

1826 Court Examination of Joseph Smith

March 20, 1826 Pre-trial Examination of "Joseph Smith the Glass looker" before Albert Neely, Justice of the Peace, Bainbridge, Chenango County, New York. Below is the first publication of pages from the Docket Book of Justice Albert Neely.

STATE OF NEW YORK V. JOSEPH SMITH.

Warrant issued upon written complaint upon oath of Peter G. Bridgeman, who informed that one Joseph Smith of Bainbridge was a disorderly person and an impostor.

Prisoner [Joseph Smith Jr.] brought before Court March 20, 1826. Prisoner examined: says that he came from the town of Palmyra, and had been at the house of Josiah Stowel[1] in Bainbridge most of time since; had small part of time been employed in looking for mines, but the major part had been employed by said Stowel[1] on his farm, and going to school. That he had a certain stone which he had occasionally looked at to determine where hidden treasures in the bowels of the earth were; that he professed to tell in this manner where gold mines were a distance under ground, and had looked for Mr. Stowel[1] several times, and had informed him where he could find these treasures, and Mr. Stowel[1] had been engaged in digging for them. That at Palmyra he pretended to tell by looking at this stone where coined money was buried in Pennsylvania, and while at Palmyra had frequently ascertained in that way where lost property was of various kinds; that he had occasionally been in the habit of looking through this stone to find lost property for three years, but of late had pretty much given it up on account of its injuring his health, especially his eyes, making them sore; that he did not solicit business of this kind, and had always rather declined having anything to do with this business.

Josiah Stowel sworn: says that prisoner had been at his house something like five months; had been employed by him to work on farm part of time; that he pretended to have skill of telling where hidden treasures in the earth were by means of looking through a certain stone; that prisoner had looked [in his stone] for him sometimes; once to tell him about money buried in Bend Mountain in Pennsylvania, once for gold on Monument Hill, and once for a salt spring; and that he positively knew that the prisoner could tell, and did possess the art of

seeing those valuable treasures through the medium of said stone; that he found the (word illegible) [1883 printing: "digging part"] at Bend and Monument Hill as prisoner represented it; that prisoner had looked through said stone for Deacon Attleton for a mine, did not exactly find it, but got a p--- (word unfinished) [1883: "piece"] of ore which resembled gold, he thinks; that prisoner had told by means of this stone where a Mr. Bacon had buried money; that he and prisoner had been in search of it; that prisoner had said it was in a certain root of a stump five feet from surface of the earth, and with it would be found a tail feather; that said Stowel[I] and prisoner thereupon commenced digging, found a tail feather, but money was gone; that he supposed the money moved down. That prisoner did offer his services; that he [Joseph Smith] never deceived him; that prisoner looked through stone and described Josiah Stowel[I]'s house and outhouses, while at Palmyra at Simpson Stowel[I]'s, correctly; that he had told about a painted tree, with a man's head painted upon it, by means of said stone. That he had been in company with prisoner digging for gold, and had the most implicit faith in prisoner's skill.

[1883: Horace Stowel sworn. Says he see Prisoner look into hat through stone, pretending to tell where a chest of dollars were buried in Windsor, a number of miles distant; marked out size of chest in the leaves on ground.]

Arad Stowel sworn: says that he went to see whether prisoner could convince him that he possessed the skill he professed to have, upon which prisoner laid a book upon a white cloth, and proposed looking through another stone which was white and transparent, hold the stone to the candle, turn his head to look, and read. The deception appeared so palpable that witness went off disgusted.

McMaster sworn: says he went with Arad Stowel, and likewise came away disgusted. Prisoner pretended to him that he could discover objects at a distance by holding this white stone to the sun or candle; that prisoner rather declined looking into a hat at his dark coloured stone, as he said that it hurt his eyes.

Jonathan Thompson says that prisoner [Joseph Smith] was requested to look for chest of money; did look, and pretended to know where it was; and that prisoner, Thompson, and Yeomans went in search of it; that Smith arrived at spot first; was at night; that Smith looked in hat while there, and when very dark, told how the chest was situated. After digging several feet, struck upon something sounding like a board or plank. Prisoner would not look again, pretending that he was alarmed on account of the circumstances relating to the trunk being buried, [which] came all fresh to his mind. That the last time he [Joseph Smith] looked he discovered distinctly the two Indians who buried the trunk, that a

quarrel ensued between them, and that one of said Indians was killed by the other, and thrown into the hole beside the trunk, to guard it, as he supposed. Thompson says that he believes in the prisoner's professed skill; that the board which he struck his spade upon was probably the chest, but on account of an enchantment the trunk kept settling away from under them when digging, that notwithstanding they continued constantly removing the dirt, yet the trunk kept about the same distance from them. Says prisoner said that it appeared to him that salt might be found at Bainbridge, and that he is certain that prisoner can divine things by means of said stone. That as evidence of the fact prisoner looked into his hat to tell him about some money witness [Thompson] lost sixteen years ago, and that he described the man that witness supposed had taken it, and the disposition of the money:

And therefore the Court find the Defendant [Joseph Smith] guilty. Costs: Warrant, 19c. [cents] Complaint upon oath, 25 1/2c. Seven witnesses, 87 1/2c. Recognisances, 25c. Mittimus, 19c. Recognisances of witnesses, 75c. Subpoena, 18c. - \$2.68.

Charles Marshall, "The Original Prophet. By a Visitor to Salt Lake City," *Fraser's Magazine* 7 (February 1873):229-30; London, England

OUTCOME OF EXAMINATION -

Albert Neely Docket Book pages [20 March 1826] (published in 1873, 1883 and 1886): guilty

Abram W. Benton (1831): condemned

Joel K. Noble (1842): condemned

RECOLLECTIONS OF WHAT HAPPENED NEXT:

W.D. Purple: prisoner [Joseph Smith] was discharged

A. W. Benton: designedly allowed to escape

Joel K. Noble: took Leg Bail (or Gave [Leg Bail])

Oliver Cowdery: honorably acquitted

Out of these events all parties agree that no penalty was administered on Joseph Smith. Smith was more than a common laborer during the time he was in the Bainbridge, New York area in 1825-26.

Important point of the 1826 pre-trial examination:

Can Joseph Smith see in a stone? No.