

State of New York v. JS-A, Chenango Co., NY, Justice of the Peace Court, 20 March 1826 ✓

Introduction to *State of New York v. JS-A*



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Historical Introduction

On 20 March 1826, JS appeared before Albert Neely, a justice of the peace in Bainbridge, Chenango County, New York, on charges of violating the state’s disorderly persons statute. JS was most likely arrested and tried as a disorderly person because he was employed using a seer stone in the area in late 1825. As neither the original docket book kept by Neely nor the case documents produced by the justice have survived, reconstructing the facts and the outcome for this case presents a significant challenge, although contemporary statutes and other legal materials illuminate plausible scenarios. Only two official documents associated with the case have survived: the fee bills of Justice Neely and Constable Philip M. De Zeng, both charging Chenango County for their services. These two documents, reproduced here, present only a fragmentary picture of the proceedings. Later written accounts of the trial, including two featured here as case appendix items, provide additional details but should be treated with caution.

In late 1825, wealthy New York farmer Josiah Stowell hired JS to assist in searching for a Spanish silver mine on the Pennsylvania side of the Susquehanna River. According to Lucy Mack Smith, Stowell sought out JS “having heard, that he was in possession of certain means”—referring to seer stones—“by which he could discern things, that could not be seen by the natural eye.”¹ JS had developed a reputation as someone who could locate valuable objects buried in the earth using a seer stone.² Evidently on JS’s advice, Stowell’s group of men abandoned the search only a short time after JS’s arrival in the area, but he continued working on Stowell’s farm in Chenango County for several more months.³

JS’s arrest on charges of being a disorderly person came while he was still living with Stowell.⁴ New York’s disorderly persons statute, combined with an 1825 justice of the peace manual, provides a general overview of how trials before justices of the peace in such cases were to proceed. The law identified ten categories of offenders, including “all persons pretending . . . to discover where lost goods may be found,” the provision under which JS was most likely prosecuted.⁵ The use of the word “pretending” in the act reflected Enlightenment-

era legal assumptions that the use of seer stones was categorically deceptive and fraudulent, regardless of whether the accused sincerely believed that they had access to uncommon powers.⁶

According to the manual, prosecutions under the disorderly persons statute were initiated by a complainant who described the alleged disorderly conduct under oath. Based on the complaint, the justice would then issue a warrant for the arrest of the offender.⁷ The statute outlined three methods by which a justice could convict an individual of being a disorderly person: first, “by his own view”; second, by the confession of the accused; or third, “by the oath of one or more credible witness or witnesses.”⁸ According to the manual, justices were required to make a record of cases that resulted in conviction, which would presumably be filed with county officials.⁹ Those convicted before the justice would then be committed “to the bridewell or house of correction,” where they would be “kept at hard labour” for up to sixty days. The statute provided that two county justices could discharge the prisoner prior to serving the full sentence “if they shall see cause.” Alternatively, county judges were empowered to review the conviction at the next meeting of the court of general sessions, either discharging the prisoner or remanding him or her to the bridewell for a term “not exceeding six months.”¹⁰

Sometime after the trial concluded, Justice Neely and Constable De Zeng made bills for their services and filed them with Chenango County. Neely’s bill includes the date of the proceedings and identifies JS as “the Glass Looker,” a common phrase used to describe individuals who used seer stones.¹¹ The justice defined JS’s crime only as an unspecified misdemeanor, although a later JS history confirmed that he was arrested under the disorderly persons statute, a misdemeanor charge.¹² Neely indicated that his fees totaled \$2.68, but he did not itemize his bill.¹³ De Zeng’s bill, in contrast, provides an itemized list of his services that partially confirms that the process described in the statute and the manual was followed.¹⁴ De Zeng charged the county for serving a warrant on JS and subpoenaing twelve witnesses; he also billed for “Attendance with Prisoner two days & 1 Night,” “Notifying two Justices,”¹⁵ and “travel[ing] with mittimus to take him [JS].”¹⁶ The context of the latter two entries remains obscure.

Although Neely’s docket book is not extant, three documents purporting to be based on the docket entry for *State of New York v. JS—A* later appeared in print. The published docket entry includes the case name, the date of the proceedings, the name of the complainant—Peter G. Bridgman, Stowell’s nephew—and the charge that JS was a “disorderly person and an Imposter.” It also includes detailed summaries of testimonies by JS and five witnesses recounting JS’s use of a seer stone while in Stowell’s employment. The docket entry concludes with Neely’s purported verdict, “and therefore the court finds the defendant guilty,” as well as the justice’s itemized fee bill totaling \$2.68. Several of these details are consistent with Neely’s and De Zeng’s 1826 bills, strongly suggesting that the published transcript was based on an authentic source.¹⁷

Because of uncertain provenance, however, questions remain regarding the reliability of the printed document, and it is included here as an appendix item. According to later accounts,

following Neely's death the original docket book was inherited by his niece, Emily Pearsall, who served as a Methodist missionary in Utah in the early 1870s.¹⁸ At some point, Pearsall reportedly "tore the leaves" pertaining to the case "out of the record."¹⁹ In 1872, British journalist Charles Marshall visited Utah, where Pearsall permitted him to copy the "original papers" of Neely's "judicial proceedings," which he published in *Fraser's Magazine* in England.²⁰ After Pearsall's death in 1872, the excised pages passed to Episcopal bishop Daniel S. Tuttle, with whom she had lived in Utah. Unaware of Marshall's earlier publication, in 1883 Tuttle published a transcript of the document in Philip Schaff's *Religious Encyclopaedia*.²¹ Finally, in 1886 the anti-Mormon *Utah Christian Advocate* published a transcript of "the Manuscript" they had obtained from Tuttle. Although "the Manuscript" likely referred to the "original papers" torn from Neely's docket, it is also possible that the term refers to a copy made by Tuttle. Each printing was apparently made independent of the others, as each contains unique omissions and errors. Without the original source, it remains unknown how accurately any of the published versions represents Neely's original docket entry. The *Utah Christian Advocate* is featured here as it appears to be the most complete version of the text, capturing elements that were omitted from the earlier versions.²² Significant variants are explained in footnotes to the transcript.

The second appendix item is New York resident William D. **Purple**'s 1877 article on the 1826 proceedings,²³ which he claimed he attended and took notes of at Neely's request. The published article is explicitly presented as **Purple**'s "historical reminiscences," rather than his 1826 notes, and **Purple** occasionally interspersed his own retrospective commentary within the flow of the narration, suggesting that the article was the written version of **Purple**'s frequent "public and private rehearsals" of the trial. **Purple**'s article differs in some details from the published versions of Neely's docket entry,²⁴ but the two documents also converge at certain points.²⁵

Given the lack of an 1826 document definitively reporting the verdict, the outcome of the case necessarily remains elusive. Two early descriptions of the trial, written by individuals who evidently were not present during the proceedings, indicate that the court "condemned" JS but that he was subsequently allowed to escape.²⁶ On the other hand, Oliver Cowdery, who likewise was not present at the hearing, reported in 1835 that the court "honorably acquitted" JS.²⁷ Whereas the published docket entry indicates that Neely found JS guilty, **Purple**'s reminiscence has the court discharging JS for lack of evidence. The itemized bill for Neely's services in the published docket entry—assuming it accurately reflects the justice's fees for his 1826 services—does not contain an entry for making a record of conviction, a document required by the 1825 justice of the peace manual.²⁸ There is also no evidence that JS was incarcerated in the bridewell in 1826.²⁹ While this strongly suggests that Neely did not convict JS, the lack of verifiable contemporary records renders tentative any conclusion about the case's outcome.

This calendar lists all known documents created by or for the court, whether extant or not. It does not include versions of documents created for other purposes, though those versions may be listed in footnotes. In certain cases, especially in cases concerning unpaid debts, the originating document (promissory note, invoice, etc.) is listed here. Note that documents in the calendar are grouped with their originating court. Where a version of a document was subsequently filed with another court, that version is listed under both courts.

1826 (19) ▼

March (17) ▼

Ca. 20 March 1826

Complaint, Bainbridge, Chenango Co., NY

- Ca. 20 Mar. 1826. Not extant. ¹

Ca. 20 March 1826

Warrant, for JS, Bainbridge, Chenango Co., NY

- Ca. 20 Mar. 1826. Not extant. ¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–A

- Ca. 20 Mar. 1826. Not extant. ¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–B

- Ca. 20 Mar. 1826. Not extant. ¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–C

- Ca. 20 Mar. 1826. Not extant. ¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–D

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–E

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–F

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–G

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–H

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–I

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–J

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–K

- Ca. 20 Mar. 1826. Not extant.¹

Ca. 20 March 1826

Subpoena, Bainbridge, Chenango Co., NY, ca. 20 Mar. 1826–L

- Ca. 20 Mar. 1826. Not extant.¹

20 March 1826

Docket Entry, Bainbridge, Chenango Co., NY

- 20 Mar. 1826. Not extant.
- Feb. 1873; "The Original Prophet," *Fraser's Magazine*, Feb. 1873, 229–230.¹
- 1883; Tuttle, "Mormons," in *Religious Encyclopaedia*, 2:1576.²
- Jan. 1886; "A Document Discovered," *Utah Christian Advocate* (Salt Lake City, UT), Jan. 1886, [1].

20 March 1826

Recognizances, Bainbridge, Chenango Co., NY

- 20 Mar. 1826. Not extant.¹

20 March 1826

Mittimus, Bainbridge, Chenango Co., NY

- 20 Mar. 1826. Not extant.¹

November (1) ▼

Ca. 9 November 1826

Fee Bill, for Albert Neely, Bainbridge, Chenango Co., NY

- Ca. 9 Nov. 1826; Chenango County Historical Society, Norwich, NY; handwriting of Albert Neely; docket in handwriting of Albert Neely; notation in handwriting of unidentified scribe.

December (1) ▼

1826

Fee Bill, for Philip M. De Zeng, Bainbridge, Chenango Co. NY

- 1826; Chenango County Historical Society, Norwich, NY; handwriting of Philip M. De Zeng and unidentified scribe; docket in handwriting of unidentified scribe; notation in handwriting of unidentified scribe.

Document Information ▼

Footnotes ▼
