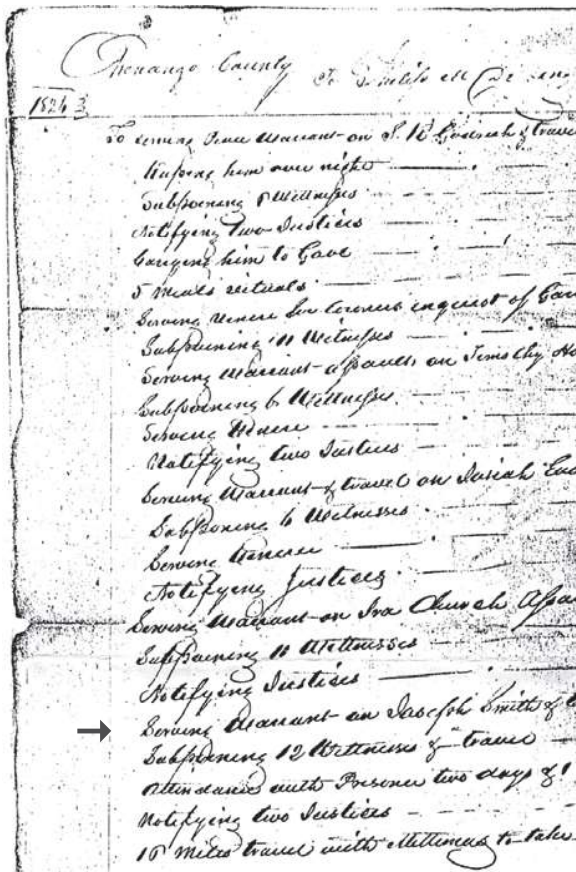


was back searching for the missing bills. Toward the end of July, 1971, we received a phone call announcing the important discovery—i.e., the discovery of Justice Neely’s bill for 1826. Wesley P. Walters also sent us a letter telling of other important discoveries. In this letter we find the following:

By this time you should have gotten over the shock of my phone call about finding the 1826 Neely bill. . . .

In addition to what I sent you recording the bill for the trial of “Joseph Smith The Glass Looker” . . . there is also the bill of Constable Philip M. DeZeng. His charges include ones for “Serving warrant on Joseph Smith and tr[avel]” ???<<<?? very faint, water damage, “Subpoening 12 Witnesses & travel”; “attendance with Prisoner two days & 1 nigh[t]”; “Notifying two Justices” and “10 miles travel with mittimus to take him.” . . . There are also bills from Arad Stowell (one of the witness[es] in the trial) for 1826 when he was serving as school commissioner.

Below is a photograph of the bill of Constable Philip M. DeZeng. Notice that the date 1826 is written at the top of the bill. The arrow points to the place where Constable DeZeng tells of “Serving Warrant on Joseph Smith . . .”



On October 28, 1971, Wesley P. Walters made an affidavit concerning the discovery of these documents:

REVEREND WESLEY P. WALTERS, being first duly sworn upon his oath, deposes and states:

On Saturday, May 22, 1971, while in Norwich, New York, I, Wesley P. Walters, of Marissa, Illinois, was shown by the County Historian, Mrs. Mae Smith, where Chenango County kept their dead storage, which was in a back, poorly-lit room in the basement of the County Jail. While looking through this material in company with Mrs. Smith, we came across the county bills from the early eighteen hundreds. These bills were arranged in bundles by townships, and the townships bound together by years. There were bills from all the

town officials, including an itemized listing of cases tried by each of the local Justices of the Peace, and an itemized listing of costs by the Constables who served warrants and made arrests. I realized that if the bills for 1826 and 1830 for the Town of Bainbridge could be located, there would doubtless be references to the two trials of Joseph Smith, the founder of the Mormon Church. I was successful in locating the bills for 1824, 1825, 1828, and 1829, but could not find those for 1826 and 1830. There was still much material to look through, and my schedule required that I leave without finishing my search.

On July 28, 1971, I was able to return to Norwich and in the late afternoon I went back to the County Jail accompanied by Mr. Fred Poffarl of Philadelphia. After looking through some of the remaining material for a short while, Mr. Poffarl discovered two cardboard boxes in the darkest area of the room, containing more bundles of bills, all mixed up as to date, and some badly water-soaked and mildewed from being shoved against a leaky wall. I looked in one box while Fred looked in the other. It was in Mr. Poffarl’s box that the 1826 bills were soon found, followed by the 1830 ones. When I opened the 1826 bundle and got part way through the pile of Bainbridge bills, all of which were very damp and mildewed, I came upon, first, the J.P. bill of Albert Neely and then upon the Constable’s bill of Philip M. DeZeng. On Mr. Neely’s bill was the item of the trial of “Joseph Smith The Glass Looker” on March 20, 1826, and a cost to the county from Mr. Neely of \$2.68. On the bill of Mr. DeZeng were the charges for arresting and keeping Joseph Smith, notifying two justices, subpoenaing 12 witnesses, as well as a mittimus charge for 10 miles travel “to take him,” with no specification as to where he was taken on the Mittimus. Likewise, in the 1830 bundles I found both the Constable’s and Justice’s bills that mentioned the arrest and trial of Joseph Smith as a disorderly person July 1, 1830. I photographed as well as made Xerox copies of all these items, as well as some typical examples of other 1825, 1826, and 1828 bills.

In my opinion, the bills are authentic, of the same paper quality and ink quality as the other 1826 and 1830 bills and appeared to me to have remained tied up and untouched since the day they were bound up and placed away in storage by the Board of Supervisors of Chenango County, New York. The historical importance of these bills was drawn to the attention of the County and they, at last report, were making arrangements to house these items in a safer and more suitable place. (Affidavit by Wesley P. Walters, dated October 28, 1971)

### Importance of Discovery

Now that Wesley P. Walters has proven beyond all doubt that the Bainbridge court record is authentic, it will be very interesting to see how the Mormon leaders will react. As we have shown, their position in the past has been that the court record is “spurious.” The Mormon scholar Francis W. Kirkham has stated that if the court record could be proven authentic, it would show that Mormonism itself is untrue:

A careful study of all facts regarding this alleged confession of Joseph Smith in a court of law that he had used a seer stone to find hidden treasure for purposes of fraud, must come to the conclusion that **no such record was ever made**, and therefore, is not in existence. . . . If any evidence had been in existence that Joseph Smith had **used a seer stone** for fraud and deception, and especially **had he made this confession in a court of law as early as 1826**, or four years before the Book of Mormon was printed, and this confession was in a court record, it would have been **impossible** for him to have organized the restored Church. (*A New Witness For Christ In America*, vol. 1, pp. 385-387)

If a court record could be identified, and if it contained a confession by Joseph Smith which revealed him to be a poor, ignorant, deluded, and superstitious person—unable himself to write a book of any consequence, and whose church could not endure because it attracted only similar persons of low mentality—if such a court record confession could be identified and proved, then it follows