

# The March 20, 1826 Examination of Joseph Smith

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## Background

Soon after the Joseph Smith Sr. family arrived in Palmyra, Ontario County, New York, young Joseph Jr. studied the Bible. He had an interest in biblical themes. In 1832 Joseph Smith wrote about the year 1817 or 1818, “At about the age of twelve years my mind become seriously impress [sic; impressed] with regard to the all important [sic; important] concerns for the welfare of my immortal Soul, which led me to searching the scriptures.”<sup>1</sup> Joseph Smith Jr. attended school, learned to read, write and learn arithmetic. Though Smith may have had a religious experience of forgiveness of sins it did not cause a change in his treasure-digging activity.

In 1818 the family sharecropped the land of twenty-seven-year-old neighbor Jeremiah Hurlbut. The family eventually made arrangements to purchase about one hundred acres in Farmington. The oldest son of the family, 25-year-old Alvin, worked with Russell Stoddard in building a frame home for his parents, brothers, and sisters. Soon thereafter, Alvin died unexpectedly. The Smith family held Christian beliefs and used the Bible in their religious teachings at home. Joseph Sr. had visionary experiences and avoided organized religion. The elder Smith also believed in treasures buried supernaturally in the earth that could be obtained only through magic rituals.

The possibility of finding buried treasure fascinated many in late eighteenth- and early nineteenth-century America. Reports of searching for such riches were widespread in the Palmyra area,<sup>2</sup> and extant accounts show that treasure was generally sought through supernatural means. Locations for buried wealth and lost Spanish mines were sometimes located through dreams. Treasures could also be located by using divining rods, often made from "witch hazel," or by looking in special stones or crystals.

In 1821 Farmington was divided to create a new township named Burt, renamed Manchester in April 1822. It appears that the Smith family built their log house, cleared land for planting and made other improvements, leaving their Palmyra residence sometime between June 1822 and July 1823. The one hundred acres of lot 1 was located in the northwest corner of

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<sup>1</sup> “A History of the life of Joseph Smith Jr.,” Joseph Smith Letter book 1:1-2, MS 155, Box 2, Folder 1, Joseph Smith Collection, Church History Library, Salt Lake City. Karen Lynn Davidson, David J. Whittaker, Mark-Ashurst-McGee, and Richard L. Jensen, eds., *Histories, Volume 1: Joseph Smith Histories, 1832-1844* (Salt Lake City: Church Historian’s Press, 2012), 11.

<sup>2</sup> Newspaper articles mention unnamed individuals who claimed to have found vast treasures. The *Orleans Advocate* published in Albion, New York, contains the following: "A few days since was discovered in this town, by the help of a mineral stone, (which becomes transparent when placed in a hat and the light excluded by the face of him who looks into it, provided he is fortune's favorite,) a monstrous potash kettle in the bowels of old mother Earth, filled with the purest bullion." Reprinted in *Wayne Sentinel* (Palmyra, New York) 3 (December 27, 1825):2, and the *Livingston Register* (Geneseo, New York), December 28, 1825.

Manchester Township. Joseph Sr.'s assessment for July 24, 1823, was \$300 more than the previous year which indicated the work already completed on their new Manchester farm. Palmyra village was where the Smiths did the majority of their business and received letters. In 1823 a newly formed county was formed, placing Palmyra into Wayne County.

### The Chase Stone

Joseph Jr., sixteen at the time, worked with his twenty-four-year-old brother Alvin when Willard Chase (also twenty-four) found a stone while digging a well on the Chase property in Manchester. Joseph Jr. said that by looking in Willard Chase's stone he could see hidden treasures, all things in caves, in and under the earth, and spirits in ancient dress in charge of the treasures. Joseph borrowed the stone following his father's search for hidden treasures. Willard Chase stated:

In the year 1822, I was engaged in digging a well. I employed Alvin and Joseph Smith to assist me; the latter of whom is now known as the Mormon prophet. After digging about twenty feet below the surface of the earth, we discovered a singularly appearing stone, which excited my curiosity. I brought it to the top of the well, and as we were examining it, Joseph put it into his hat, and then his face into the top of his hat. It has been said by Smith, that he brought the stone from the well; but this is false. There was no one in the well but myself. The next morning he came to me, and wished to obtain the stone, alledging that he could see in it; but I told him I did not wish to part with it on account of its being a curiosity, but would lend it. After obtaining the stone, he began to publish abroad what wonders he could discover by looking in it, and made so much disturbance among the credulous part of [the] community, that I ordered the stone to be returned to me again. He had it in his possession about two years.<sup>3</sup>

Near this time in 1822 Joseph Sr. and Alvin arrange to purchase one-hundred-acre land on Lot 1 in Farmington, Ontario County. Joseph Smith Sr. and some of his neighbors were treasure seekers who would search in the ground for money. It was a shock to the Smith family when Alvin, the oldest son and brother died on November 19, 1823.

When Joseph Jr. was eighteen, almost nineteen years old, a revival of religion occurred that commenced with the Methodists, followed by the Baptists and Presbyterians. Joseph Jr. heard discourses given by Reverend George Lane of the Methodist church and attended meetings. By the Spring of 1825 his mother Lucy, brothers Hyrum and Samuel Harrison, and his sister Sophronia joined the Western Presbyterian Church of Palmyra.<sup>4</sup>

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<sup>3</sup> Affidavit of Willard Chase, Manchester, Ontario County, New York, before Justice of the Peace, Frederick Smith, circa December 11, 1833, in E. D. Howe, *Mormonism Unveiled* (Painesville [Ohio]: Printed and Published by the Author, 1834), 240–41, emphasis omitted. Chase mentioned that he became acquainted with the Smiths in 1820 and “they were engaged in the money digging business” (240).

<sup>4</sup> H. Michael Marquardt, “The Palmyra Revival of 1824-25, From Methodist, Presbyterian and Baptist Records: Its Impact on the Restoration Movement,” *John Whitmer Historical Association Journal* 40 (Spring/Summer 2020):39-47.

A cruel rumor circulated that Alvin Smith's buried body had been disturbed. This may have been related because the elder Smith was in the habit of searching for hidden treasures. Joseph Sr. placed a notice in the local newspaper the *Wayne Sentinel*. Joseph Sr. and some associates went to the place where he was buried, dug up the body and found that the rumor was false.<sup>5</sup>

Shortly afterwards Hyrum Smith borrowed the Chase stone. Willard Chase recalled that Hyrum "wished to borrow the same stone, alledging that they wanted to accomplish some business of importance, which could not very well be done without the aid of the stone." "I thought I could rely on his word at this time, as he had made a profession of religion."<sup>6</sup>

### **Working with Josiah Stowell**

The Smiths knew they needed to make their final payment for their one hundred acres of land. So, when fifty-five-year-old Josiah Stowell Sr. inquired if they had an interest hunting for a gold/silver mine the Smiths were interested. Joseph Jr. traveled with his father from Manchester to southern New York and Harmony (later Oakland), Susquehanna County, Pennsylvania, to obtain money to pay off the mortgage of their Manchester farm. Isaac Hale recalled:

I first became acquainted with JOSEPH SMITH, Jr. in November, 1825. He was at that time in the employ of a set of men who were called "money-diggers;" and his occupation was that of seeing, or pretending to see by means of a stone placed in his hat, and his hat closed over his face. In this way he pretended to discover minerals and hidden treasure. His appearance at this time, was that of a careless young man--not very well educated, and very saucy and insolent to his father. Smith, and his father, with several other 'money-diggers' boarded at my house while they were employed in digging for a mine that they supposed had been opened and worked by the Spaniards, many years since. Young Smith gave the 'money-diggers' great encouragement, at first, but when they had arrived in digging, to near the place where he had stated an immense treasure would be found--he said the enchantment was so powerful that he could not see. They then became discouraged, and soon after dispersed. This took place about the 17th of November, 1825; and one of the company gave me his note for \$12[.]68 for his board, which is still unpaid.<sup>7</sup>

The company of treasure seekers did not locate any mine and no money was obtained. The trip to locate a mine in the fall of 1825 failed and they could not pay off the mortgage. On December 20, 1825, Lemuel Durfee Sr. purchased their farm for a total of \$1,135 and let them remain on the land and in the frame house where they lived. From about October 1825 to March

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<sup>5</sup> "To the Public," *Wayne Sentinel* 2, no. 1 (September 29, 1824):3. The advertisement is dated September 25, 1824. The notice also appeared in the issues of October 6, 13, 20, 27 and November 3, 1824.

<sup>6</sup> Willard Chase in E. D. Howe, *Mormonism Unveiled*, 241.

<sup>7</sup> Statement of Isaac Hale, March 20, 1834 in "Mormonism," *Susquehanna Register, and Northern Pennsylvanian* (Montrose, Pennsylvania) 9 (May 1, 1834):1. Reprinted in *The New York Baptist Register* (Utica, New York) 11 (June 13, 1834); and E. D. Howe, *Mormonism Unveiled*, 262-63.

1826 Joseph Jr. worked for Josiah Stowell for five months and attended school. It was at the home of Elizabeth and Isaac Hale in Harmony where Joseph Jr. met their daughter Emma.

### **Published Examination**

Over forty-five years later three different published versions of the March 20, 1826 court record became available. The handwritten record is not extant to compare why some wording in the printings are different. It is clear from a comparison with the first printing of the official record that neither account borrowed from the other. There was no mention of the name of the justice of the peace in the proceedings.

Charles Marshall, "The Original Prophet. By a Visitor to Salt Lake City," *Fraser's Magazine* (London) 7 (February 1873): 225-35; reprinted in Frazer's article in *Eclectic Magazine* (New York) 17 (April 1873): 479-88)

Daniel S. Tuttle, "Mormons," *A Religious Encyclopaedia*, ed. Philip Schaff (New York: Funk & Wagnalls, 1883), 2:1,576

"A Document Discovered," *Utah Christian Advocate* (Salt Lake City) 2 (January 1886):1

In 1877 William D. Purple recalled that in February 1826, off by a month, he took notes at the trial/examination held "before Albert Neeley [Neely]."<sup>8</sup> The Methodist paper the *Utah Christian Advocate* disclosed that they received the manuscript proceedings from Episcopalian Bishop Daniel S. Tuttle.

The document we print below is interesting to those, who desire historic light on the origin of Mormonism. We received the Manuscript from Bishop Tuttle; and the following, from the good bishop's pen, explains how he came into possession of the Manuscript:--"The Ms. [Manuscript] was given me by Miss Emily Pearsall who, some years since, was a woman helper in our mission and lived in my family, and died here. Her father or uncle was a Justice of the Peace in Bainbridge[,] Chenango Co., New York, in Jo. [Joseph] Smith's time, and before him Smith was tried. Miss Pearsall tore the leaves out of the record found in her father's house and brought them to me."<sup>9</sup>

This additional information filled in more of how the record was obtained from which it had been published. The record was torn from Judge Albert Neely's docket book by his niece Miss Emily Pearsall. She died in 1872 after Charles Marshall made his copy and eventually printed it in 1873. It was also the source for Bishop Tuttle's 1883 article. Marshall described how he obtained his transcript: "During my stay in Salt Lake [City] permission was courteously accorded me to copy out a set of such judicial proceedings not hitherto published. I cannot doubt

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<sup>8</sup> William D. Purple, "Joseph Smith, the Originator of Mormonism, Historical Reminiscences of the Town of Afton," April 28, 1877 in *The Chenango Union* (Norwich, New York) 30 (May 3, 1877):3.

<sup>9</sup> "A Document Discovered," *Utah Christian Advocate* (Salt Lake City) 3 (January 1886):1, (misnumbered vol. 2, no. 13), Salt Lake City. Copies located at Drew University and Utah State Historical Society.

their genuineness. The original papers were lent me by a lady of well-known position, in whose family they had been preserved since the date of the transactions."<sup>10</sup> The lady would have been Emily Pearsall.

The record mentions that a complaint was made, evidently based upon a New York law, concerning disorderly persons. The statute that would seem to apply was enacted by New York in 1813 and stated in part: "all jugglers, and all persons pretending to have skill in physiognomy, palmistry, or like crafty science, or pretending to tell fortunes, or to discover where lost goods may be found; ... shall be deemed and adjudged disorderly persons."<sup>11</sup>

It was not until over fifty-five years later in a 1945 reprint of Bishop Tuttle's 1883 printing by Fawn M. Brodie<sup>12</sup> that questions were asked about the published reports of the March 20, 1826 examination of Joseph Smith. Because the pages from the original docket book had been lost, the authenticity of these published accounts was questioned.

### Justice Albert Neely

At the end of the published record, but omitted in Daniel Tuttle's 1883 article, was the costs relating to the case. The following were the cost as printed in *Fraser's Magazine*:

Warrant, 19c. [cents] Complaint upon oath, 25½c. Seven witnesses, 87½c. Recognizances, 25c. Mittimus, 19c. Recognizances of witnesses, 75c. Subpoena, 18c.-- \$2.68.

One researcher who was interested if there were any historical documents that could shed light on the published record was the Rev. Wesley P. Walters who previously confirmed the date of the Palmyra revival. In May 1971, over fifty years ago, he traveled to Norwich, New York, the county seat, to locate any nineteenth century documents that may have survived. He located the papers commissioning Albert Neely as Justice of the Peace, dated November 16, 1825, as well as more information establishing that he was in Bainbridge at this time. Neely held this office in 1826, 1827, and January 1828.

Neely's name appears in the civil Docket Book of Zechariah Tarble as a plaintiff in cases from February 26, 1825 through January 14, 1826. Neely was also a vestryman of the Protestant Episcopal church.<sup>13</sup> He was elected a Commissioner of Schools on March 7, 1826.<sup>14</sup> He married

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<sup>10</sup> Charles Marshall, "The Original Prophet. By a Visitor to Salt Lake City," *Fraser's Magazine* (London) 7 (February 1873):229.

<sup>11</sup> "An Act for Apprehending and Punishing Disorderly Persons," in *Laws of the State of New-York, Revised and Passed at the Thirty-Sixth Session of the Legislature, with Marginal Notes and References, Furnished by the Revisors, William P. Van Ness & John Woodworth, Esquires, Pursuant to the Act, Entitled "An Act for Publishing the Laws of this State," Passed April 13th, 1813*, 2 vols. (Albany [New York]: H. C. Southwick, 1813), 1:114. "An ACT for apprehending and punishing disorderly Persons," 1:114-17. If an individual went to trial and was found guilty the punishment would be at the discretion of the court (551).

<sup>12</sup> Fawn M. Brodie, *No Man Knows My History: The Life of Joseph Smith, The Mormon Prophet* (New York: Alfred A. Knopf, 1945), Appendix A.

<sup>13</sup> James H. Smith, *History of Chenango and Madison Counties, New York* (Syracuse, New York: D. Mason & Co., 1880), 176, and Charlah Ireland Skinner, *History of St. Peter's Church: Bainbridge, New York 1825 to 1975* (Bainbridge, New York: Broadcaster Press, 1975), 1.

Phebe Pearsall.<sup>15</sup>

### Itemized bills by Justice Albert Neely and Constable Philip De Zeng

The itemized bills of Justice Albert Neely and Constable Philip De Zeng, officials who participated in the arrest and examination of Joseph Smith, were discovered on July 28, 1971. The bills were located among dead-storage documents in the basement of the county jail in Norwich. It was in a mildew box that Fred Poffarl found the 1826 bills and also some bills for 1830.<sup>16</sup> These two bills were bound together with other 1826 Bainbridge bills submitted to the County Board of Supervisors for approval and payment. They were tied with pink string, which had been placed around them when the treasurer packaged them for storage after they had been marked "passed" and the total due each claimant had been carefully entered into the "Supervisor's Journal" beside his name.

These and other bills relating to Joseph Smith's Bainbridge court hearings were removed by Poffarl and Walters from the water-soaked box in which they were found and hand-carried to Yale University's Beinecke Rare Book and Manuscript Library. Copies of the bills were sent to County Historian, Mrs. Mae Smith. Since the bills were the property of Chenango County they were received back by the county in October 1971.

The costs printed at the end of the proceeding are in keeping with standard established law at the time.<sup>17</sup> In addition to the costs, further verification of the authenticity of the record is found in the fact that the names of all those listed as participants in the examination can be verified as people who were actually living in the Bainbridge area in 1826.

The 1826 bill which Albert Neely submitted to Chenango County for payment carries this entry; "same" means The People of the State of New York. It included the date of March 20, 1826.

same	Misdemeanor
vs	
Joseph Smith	To my fees in examination
The Glass looker	of the above Cause 2.68
March 20. 1826	

The bill submitted by Philip M. De Zeng gives further details concerning this court procedure by listing:

Serving Warrant on Joseph Smith & travel	1.25
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<sup>14</sup> Albert Neely's 1826 bills were submitted to the Chenango County Board of Supervisors, Clerk of the Board of Supervisors, Chenango County Office Building, Norwich, New York.

<sup>15</sup> Clarence E. Pearsall, ed., *History and Genealogy of the Pearsall Family in England and America 2* (1928):1,144.

<sup>16</sup> Affidavit of Wesley P. Walters, October 28, 1971 and Statement of Fred Poffarl, May 27, 1973, copy in H. Michael Marquardt Papers, "Chronology of Norwich, New York County Bills (1971-1988)," Accession 900, Box 180, Folder 8, Manuscripts Division, J. Willard Marriott Library, University of Utah, Salt Lake City.

<sup>17</sup> See *A New Conductor Generalis: Being a Summary of the Law Relative to the Duty and Office of Justices of the Peace, Sheriffs, Coroners, Constables, Jurymen, Overseers of the Poor* (Albany, New York: E. R. Backus, 1819), 481-82.

Subpoening 12 Witnesses & travel	2.[ ]0
Attendance with Prisoner two days & 1 night	1.25
Notifying two Justices	1—
16 miles travel with Mittimus to take him	1—

Neely's itemized bill of \$16.37, which included a number of other cases besides the examination of Joseph Smith, was "passed" by the Chenango County supervisors for \$15.44. De Zeng's bill of \$41.15 was passed, together with another bill for \$26 for a total of \$67.15. The total amounts of the bills for each year were entered into the "Supervisor's Journal" beside the name of the official in each town. This journal was housed in a separate building from that in which the bills were kept.

Bainbridge had four justices of the peace and two constables. Each justice handled cases in which one or both of the constables served warrants and subpoenas, and sometimes two or three justices were called together to form a court of special sessions to try a particular case. Therefore, the costs for some of the cases appear on the bills of several different officials. For example, the 1825 cases of Luke Crandall and Lewis Porter appear on the bills of Constable De Zeng, who made the arrest, and on the bills of Justices Levi Bigelow, James Humphrey, and Zechariah Tarble, who served as a court of special sessions to try the cases.<sup>18</sup> This interrelatedness of bills substantiates the genuineness of any particular bill. In addition, each bill is in the distinctive handwriting of that individual, which can be validated from bills submitted in other years.

There was a question relating to the bill of De Zeng on "notifying two Justices" and whether this meant that there was a trial before additional justices. H. Michael Marquardt in May 1988 went to Norwich and searched for additional bills covering the ten-year period of 1820-1830. He was able to locate the 1826 bills of Justices Levi Bigelow and James Humphrey. No case was listed for Joseph Smith.

### **Court Record of Albert Neely**

The following base text is from the first 1873 printing of the case before Justice Albert Neeley of Bainbridge, Chenango County, New York. Words in brackets have been added from two other printings (1883 and 1886) of the handwritten pages. The original record is not extant. None of the printings contain every word of the complete record. Prisoner refers to Joseph Smith.<sup>19</sup>

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<sup>18</sup> "Arrangement of Bills of Justices of the Peace and Constables for Bainbridge, Chenango County, New York, 1820-30," comp. H. Michael Marquardt, July 1988, Accession 900, Box 157, Folders 27-28, Manuscripts Division, J. Willard Marriott Library, University of Utah, Salt Lake City.

<sup>19</sup> For additional information on the court record, using the 1886 printing, see Dan Vogel, ed, *Early Mormon Documents*, 5 vols. (Salt Lake City: Signature Books, 1996-2003) 4:239-66.

[1883, 1886: PEOPLE OF] STATE OF NEW YORK v/[s]. 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 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 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 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 several times, and had informed him where he could find these [1883, 1886: those] treasure [1883, 1886: treasures], and Mr. Stowel 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 [1883, 1886: made] 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 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 [1883, 1886: possessed] the art of seeing those valuable treasures through the medium of said stone; that he found the (word illegible) [1883, 1886: 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, 1886: 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 and prisoner thereupon commenced digging, found a tail feather, but money was gone; that he supposed [1883, 1886: that] the money moved down. That prisoner did [1886: not] offer his services; that he never deceived him; that prisoner looked through stone and described Josiah Stowel's house and outhouses, while at Palmyra at Simpson Stowel'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, 1886: Horace Stowel sworn, says he see[n] Prisoner look into that strange [1883: 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 [1883, 1886: back] to book, and read. The deception appeared so palpable that witness went off disgusted.

McMaster sworn: says he went with Arad Stowel, [1883, 1886: to be convinced of Prisoner's skill] and likewise came away disgusted [1883, 1886: finding the deception so palpable]. 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 was requested to look [1883: for; 1886: Yoemans] 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, and 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 [1883, 1886: the last time he looked] on account of the circumstances relating to the trunk being buried, [which] came all fresh to his mind. That the last time he 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 [1883, 1886: of] 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 [1883, 1886: and Hat]. That as evidence of the fact prisoner looked into his hat to tell him about some money witness 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[s] the Defendant guilty. Costs: Warrant, 19c. [cents] Complaint upon oath, 25½c [1886: 25]. Seven witnesses, 87½c. Recognizances, 25c. Mittimus, 19c. Recognizances of witnesses, 75c. Subpoena, 18c.--\$2.68.

Joseph Sr. and Jr. did not obtain any valuable treasure like gold or silver during the time they searched with Josiah Stowell in 1825. While spending their time away from their Manchester home they lost the one hundred acres of land that the family planned to own. As mentioned, the land was purchased soon after in December 1825 by Lemuel Durfee Sr.

## **Marriage of Joseph Smith and Emma Hale and promised to give up Glass looking**

On January 18, 1827 twenty-one-year-old Joseph Smith married twenty-two-year-old Emma Hale. Smith asked Emma's father Isaac for his consent to marry her. Isaac did not give consent so shortly afterwards they went to New York and were married. The couple lived with Joseph's parents at the frame house in Manchester. Emma wanted some of her possessions including her clothing.

Emma and Joseph traveled back to Harmony with the help of Peter Ingersoll. Isaac Hale recalled that Joseph "Smith stated to me, that he had given up what he called 'glass-looking,' and that he expected to work hard for a living, and was willing to do so."<sup>20</sup> Peter Ingersoll remembered this occasion and that Isaac Hale was upset with Joseph:

"You have stolen my daughter and married her. I had much rather have followed her to her grave. You spend your time in digging for money—pretend to see in a stone, and thus try to deceive people." Joseph wept, and acknowledged he could not see in a stone now, nor never could; and that his former pretensions in that respect, were all false. He then promised to give up his old habits of digging for money and looking into stones.<sup>21</sup>

### **Two Trials, Summer 1830**

Four year later in the summer of 1830, after the publication of the Book of Mormon, Joseph Smith was brought before Chenango County Justice of the Peace Joseph P. Chamberlin and also Broome County Justice of the Peace Joel K. Noble. The first case was reported in an 1831 letter by Abram Willard Benton who wrote concerning Joseph Smith:

For several years preceding the appearance of his book, he was about the country in the character of a glass-looker; pretending, by means of a certain stone, or glass, which he put in a hat, to be able to discover lost goods, hidden treasures, mines of gold and silver, &c.<sup>22</sup>

Benton referred to the 1826 court examination when Smith was "arrested as a disorderly person, tried and condemned before a court of Justice. But, considering his youth, (he then being a minor) and thinking he might reform his conduct, he was designedly allowed to escape. This was four or five years ago."

On the first 1830 trial Benton wrote, regarding Joseph Smith, "he was again arraigned before a bar of Justice, during last Summer, to answer to a charge of misdemeanor." Benton recalled the testimony of Addison Austin who testified "at the very same time that Stowell was digging for money, he, Austin, was in company with said Smith alone, and asked him to tell him

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<sup>20</sup> Statement of Isaac Hale, March 20, 1834 in "Mormonism," *Susquehanna Register, and Northern Pennsylvanian* 9 (May 1, 1834):1; Eber D. Howe, *Mormonism Unveiled*, 264.

<sup>21</sup> Statement of Peter Ingersoll, December 2, 1833 in Eber D. Howe, *Mormonism Unveiled*, 234-35.

<sup>22</sup> Letter by A.W.B. [Abram W. Benton] to editor, March 1831, "Mormonites," *Evangelical Magazine and Gospel Advocate* (Utica, New York) 2 (April 9, 1831):120.

honestly whether he could see this money or not. Smith hesitated some time, but finally replied, 'to be candid, between you and me, I cannot, any more than you or any body else; but any way to get a living.'" The full name of Addison Austin is Joseph Addison Spencer Austin.

Notes of the second court case before Joel K. Noble, Justice of the Peace at Colesville, were published in September 1832. "The defendant was brought before me by virtue of a warrant on the 30th day of June, A. D. 1830, on a charge 'that he, the said Joseph Smith, Jr. had been guilty of a breach of the Peace, against the good people of the State of New York, by looking through a certain stone to find hid treasures, &c., within the Statute of Limitation.'"

Justice Noble summarized the testimony of Joseph A. S. Austin who again testified:

that he had been acquainted with Smith, the Prisoner, for several years; that prisoner pretended to look in a certain glass, or stone, and said he could tell where stolen goods were, and could discover mines of gold and silver under ground; made some pretence at telling fortune, but he, witness, never knew of prisoner's finding any thing by his pretended art. Once witness asked prisoner to tell him if he, prisoner, could tell any thing by looking in said glass, and wished a candid and true answer. Prisoner told witness frankly, he could not see any thing, and in answer, prisoner likewise observed to witness, any thing you know for a living

Josiah Stowell also testified at this trial with the outcome that "Joseph Smith, jr., was discharged; he had not looked in the glass for two years to find money; &c.—hence it was outlawed."<sup>23</sup>

### **Conclusion**

Besides helping his father on the Smith farm Joseph Jr. was engaged with other individuals in the Manchester/Palmyra area as a treasure seeker. That Smith was known far away as one who could locate buried treasure is why Josiah Stowell hired him. As shown from the record of Albert Neely, Joseph had two men, Stowell and Thompson, who considered that there was something to Joseph using a stone. The ability to be able to see valuable treasures in the earth was seen as impressive. Nothing of value was found. Many individuals believed that a seer was greater than a prophet.

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<sup>23</sup> "Mormonism," *Boston Christian Herald* (Boston, Massachusetts) 4 (September 19, 1832):2-3, emphasis omitted.