the line; faint or uncertain readings are marked in brackets.

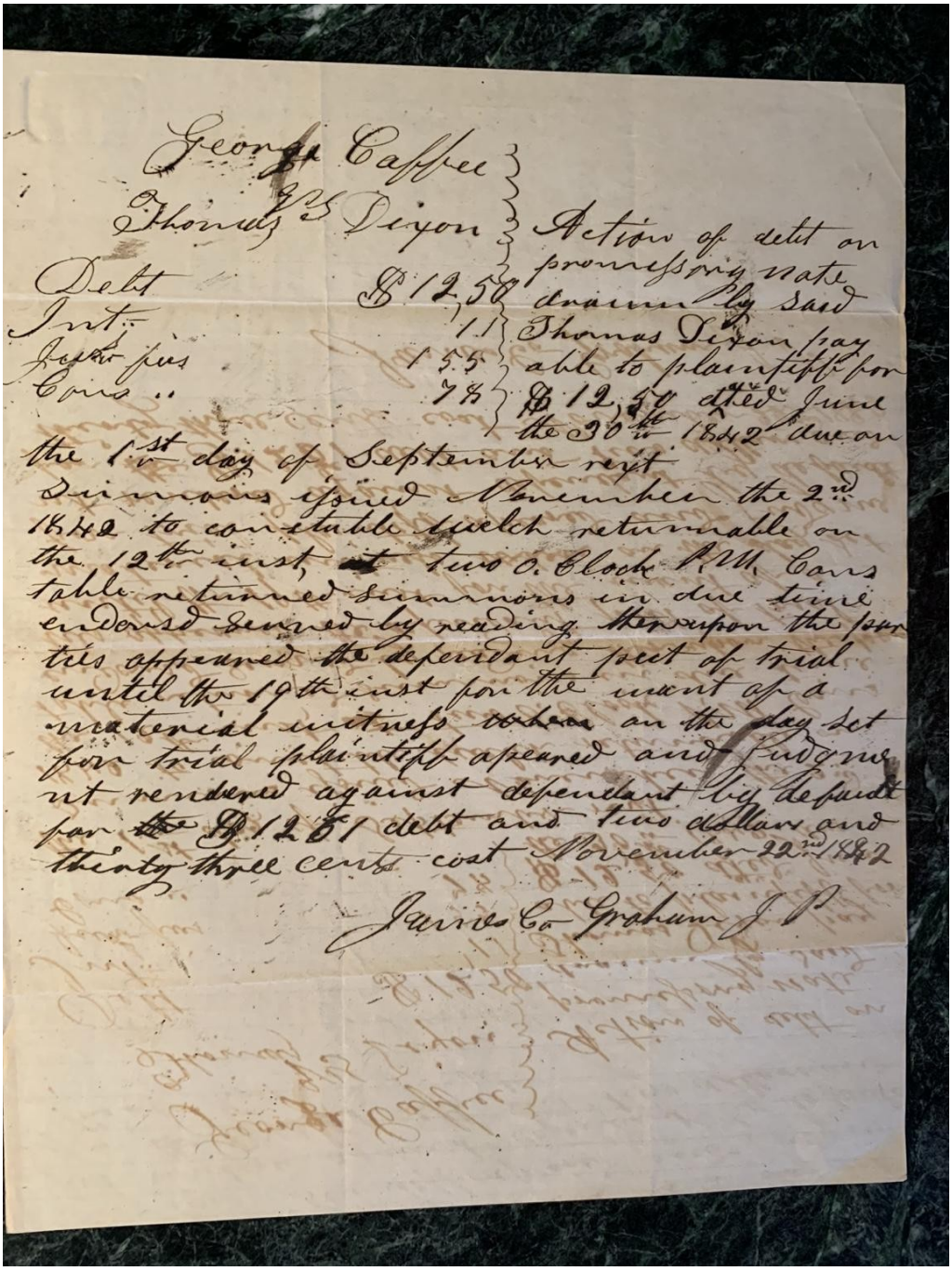
for value Received on or Before the first
Day of September next I promise to pay
George Caffee twelve Dollars and fifty Cents
Which may be Discharged in wheate at
the market price this 30th day of June 1842
Thos Dixon

What the terms tell us

The amount was fixed in dollars, while wheat at the market price could discharge it. The note does not state the number of bushels, identify the earlier exchange, or describe either man's occupation. Its ordinary wording carries the central fact of the case: a promise that later became enforceable through legal proceedings.

The earlier account of the hearing

Justice James C. Graham's transcript, November 22, 1842. IMG_0800(2). The faithful transcript follows on the next page.



George Caffee
vs
Thomas Dixon

Debt $12,50
Int. 1.1
Costs 1.55
78

Action of debt on promissory note drawn by said Thomas Dixon pay able to plaintiff for $12,50 dated June the 30th 1842 due on the 1st day of September next

Summons issued November the 2nd 1842 to constable Veech returnable on the 12th inst at two o. Block P.M. Constable returned summons in due time endorsed served by reading thereupon the parties appeared the defendant pleet of trial until the 19th inst for the want of a material witness absent on the day set for trial plaintiff appeared and Judgment rendered against defendant by default for the $12.51 debt and two dollars and thirty three cents cost November 22nd 1842

James C. Graham J P

Original manuscript, upright. Ink showing through from the reverse is not part of this side's transcript.

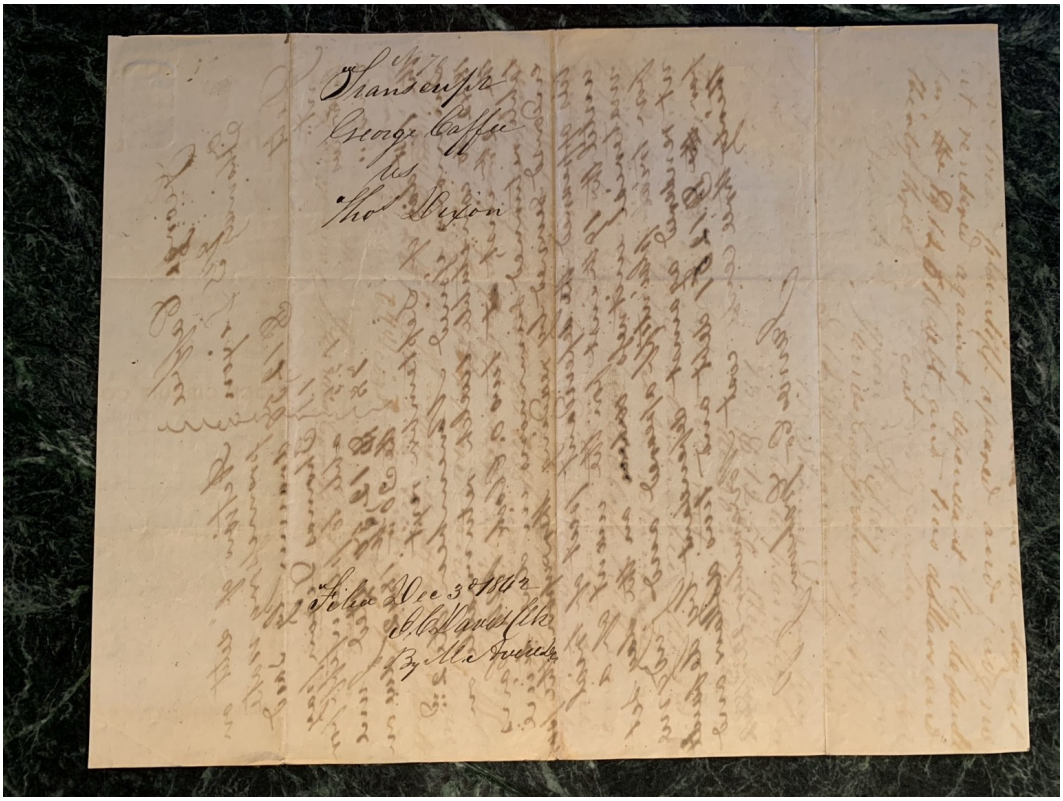
Faithful transcript of the November account

Original spelling and line divisions are retained. Column order is identified in brackets. Raised letters are placed on the line. ⟨ ⟩ marks an insertion; [illegible] marks unreadable writing; [?] marks an uncertain reading. Deleted wording is described in brackets. These conventions apply to the transcripts that follow.

[Left column]
George Caffee
vs
Thomas Dixon
Debt $12,50
Int: ,11
Just fees 1,55
Cons “ 78
[Right column]
Action of debt on
promissory note
drawn by said
Thomas Dixon pay
able to plaintiff for
$12,50 due ⟨dated⟩ June
the 30th 1842 due on
[Full width]
the 1st day of September next
Summons issued November the 2nd
1842 to constable Welch returnable on
the 12th inst [deleted: at] two O. Clock P.M. Cons
table returned Summons in due time
endorsed Served by reading thereupon the par
[ties] appeared the defendant [post?] of trial
untill the 19th inst for the want of a
material witness when on the day Set
for trial plaintiff apeared and Judgme
nt rendered against defendant by default
for [deleted, illegible] $12[.]61 debt and two dollars and
thirty three cents cost November 22nd 1842
James C. Graham J.P.

Editorial note: The original divides several words at the line ends without hyphens. The right edge affects the reading of “parties.” The judgment figure has crowded or corrected strokes; the fuller March account and appeal bond support $12.61. “due” in the right column is accompanied by the inserted “dated.”

The November transcript filing endorsement



Reverse of the earlier transcript, IMG_0801(2). The darker docket and filing endorsement are distinct from the text showing through.

Faithful transcript

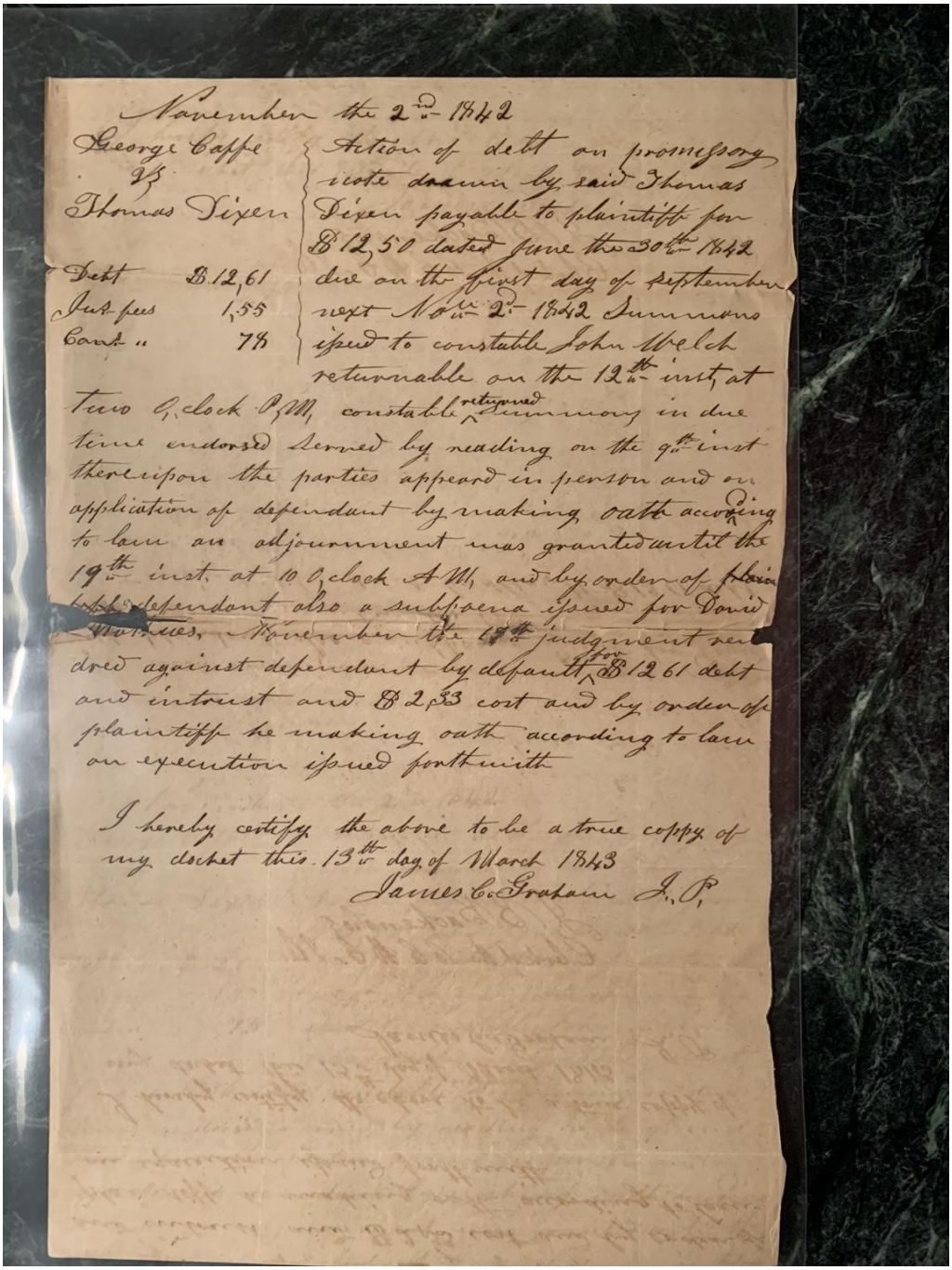
Transcript
George Caffee
vs
Thos Dixon

Filed Dec 3d 1842
J C Davis Clk
By M Avise [D.C.?]

The clerk's name is entered with Avise's deputy endorsement. It should not be counted as a separate Davis autograph.

The fuller account of the hearing

Justice James C. Graham's certified transcript, March 13, 1843. IMG_0809(1). This version supplies the witness's first name and a fuller account of service and adjournment.



November the 2nd 1842

George Caffe
vs
Thomas Dixen

Debt $12,61
Just fees 1,55
Cost " 75

Action of debt on promissory note drawn by said Thomas Dixen payable to plaintiff for $12,50 dated June the 30th 1842 due on the first day of September next Nov 2nd 1842 Summons ispud to constable John Welch returnable on the 12th inst at Two O, clock P M, constable returned Summons in due time endorsed Served by reading on the 9th inst thereupon the parties appeard in person and on application of dependant by making oath according to law an adjournment was granted until the 19th inst. at 10 O, clock A M, and by order of plaintiff dependant also a subpoena ispued for David Mowes, November the 19th judgment rendred against dependent by default for $12 61 debt and intrest and $2,33 cost and by order of plaintiff he making oath according to law an execution ispued forthwith

I hereby certify the above to be a true copy of my docket this 13th day of March 1843
James C. Graham J. P.

Original manuscript, upright. Damage crosses the witness's surname. No letters have been digitally reconstructed.

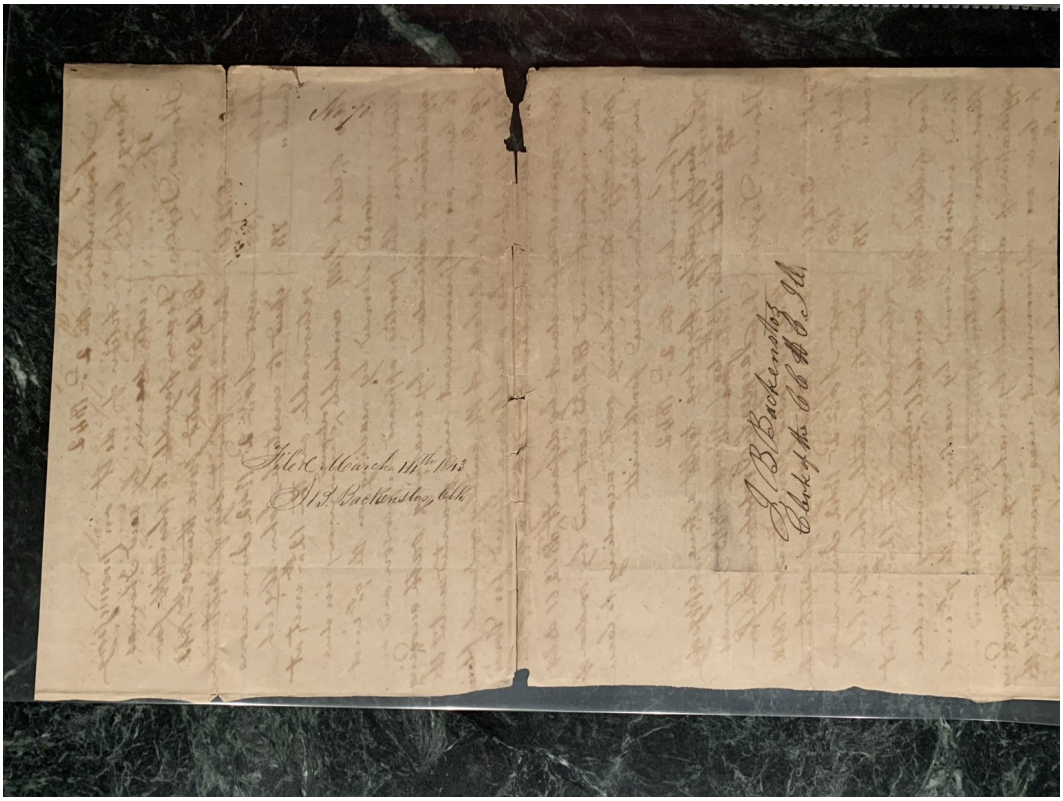
Faithful transcript of the March account

November the 2nd 1842
[Left column]
George Caffee
vs
Thomas Dixon
Debt $12,61
Jus fees 1,55
Cons “ 78
[Right column]
Action of debt on promissory
note drawn by said Thomas
Dixon payable to plaintiff for
$12,50 dated June the 30th 1842
due on the first day of September
next Novr 2d 1842 Summons
issued to constable John Welch
returnable on the 12th inst at
[Full width]
two O. clock P.M. constable ⟨returned⟩ Summons in due
time endorsed Served by reading on the 9th inst
thereupon the parties appeard in person and on
application of defendant by making oath according
to law an adjournment was granted until the
19th inst at 10 O. clock A.M. and by order of [deleted: plain]
[tiff] defendant also a subpoena issued for David
[surname damaged], November the [19th?] judgment ren
dered against defendant by default ⟨for⟩ $12 61 debt
and interest and $2,33 cost and by order of
plaintiff he making oath according to law
an execution issued forthwith

I hereby certify the above to be a true coppy of
my docket this 13th day of March 1843
James C. Graham J.P.

Editorial note: The apparent deletion around “plaintiff” is damaged; the next readable word is “defendant.” The surname after David is not expanded to the earlier hypothesis “Wickers.” The date immediately before “judgment” is crowded and damaged; the earlier transcript places the postponed hearing on the nineteenth. Both accounts remain visible rather than being silently reconciled.

The March transcript filing endorsements



Reverse of the fuller transcript, IMG_0810(1). The second endorsement runs at a right angle to the first.

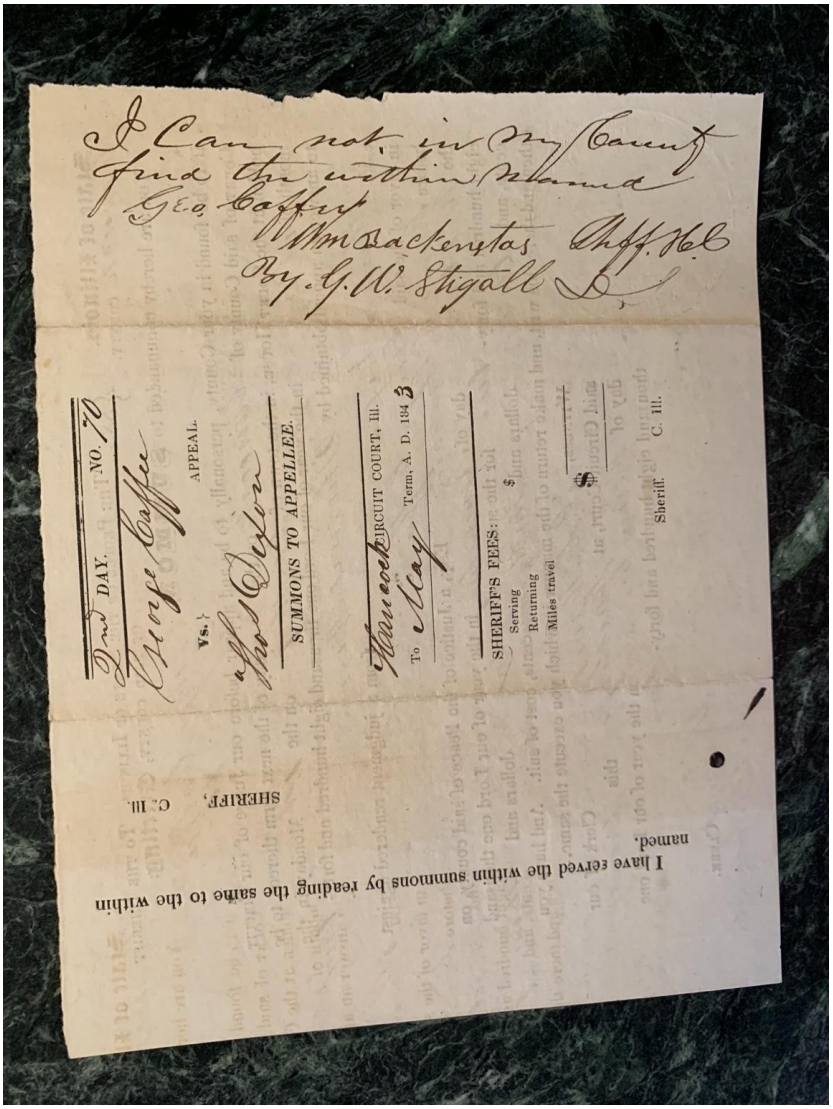
Faithful transcript

No 70

Filed March 14th 1843
J. B. Backenstos Clk

[Endorsement at right, rotated for reading]
J B Backenstos Esq
Clerk of the C.C. [of?] H. Ill.
The abbreviation following C.C. is uncertain in this photograph. The darker endorsements are transcribed; reversed show-through from the front is omitted.

The officer’s unsuccessful search



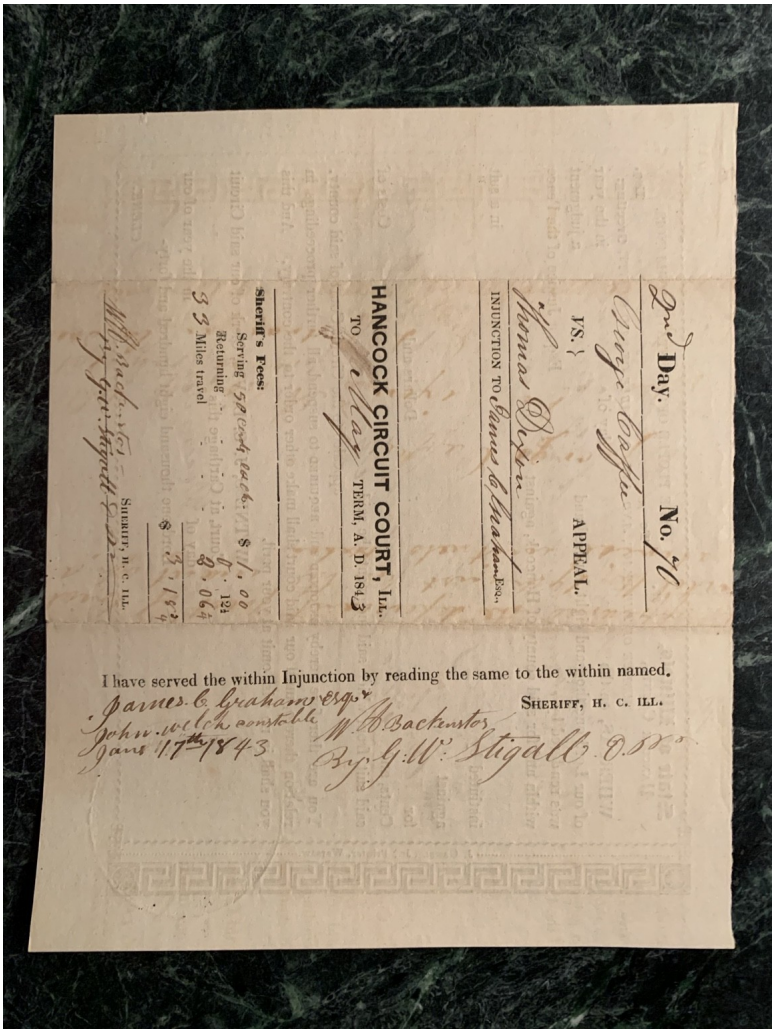
Appeal summons reverse, IMG_0799(2), rotated so the handwritten return reads upright. The printed docket is oriented differently.

Faithful transcript of the handwritten return

I Cannot not in my County
find the within Named
Geo. Caffee
Wm Backenstos Shff. H.C.
By G. W. Stigall D.S.

The repeated negative is retained as written. In context the return reports that Caffee was not found; it does not establish that he had moved away. Only the substantive handwritten return is transcribed, not the printed form.

Service of the injunction



Injunction reverse, IMG_0806(1). The service entry at the foot is upright in this photograph.

Faithful transcript of the service entry

[Printed lead-in]
I have served the within Injunction by reading the same to the within named.
[Handwritten names and date at left]
James. C. Graham Esqr &
John. welch constable
Jan 17th 1843
[Handwritten subscription at right]
W. Backenstos
By. G. W. Stigall. D.S.
The printed lead-in is included only to make the handwritten return intelligible. The remaining printed docket and fee form are not transcribed.

The note reverse



Note reverse, IMG_0797(2), upright.

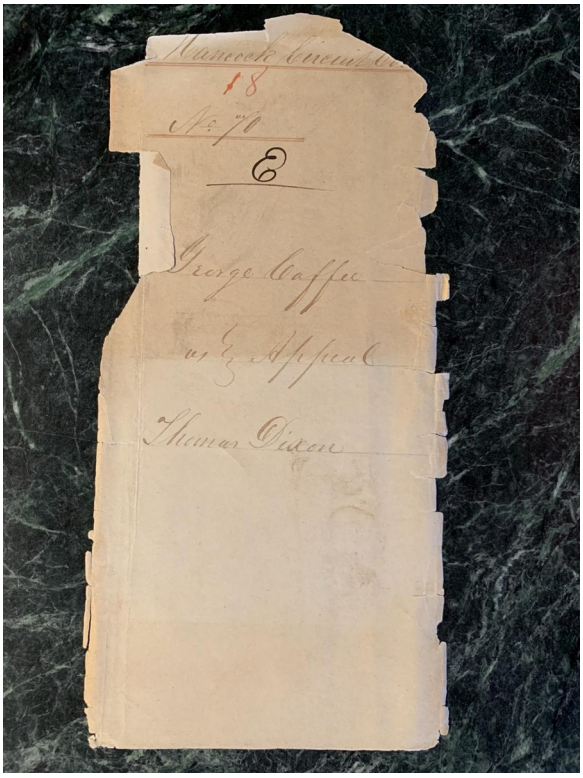
Faithful transcript of the note reverse

$13.06.

Filed March 14th
A.D. 1843
J B Backenstos Clk

The $13.06 endorsement is reproduced without treating it as proof of payment or a final circuit judgment.

The case wrapper



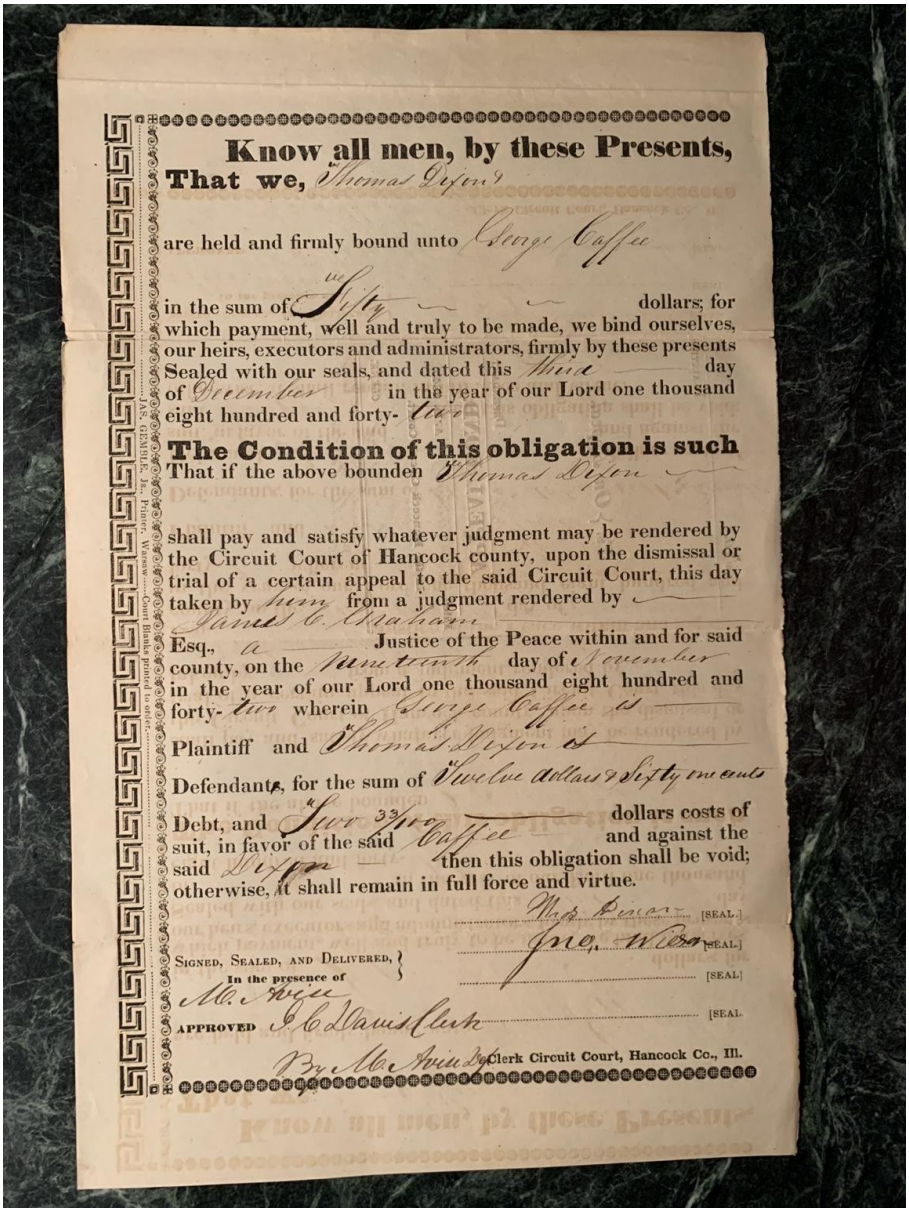
Case wrapper, IMG_0795(2), upright. Damage affects the heading at the upper edge.

Faithful transcript

[Hancock Circuit Court?]
18
No 70
3
George Caffee
vs } Appeal
Thomas Dixon

The heading is partly lost; the red number is transcribed as 18. These wrapper marks identify or organize the packet and are not a judgment.

The appeal bond



Know all men, by these Presents,
That we, Thomas Dixon

are held and firmly bound unto George Caffee

in the sum of Sixty dollars; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents Sealed with our seals, and dated this third day of December in the year of our Lord one thousand eight hundred and forty-four

The Condition of this obligation is such
That if the above bounden Thomas Dixon

shall pay and satisfy whatever judgment may be rendered by the Circuit Court of Hancock county, upon the dismissal or trial of a certain appeal to the said Circuit Court, this day taken by him from a judgment rendered by James C. Strahan Esq., a Justice of the Peace within and for said county, on the nineteenth day of November in the year of our Lord one thousand eight hundred and forty-two wherein George Caffee is Plaintiff and Thomas Dixon is Defendant, for the sum of Twelve dollars & Sixty cents Debt, and Two 33/100 dollars costs of suit, in favor of the said Caffee and against the said Dixon then this obligation shall be void; otherwise, it shall remain in full force and virtue.

Thos Dixon [SEAL]
Jno. Wilson [SEAL]
[SEAL]

SIGNED, SEALED, AND DELIVERED, In the presence of
M. Irwin
APPROVED I. C. Davis Clerk [SEAL]
By M. Irwin D. Clerk Circuit Court, Hancock Co., Ill.

JAS. GEMMILL, Jr., Printer, Warsaw.—Court Blanks printed to order.

Appeal bond, December 3, 1842. Source photograph IMG_0807(1), rotated upright. The printed form and handwritten insertions should be read together.

The $50 bond secured the appeal; it did not replace the original debt with a $50 judgment. The handwritten signatures appear near the foot. As requested, the partly printed form is reproduced without a full transcript.

Sources and boundaries of the story

The narrative rests on the supplied case packet and the existing research reports. References below distinguish direct case evidence from contextual biography. No new household identification is asserted in this edition.

1 The case packet

George Caffee v. Thomas Dixon, No. 70, 1842–1843, thirteen photographs: IMG_0795–0801 and IMG_0805–0810. The Weaver documents IMG_0802–0803 are excluded. Chronology follows the November and March justice transcripts, appeal bond, injunction and returns, as recorded in the project checkpoint. The supplied photographs were inspected for this edition. The substantial handwritten documents and their docket endorsements are transcribed in this edition; mostly printed forms are not.

Open source

2 Graham and the marriage index

Hancock marriage index, 1829–1849, printed p. 21, license 781: Noah M. Hanthorn and Anna Moriah Spilman, December 5, 1843, James C. Graham, JP. The original return has not been examined.

Open source

3 Wilson and unresolved identities

Caffee–Dixon Biographical Findings, October 28, 2026, signature comparisons and candidate safeguards. The Durham/Dallas City Thomas Dixon and Wilson House proprietor are not adopted as conclusively identified parties. Graham's and Welch's families remain unresolved; David's surname is uncertain.

Open source

4 Matthias Avise

Joseph Smith Papers biographical registry, including deputy-clerk service, other occupations, and Philadelphia residence.

Open source

5 Jacob Cunningham Davis

Joseph Smith Papers biographical registry and legal-records collection for State of Illinois v. Williams et al. The May 1845 acquittal discussed here concerns the trial for Joseph Smith's murder. No claim about Davis's conduct in the wheat dispute is inferred from his later prosecution.

Open source

6 Jacob B Backenstos

Joseph Smith Papers biographical registry: clerk and sheriff terms, Lutheran Reformed membership, Nauvoo Legion commission, lodge membership, and later movements.

Open source

7 William Backenstos

Joseph Smith Papers biography; existing At the Courthouse Door report, William Backenstos section, reread for this edition. His 1813 infant baptism is documented but is not used to assert adult church membership.

Open source

8 William and Clara's wedding

Joseph Smith journal, October 3, 1843, manuscript p. 115; editorial note identifies Clara as Emma's niece. The dinner and evening wedding are distinguished.

Open source

Illustration sources

The historical illustrations supply setting and context. Dates distinguish later views from the years of the lawsuit.

Opening view of Nauvoo

Nauvoo (Mississippi), hand-colored line engraving, published by Hermann J. Meyer, ca. 1855. Smithsonian American Art Museum, Gift of International Business Machines Corporation, 1966.48.31. The museum makes the image freely available. Reproduced as a later view of the city, not as a depiction of the lawsuit's exact years.

Open illustration source

The county map

A. T. Andreas, An Illustrated Historical Atlas of Hancock County, Illinois (1874), p. 8, map compiled and drawn by A. C. Howell. Digitized Brigham Young University copy, Internet Archive. The entire map is reproduced; no household locations have been added.

Open illustration source

Payment in produce

Sidney Roberts, "Spinning Wheels!" advertisement dated May 24, 1843, as printed in the Nauvoo Neighbor, September 6, 1843, p. 4, column 4. Facsimile supplied through BYU Studies. The clipping is extracted from the scanned page without reconstructing the type. Its offer to accept wheat and other produce supplies context, not evidence of a transaction involving the litigants.

Open illustration source

The Mansion House

George Edward Anderson, Mansion House, 1907, photograph, Church History Museum Collection, in A History and Record on Plates of Glass. The photograph shows the building many decades after the wedding and does not depict the wedding party.

Open illustration source

People in the case

This census lists the people involved in the Caffee–Dixon case. “Signed” marks an apparent autograph or official subscription visible in the supplied photographs; it does not mean that every occurrence of the name is an autograph. Names written by a deputy for a superior are distinguished.

George Caffee. Creditor, plaintiff, and appellee.

Thomas Dixon (signed). Note maker, defendant, and appellant.

James C. Graham (signed). Justice of the peace who entered the judgment and certified the transcript.

John Welch. Constable named in the justice proceedings.

David [surname uncertain]. Witness sought by Dixon.

John Wilson (signed). Appeal-bond surety; comparable signature in the Mackemer case.

Matthias Avise (signed). Witness and deputy clerk; acts for J. C. Davis.

Jacob Cunningham Davis. Circuit clerk named in December paperwork; Avise acts for him.

William Backenstos. Sheriff; Stigall acts as his deputy.

Jacob B. Backenstos (signed). Circuit clerk named in March filing; William’s brother.

George W. Stigall (signed). Deputy sheriff who made the service returns.

The surviving sequence

June 30, 1842 — Note for $12.50, payable by September 1; wheat permitted at market price.

November 2–19 — Summons, postponed hearing, and default judgment.

December 3 — Appeal bond and injunction.

January 17, 1843 — Injunction served on Graham and Welch.

March 13–14 — Fuller justice transcript certified and filed.

May term — Appeal summons returnable; Caffee not found in the county. Final disposition unknown.