

# CUNNING AND DISORDERLY: EARLY NINETEENTH-CENTURY WITCH TRIALS OF JOSEPH SMITH

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Joseph Smith Jr. found himself in court many times throughout his life. Historians argue that his problematic relationship with the law began in 1826 when he faced disorderly person charges in Bainbridge, New York. According to the pretrial sources, some of Josiah Stowell's family members charged that Joseph Smith claimed to have supernatural powers: Horace Stowell and Arad Stowell claimed that he used seer stones to see lost, stolen, and hidden things and to seek treasure.<sup>1</sup> An additional disorderly person hearing followed in 1829 in Lyons, New York. In 1830, a disorderly person charge brought Joseph Smith back to court in Bainbridge, New York. In the same year, a final disorderly person charge

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1. Appendix: Reminiscence of William D. Purple, 28 Apr. 1877 [*State of New York v. JS-A*],” 3, The Joseph Smith Papers (hereafter JSP), <https://www.josephsmithpapers.org/paper-summary/appendix-remembrance-of-william-d-purple-28-april-1877-state-of-new-york-v-js-a/1>; Appendix: Docket Entry, 20 Mar. 1826 [*State of New York v. JS-A*], 1, JSP, <https://www.josephsmithpapers.org/paper-summary/appendix-docket-entry-20-march-1826-people-v-js/1>.

took him to court in Colesville, New York.<sup>2</sup> Since these events, there has been a vigorous discussion over whether Smith's implication in these practices should disqualify his prophetic claims. This framing of the charges has sometimes overshadowed the legal debates.<sup>3</sup>

Previous attempts to understand these legal events have assumed that these cases were built upon early examples of anti-fraud legislation.<sup>4</sup> The basis of this interpretation is the use of the word "pretended" and allegations of "juggling," or sleight-of-hand, which appear in both New York's 1813 disorderly person statute and the accounts of Joseph Smith's court proceedings. However, reading these cases in terms of fraud may result from a cultural misunderstanding between modern researchers and their nineteenth-century subjects. For instance, Dan

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2. History, circa June 1839–circa 1841 [Draft 2], 42–48, JSP, <https://www.josephsmithpapers.org/paper-summary/history-circa-june-1839-circa-1841-draft-2/48>; Lucy Mack Smith, History, 1844–1845, bk. 8, 5–7, JSP, <https://www.josephsmithpapers.org/paper-summary/lucy-mack-smith-history-1844-1845/97>; Lucy Mack Smith, History, 1844–1845, bk. 9, 12–13, JSP, <https://www.josephsmithpapers.org/paper-summary/lucy-mack-smith-history-1844-1845/116>; Lucy Mack Smith, History, 1844–1845, bk 10, 1, JSP, <https://www.josephsmithpapers.org/paper-summary/lucy-mack-smith-history-1844-1845/117>; Joseph Knight, "Joseph Knight, Sr., Reminiscence, Circa 1835–1847," in *Early Mormon Documents* (hereafter *EMD*), 5 vols., edited by Dan Vogel (Salt Lake City: Signature Books, 1996–2003), 4:22–24; Newel Knight, "Newel Knight Journal, Circa 1846," in *EMD*, 4:30–35; Hamilton Child, "Hamilton Child Account," in *EMD*, 4:220–21.

3. See Fawn M. Brodie, *No Man Knows My History: The Life of Joseph Smith*, 2nd ed (1945; New York: Vintage Books, 1995), 16–33; Richard L. Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Knopf, 2005), 48–52; Jan Shipps, "The Prophet Puzzle: Suggestions Leading to a More Comprehensive interpretation of Joseph Smith," in *The New Mormon History*, edited by D. Michael Quinn (Salt Lake City: Signature Books, 2009), 53–74; Gordon A. Madsen, "Being Acquitted of a 'Disorderly Person' Charge in 1826," in *Sustaining the Law: Joseph Smith's Legal Encounters*, edited by Gordon A. Madsen, Jeffrey N. Walker, and John Welch, (Provo: BYU Studies, 2014), 71–92.

4. Madsen, "Being Acquitted," 71–92.

Vogel noted that Justice Neeley, who oversaw the 1826 case, was interested in allegedly pretended powers not economic deception.<sup>5</sup>

This article proposes that Joseph Smith's early trials were about "pretended witchcraft and magic"<sup>6</sup> and the related thoughtcrime of "pretended religion," categories of crime generated during the Enlightenment to categorize unorthodox religious traditions as witchcraft while negating their claims to miraculous or supernatural powers. Smith's defense that he really was a seer was irrelevant because the legal system categorized the spiritual practice of treasure seeking as pretended witchcraft and magic.

To understand Joseph Smith's interactions with New York's 1813 disorderly person statute, historians must evaluate the historical and cultural trends associated with the legislative precedent that contributed to the 1813 statute. This comparative method has been a standard in witchcraft studies for decades.<sup>7</sup> Throughout the analysis of these laws and charges, I use evidence from Joseph Smith's life outside the courtroom to demonstrate that fear of witchcraft motivated these charges while expressions of that fear were suppressed in the later narratives of these legal persecutions. Evidence outside the courtroom demonstrates that the conspiracies and persecutions endured by Joseph Smith were echoes of the witchcraft belief exemplified more than a century earlier in Salem, Massachusetts.

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5. Dan Vogel, "Editorial Note: Bainbridge (NY) Court Record 20 March 1826," *EMD* 4:244.

6. Owen Davies and Willem De Blecourt, ed., *Beyond the Witch Trials: Witchcraft and Magic in Enlightenment Europe* (Manchester, UK: Manchester University Press, 2004) 6–7.

7. Thomas Waters, "'They Seem to Have All Died Out': Witches and Witchcraft in *Lark Rise to Candleford* and the English Countryside, c. 1830–1930," *Historical Research* 87 no. 235 (Feb. 2014), 136–37.

## Believers' Demonology and Diabolical Witchcraft Legislation

The New York disorderly persons statute belongs to a specific legislative history aimed at magic and witchcraft. Legislation aimed at policing treasure seeking, the use of seer stones, and finding lost and stolen items through a gift from God or other supernatural means was meant to curb the influence of “the cunning-folk.”<sup>8</sup> Cunning-folk were folk-Christian healers whom religious authorities conflated with “diabolical witches” in early modern Europe, an imaginary category of people who were alleged to renounce their baptism and swear loyalty to the devil and his war on Christendom.<sup>9</sup> Folk-Christian beliefs covered a range of magical practices. The King Henry Witchcraft Act of 1542 marked the earliest Anglophone legislation aimed at curbing treasure seeking. Queen Elizabeth’s Witchcraft Act of 1563 repealed and replaced King Henry’s Act and was subsequently superseded by the King James Witchcraft Act of 1604.<sup>10</sup> All three intended to control the diabolical witch,

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8. Owen Davies, *Popular Magic: Cunning-folk in English History* (London: Hambledon Continuum, 2007), 10–11, 20, 59, 73, 93–96, 120, 126, 174–77, 180.

9. Davies, *Popular Magic*, 61–62, 63, 185–96; Patrick J. Donmoyer, *Powwowing in Pennsylvania: Healing Rituals of the Dutch Country* (Kutztown: Pennsylvania German Cultural Heritage Center of Kutztown University, 2017), 15–41; David W. Kriebel, *Powwowing Among the Pennsylvania Dutch: A Traditional Medical Practice in the Modern World* (University Park: Pennsylvania State University Press, 2007), 13–62, 261–62. See also Laura Stokes, *Demons of Urban Reform: Early European Witch Trials and Criminal Justice, 1430–1530* (Houndmills, UK: Palgrave MacMillan, 2011), 3. For the witch as an imagined category of people, see Juliette Wood, “The Reality of Witch Cults Reasserted: Fertility and Satanism,” in *Palgrave Advances in Witchcraft Historiography*, edited by Jonathan Barry and Owen Davies (Houndsmill, UK: Palgrave Macmillan, 2007); Norman Cohn, *Europe’s Inner Demons: The Demonization of Christians in Medieval Christendom* (Chicago: University of Chicago Press, 2000).

10. Barbara Rosen, “Laws and Punishments,” in *Witchcraft in England 1558–1618*, edited by Barbara Rosen (Amherst: University of Massachusetts Press, 1972), 51–58.

but their language reveals their intent to penalize the cunning-folks' spiritual practices. This was also true of other acts passed throughout the British Isles.<sup>11</sup> In 1692, the Massachusetts colony passed a witchcraft act based on the King James Act of 1604, explicitly targeted cunning-folk practices, including treasure seeking.<sup>12</sup> This was the cornerstone upon which all Anglophone witchcraft legislation was founded, including the pretended witchcraft legislation of the eighteenth, nineteenth, and twentieth centuries.

The cultural conversation around demonology informed this legislation's development. Early modern demonologies began in a Roman Catholic environment obsessed with controlling heresy.<sup>13</sup> These works fused ideas from the Bible, Patristic writings of the early church, the Lives of Saints, Greco-Roman literature, and classical poetry to construct a historical foundation of the "witch" stereotype. This stereotype combined with diabolized depictions of popular fairy belief, folk-Christianity deemed superstitious by religious authorities, heresy, and popular concerns about *maleficium*. Continental believers' demonologies targeted the folk-Christian observances of the cunning-folk as

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11. Davies, *Popular Magic*, 4–9. Julian Goodare, *The Scottish Witch-hunt in Context* (Manchester, UK: Manchester University Press, 2002), 12; Julian Goodare, "The Scottish Witchcraft Act," *Church History: Studies in Christianity and Culture* 74 no. 1 (Mar. 2005): 39–67; Andrew Sneddon, *Witchcraft and Magic in Ireland*, (Houndmills, UK: Palgrave MacMillan, 2015), 27. For more information on the relationship between Scottish, English and Irish legislation, see Sneddon, "Witchcraft Legislation and Legal Administration," in *Witchcraft and Magic in Ireland*, 25–33.

12. Manuel Padro, "Redemption: The Treasure Quest and the Wandering Soul," *John Whitmer Historical Association Journal* 40 no. 2 (Fall/Winter 2020): 57.

13. Michael D. Bailey, *Battling Demons: Witchcraft, Heresy and Reform in the Late Middle Ages* (State Park: Pennsylvania State University Press, 2003); Hans Peter Broedel, *The Malleus Maleficarum and the Construction of Witchcraft: Theology and Popular Belief* (Manchester, UK: Manchester University Press, 2003).

examples of superstition and a living tradition of witchcraft.<sup>14</sup> This tool could be abused against a wide variety of people regardless of the content of their beliefs and practices. For example, demonologist Nicholas Rémy claimed that a woman whose practices were completely orthodox could still be guilty of witchcraft, that witches were guilty of imitating Elijah and Elisha, and that witches were guilty of using religion to mask their alleged diabolism.<sup>15</sup> Thus folk-Christian practices were easily distorted into diabolical witchcraft by religious and legal authorities.

English demonologies appeared in the decades after the English Reformation when religious leaders led “a Henrician assault on popular religion.”<sup>16</sup> Fear of cunning-folk carried over to North America, where Cotton Mather attributed the rise of witchcraft in New England to the arrival of Quakers, cunning-folk, and Native American shamans.<sup>17</sup> When Richard Boulton wrote one of the last significant

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14. Fae Honeybell, “Cunning Folk and Wizards in Early Modern England” (master’s thesis, University of Warwick, 2010), 67–69; Jean Bodin, *On the Demon-Mania of Witches*, translated by Randy A. Scott (Toronto, ON: Centre for Reformation and Renaissance Studies Victoria University in the University of Toronto, 1995); Martin Del Rio, *Investigations into Magic*, translated by P. G. Maxwell-Stuart (Manchester, UK: Manchester University Press, 2000).

15. Nicholas Remy, *Demonaltry Libri Tres*, edited by Montague Summers, translated by E. A. Ashwin, (1595; Secaucus, N.J.: University Books, n.d.), 32, 146, 156.

16. Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England 1400–1580* (1992; New Haven, Conn.: Yale University Press, 2005), 415; William Perkins, *A Discourse on the Damned Art of Witchcraft* (Cambridge, UK: Centrell Ledge, 1618); George Gifford, *A Discourse of the Subtill Practises of Devilles by Witches and Sorcerers* (London: Toby Cooke, 1587); George Gifford, *A Dialogue Concerning Witches and Witchcraft* (London: Printed by R.F. and F.K., 1603); Thomas Cooper, *The Mystery of Witch-Craft* (London: Printed by Nicholas Okes, 1617); Richard Bernard, *A Guide to Grand-Jury Men divided into Two Books*, (London: Printed by Felix Kingston for Ed. Blackmore, 1627.)

17. Cotton Mather, *Magnalia Christi Americana Books I and II*, edited by Kenneth B. Murdock and Elizabeth W. Miller (Cambridge, Mass.: Harvard

believers' demonologies in England, paraphrasing Exodus 22:18, he asserted, "wise Women are not fit to live," without elaboration.<sup>18</sup> He fully expected his eighteenth-century audience to understand that the cunning-folk were the witches targeted in English demonology and anti-witchcraft law. At the beginning of the Second Great Awakening, Ezra Stiles would preach a sermon conflating cunning-folk activities and Native American spiritual practices with witchcraft. He did so to "lay this whole Iniquity open, that all the remains of it might be rooted out."<sup>19</sup> Concerns over the diabolical witch and the cunning-folk would continue in the Anglophone world into the nineteenth and twentieth centuries.<sup>20</sup>

### Skeptical Demonology and Pretended Witchcraft Legislation

Belief in the "diabolical witch" was the orthodox position between the fifteenth and seventeenth centuries, but there were also detractors. The Dutch physician Johann Weyer argued that the devil took advantage of imbalances in the humor of black bile to produce a mental illness (melancholy). He argued that the devil did so to generate illusions that deceived people into believing that witches were real and that magic was

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University Press, 1977), 321–341. See also Daniel Defoe, *A System of Magick, or, A History of the Black Art*, (London: Andrew Miller, 1728).

18. Richard Boulton, *The Possibility and Reality of Magick, Sorcery, and Witchcraft, Demonstrated, or a Vindication of a Compleat History of Magick* (London: Printed for J Roberts, 1722), 134

19. Ezra Stiles, *The Literary Diary of Ezra Stiles*, edited by Friederich Bowditch Dexter (New York: C. Scribner's Sons, 1901), 385–86.

20. Owen Davies, *Witchcraft, Magic and Culture, 1736–1951* (Manchester, UK: Manchester University Press, 1999); Owen Davies, *A People Bewitched: Witchcraft and Magic in Nineteenth-century Somerset* (Trowbridge, UK: David & Charles, 2012); Owen Davies, *America Bewitched: The Story of Witchcraft After Salem* (New York: Oxford University Press, 2013).

efficacious.<sup>21</sup> Weyer still targeted cunning-folk practices and conflated them with necromancy, but he denied their efficacy. English skeptic Reginald Scott argued that the sorcerers of the Bible, the religious authorities of the pagan world, Catholic priests, and cunning-folk—whom he called “cozening witches”—all utilized sleight of hand and deception, not actual demonic powers, to lead people into idolatry or to deceive them.<sup>22</sup> These skeptical demonologists described the beliefs and practices of pagan religions, Catholicism, Christian enthusiasts, and the cunning-folk as false prophecy, legerdemain, juggling, and pretended powers. They remained a vocal but marginalized position within demonology throughout the sixteenth and seventeenth centuries.

By the eighteenth century, skeptical demonology replaced believing demonology as the dominant view, and unorthodox spiritual practices came to be defined as pretended by those in power. In the Anglophone world, this included the practices of cunning-folk, gypsies, Catholics, and Indigenous peoples. However, it also included the beliefs and practices of charismatic Christians pejoratively labeled “enthusiasts.” For example, Reverend Francis Hutchinson cited the beliefs and practices of radical Protestants known as the French Prophets as pretended. In his book on this religious minority, he consistently defined charismatic Christian claims to spiritual power as enthusiasm, pretended, legerdemain, and juggling.<sup>23</sup> The King George Witchcraft Act of 1735 ended

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21. Johann Weyer, “De Praestigiis Daemonum,” in *Witches, Devils, and Doctors in the Renaissance*, edited by George Mora (Binghamton: State University of New York at Binghamton, 1991).

22. Reginald Scott, *The Discoverie of Witchcraft* (London, Eliot Stock, 1886). This position was taken up by Thomas Ady in *A Perfect Discovery of Witchcraft* (London: Printed for R.I., 1661). It was also the paradigm of John Webster, *The Displaying of Supposed Witchcraft* (London: Printed by J.M., 1677), 32–34. See also Robert Filmer, *An Advertisement to the Jury-Men, of England*, (London: Printed by I.G. for Richard Royston, 1653); John Wagstaffe, *The Question of Witchcraft Debated*, 2nd ed. (London: Edw. Millington, 1671).

23. Francis Hutchinson, *A Short View of the Pretended Spirit of Prophecy* (London: Printed for John Morphew, 1708).



diabolical witchcraft as a legal category in England and Scotland and made “pretended” the legal standard in Enlightenment England.<sup>24</sup>

The King George Witchcraft Act of 1735 developed within a broader legal environment that had produced similar statutes throughout Europe.<sup>25</sup> The first of these was the French Edict of 1692, which reclassified witchcraft into crimes like poisoning, sacrilege, and pretended powers. Notably, a similar law produced in the same environment defined Protestantism as a pretended religion and penalized Protestant leaders for advocating pretended religion.<sup>26</sup> In colonial America, the state used anti-vagrancy legislation to control religious deviants like Jesuits, Quakers, and Enthusiasts by labeling them vagabonds and disorderly persons, then penalizing them for breaking vagrancy law.<sup>27</sup>

Skeptical witchcraft legislation continued to be developed in the American colonies and then the United States into the nineteenth century.<sup>28</sup> When New York drafted the 1813 disorderly person statute, it continued this trend by utilizing the language of early European

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24. Ian Bostridge, *Witchcraft and Its Transformations: c.1650-c.1750* (Oxford: Clarendon Press, 1997), 141–42.

25. Brian P. Levack, “The End of Prosecutions,” in *Witchcraft and Magic in Europe: The Eighteenth and Nineteenth Centuries*, edited by Bengt Ankarloo and Stuart Clark (Philadelphia: University of Pennsylvania Press, 1999), 75–76; Roy Porter, “Witchcraft and Magic in Enlightenment, Romantic and Liberal Thought,” in Ankarloo and Clark, *Witchcraft and Magic*, 211; Johannes Dillinger, *Magical Treasure Hunting in Europe and North America: A History* (New York: Palgrave Macmillan, 2012), 9–27, 114–46.

26. King Louis XIV, *AN EDICT OF THE French King, Prohibiting all Publick Exercise of the Pretended Reformed Religion in his Kingdom* (N.P: G.M., 1686).

27. Massachusetts, *The book of the general lawues and libertyes concerning the inhabitants of the Massachusetts* (Cambridge, MA: Printed by Matthew Day according to order of the General Court, 1648). For statutes targeting Anabaptists, see pages 1–2; Heresy, see page 24; and Jesuits see page 26; and Richard Bushman, *From Puritan to Yankee: Character and the Social Order in Connecticut, 1690–1765* (1967; Cambridge, MA: Harvard University Press, 2005), 186.

28. Davies, *America Bewitched*, 45–47, 51–55.

witchcraft legislation. The relevant portion of the law addresses vagrancy and defines a disorderly person as “all jugglers [those who cheat or deceive by sleight of hand or tricks of extraordinary dexterity], 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.”<sup>29</sup> This statute had much in common with the anti-vagrancy and pretended witchcraft legislation of the Anglophone world of the eighteenth, nineteenth, and twentieth centuries, a product of a larger legal environment that employed the King George Witchcraft Act of 1735 as a model.<sup>30</sup> This model preemptively defined religious and spiritual unorthodoxy as pretended witchcraft, magic, or religion. By categorizing people’s beliefs and practices as pretended this legislation allowed the state to discriminate against unorthodox spiritual traditions by deliberately conflating them with criminal deception.

Legislation based on skeptical demonology continued in nineteenth-century England with the 1824 Act for the Punishment of Idle and Disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England.<sup>31</sup> This act criminalized “every person pretending or professing to tell fortunes, or using any subtle Craft, Means,

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29. Madsen, “Being Acquitted,” 74.

30. Jerome S. Handler and Kenneth M. Bilby, *Enacting Power: The Criminalization of Obeah in the Anglophone Caribbean, 1760–2011* (Kingston, Jamaica: University of the West Indies Press, 2013); Government of Canada, “Criminal Code: Version of Section 365 from 2003-01-01 to 2018-12-12,” Justice Laws Website, accessed Mar. 19, 2020, <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-365-20030101.html>; Cortenay Ilbert, “Legislation of the Empire, 1895,” *Journal of the Society of Comparative Religion* 1 (1896–1897): 90–98; The Department of Justice and Constitutional Development of South Africa, “Witchcraft Suppression Act 3 of 1957,” accessed on Nov. 13, 2020, <https://www.justice.gov.za/legislation/acts/1957-003.pdf>; Malcom Voyce, “Maori Healers in New Zealand: The Tohunga Suppression Act of 1907,” *Oceania* 60, no. 2 (Dec. 1989), 102–10.

31. “1824: 5 George 4 c.83: Vagrancy Act,” The Statutes Project (website), accessed August 27, 2021, <https://statutes.org.uk/site/the-statutes/nineteenth-century/5-geo-iv-c-83-vagrancy-act-1824/>.

or Device, by Palmistry or otherwise, to deceive and impose.”<sup>32</sup> According to Owen Davies, the clause was “widely used in prosecuting rural cunning-folk.”<sup>33</sup> Throughout the British Empire and its former colonies, the government used anti-vagrancy legislation and skeptical witchcraft legislation to categorize people’s genuine beliefs and religious practices as “pretended” as late as the twentieth and twenty-first centuries.<sup>34</sup>

Besides Joseph Smith, only one other well-known example of disorderly person prosecution for treasure seeking in early America employs the word “pretended” to describe alleged supernatural gifts—the disorderly person charges against Dr. Luman Walters.<sup>35</sup> Walters’s case is only known due to newspaper articles discussing a documented case in New Hampshire.<sup>36</sup> Because the notes from Luman Walters’s trial are not available, it is impossible to explore how the court used “pretended” in disorderly person trials in the nineteenth century. But through Walters’s alleged conviction in New York we can see how this legislation was used to penalize Walters for cunning-folk practices.<sup>37</sup> Later allegations that Walters was a necromancer reveal the underlying religious bias which conflated cunning-folk with witches.<sup>38</sup>

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32. “1824: 5 George 4 c.83: Vagrancy Act,” § 4.

33. Davies, *Witchcraft, Magic and Culture*, 54.

34. Davies, *Popular Magic*, 20–28; Davies, *America Bewitched*, 52, 54–60, 62, 65; Davies, *Witchcraft, Magic and Culture*, 61–78; Sneddon, *Witchcraft and Magic in Ireland*, 124–48.

35. D. Michael Quinn, *Early Mormonism and the Magic Worldview* (Salt Lake City: Signature Books, 1998), 118–19.

36. James Giddings, “Escape from Justice,” *Concord (N.H.) Gazette*, Sept. 1, 1818; D. Michael Quinn also points out that there is an allegation of a second disorderly person conviction in New York against Luman Walters. This allegation has not yet been substantiated. Quinn, *Early Mormonism*, 118–19.

37. Quinn, *Early Mormonism*, 118–19; Abner Cole, “Gold Bible, No. 05,” in *EMD*, 2:246.

38. Abner Cole, “Book of Pukei—chap. 1,” *The Reflector* (Palmyra, N.Y.), June 12, 1830, 36–37; Abner Cole, “Book of Pukei—chap. 2,” *The Reflector* (Palmyra, N.Y.), July 7, 1830, 60.

Although it is tempting to read “pretended” as fraud, there is reason to be cautious. According to Lynne Hume, in Anglophone witchcraft legislation “pretends to exercise’ means something else. The presumption is that people are not able to do these things and therefore whoever says they can is acting in a fraudulent manner.”<sup>39</sup> In previous generations, legal authorities and religious authorities superseded the cunning-folks’ beliefs and practices by presuming that the cunning-folk were diabolical witches. After the Enlightenment, the same psychological process allowed Anglophone legal authorities to recategorize genuine belief and practices as pretended witchcraft. In both cases the legal system deliberately conflated unorthodox spiritual traditions with another crime to enable the policing of unorthodox spirituality. This tells us more about the beliefs of those in power than it does about the traditions these legal categories were designed to punish.

### The Coexistence of Pretended Witchcraft and Diabolical Witchcraft Paradigms

Despite legal skepticism, belief in diabolical witchcraft continued into Joseph Smith’s lifetime and beyond.<sup>40</sup> The nineteenth-century repeal of Ireland’s 1586 witchcraft statute inspired the publication of the anonymous pamphlet *Antipas*, which conflated Catholicism and Dissenters with witchcraft and urged Parliament to restrict both groups’ religious activities. The pamphlet would have had a broad audience. As Andrew Sneddon has explained, “for the vast majority of those placed lower down the social ladder, especially those living in small, close-knit rural areas, the existence of the malefic witch continued to be regarded as a

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39. Hume, “Witchcraft and the Law in Australia,” 146. See also Introduction to *State of New York v. JS-A*, JSP, <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1>.

40. Thomas Waters, ““They Seem to Have All Died Out,”” 134–53.

threat to their property and persons in the eighteenth and nineteenth centuries. The same holds true for North America.”<sup>41</sup>

The diabolical witch doctrine still had its believers in Joseph Smith’s early nineteenth-century environment, although the law no longer recognized diabolical witchcraft as a reality. Smith’s critic Alexander Campbell argued for a synthesized demonology that allowed for pretended necromancy and diabolical necromancy to coexist as two different kinds of witchcraft.<sup>42</sup> Campbell’s use of necromancy charges in witchcraft allegations was a standard pattern within the Second Great Awakening.<sup>43</sup> Likewise, treasure seeking became a primary target of witchcraft fear and belief during this period.<sup>44</sup> People who feared cunning-folk, alleged false-prophets, Catholics, Atheists, non-white spiritual practices, and religious movements like the Quakers, the Shakers, and the Wilkensonians saw the practices they feared most as both pretended and diabolical, often describing these groups as practicing necromancy.<sup>45</sup> In the early nineteenth-century environment of legal skepticism and the common suppressed belief that diabolical witches existed, one would expect to find the categories of pretended witchcraft and diabolical witchcraft used to label Joseph Smith’s folk-Christian practices of treasure seeking in 1826 as well as charismatic expressions of Christian belief in 1830.

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41. Sneddon, *Witchcraft and Magic in Ireland*, 98.

42. See Alexander Campbell, “An Address Delivered to the Popular Lecture Club, Nashville, Tennessee, March 10, 1841,” *Millennial Harbinger* (Bethany, Va.) Oct. 1841, 457–80.

43. Adam Jortner, “‘Some Little Necromancy’: Politics, Religion, and the Mormons, 1829–1838,” in *Contingent Citizens: Shifting Perceptions of Latter-day Saints in American Political Culture*, edited by Spencer W. McBride, Brent M. Rogers, and Keith A. Erikson (Ithaca, N.Y.: Cornell University Press, 2020), 17–28.

44. Padro, “Redemption,” 40–80.

45. Jortner, “Some Little Necromancy,” 17–28.

## Context of Joseph Smith's 1826 Pretrial

When Joseph Smith, a young treasure seeker, had his first visionary experience, local religious leaders reacted negatively in ways that Smith family members considered surprising.<sup>46</sup> At the age of fourteen, an unnamed assailant fired a bullet at Joseph Smith as he returned home.<sup>47</sup> In 1823, Joseph Smith experienced an envisioned visitation of an angel, who declared that Smith would be a prophet and uncover a buried scripture. Within a year of this experience, rumors began to circulate that someone had disinterred and dissected his older brother Alvin's body.<sup>48</sup> Dan Vogel and Michael Quinn believe that these were allegations of utilizing part of Alvin's body to acquire the golden plates. These rumors portrayed the act of acquiring the golden plates as a form of necromancy.<sup>49</sup> These allegations may have been an initial, failed, attempt to charge Joseph Smith with a crime. As William Morain points out, "violating a grave" was "a felony offense for which, in 1824, he could have been incarcerated in the New York state prison for five years."<sup>50</sup> A year later, in 1825, Josiah Stowell heard about Joseph Smith's gift for using his seer stone, perhaps tied to rumors of Joseph's 1823 vision of an angel who led him to the gold plates. Josiah Stowell requested that Joseph reside at his home as a farmworker who would aid Stowell in his

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46. *Times and Seasons*, 1 Apr. 1842, 748, JSP, <https://www.josephsmithpapers.org/paper-summary/times-and-seasons-1-april-1842/14>; William Smith, "William Smith Interview with E. C. Briggs, 1893," *EMD*, 1:512.

47. Lucy Mack Smith, *History, 1844–1845*, bk. 5, 4, JSP, <https://www.josephsmithpapers.org/paper-summary/lucy-mack-smith-history-1844-1845/58>.

48. Joseph Smith Sr., "To the Public," copy of *Wayne (N.Y.) Sentinel*, Sept. 29, 1824, in *EMD*, 2:217–18.

49. Dan Vogel, *Joseph Smith: The Making of a Prophet* (Salt Lake City: Signature Books, 2004), 56–58; Quinn, *Early Mormonism*, 160–61.

50. William D. Morain, *The Sword of Laban: Joseph Smith Jr. and the Dissociated Mind* (Washington, DC: American Psychiatric Press, 1998), 147. Morain cites *Laws of New York, Forty-Second Session*, chap. 117, 1819, p. 279.

treasure seeking. Joseph's parents agreed, perhaps to remove him from a dangerous environment. However, trouble followed Joseph Smith Jr. to Bainbridge, New York. In 1826, Stowell's nephew took Joseph Smith to court as a disorderly person.<sup>51</sup>

Allegations of witchcraft continued after the trials as well, with some ascribed to Joseph's life in the 1820s. In 1834, testimonies ascribed to Smith's neighbors appeared in the anti-Mormon book *Mormonism Unveiled*.<sup>52</sup> The affidavits in this book describe Smith's activities through the paradigms of pretended and diabolical witchcraft. In one of these affidavits, discussing a period between the 1826 and 1830 hearings, Sophia Lewis, who also served as Emma Smith's midwife, reported that Joseph and Emma's child died horribly deformed at birth. Her affidavit is notable because the diabolical witch's doctrine and folklore viewed deformed births and stillbirths as evidence of witchcraft.<sup>53</sup> Shortly after Alvin's death, Emma Smith returned to her parents' Methodist church in Harmony. When Joseph Smith attempted to attend, it sparked a controversy that included church members' allegations of necromancy and other witchcraft practices. In the 1879 remembrances of these events, Emma's relatives made it clear that those involved in this controversy believed Joseph Smith "was a conjurer" and "a sorcerer," clarifying that these were forms of "witchcraft."<sup>54</sup> This same Methodist congregation later threatened violence against Joseph Smith, which forced him to move to the home of Peter Whitmer Sr. in Fayette, New York.<sup>55</sup>

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51. Introduction to *State of New York v. JS-A*, JSP, <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1>.

52. E. D. Howe, ed., *Mormonism Unveiled*, edited by Dan Vogel (Salt Lake City: Signature Books, 2015), 231–53.

53. Carol F. Karlson, *The Devil in the Shape of a Woman: Witchcraft in Colonial New England* (New York: W.W. Norton, 1998), 14–19.

54. Heil Lewis, "Heil Lewis Rejoinder, 4 June 1879," in *EMD*, 4:308.

55. RoseAnn Benson, *Alexander Campbell and Joseph Smith: Nineteenth-Century Restorationists*, (Provo: Brigham Young University Religious Studies Center, 2017), 120.

Beginning in 1830, Joseph Smith's restorationism utilized the example of the Christian curses used by Old Testament Prophets, as well as Jesus and the Apostles in the New Testament. Joseph instructed his missionaries and followers to employ ritualized dusting of feet and clothing as a testament against those who persecuted them and rejected their message. This practice continued into the 1890s and would have provided ample material for those who believed that Joseph Smith and his followers were witches.<sup>56</sup> Allegations of witchcraft continued in February 1831 with Alexander Campbell's publication of "Delusions," an anti-Mormon article in his periodical the *Millennial Harbinger*.<sup>57</sup> In this article, Campbell uses familiar skeptical tropes and employs demonology to compare Joseph Smith and Mormonism with false prophecy, enthusiasm, and witchcraft. He directly compared Joseph Smith to Simon Magus and Elymas, the sorcerers of the Bible.<sup>58</sup> Campbell leaves no room for equivocation: "I have never felt myself so fully authorized to address mortal man in the style in which Paul addressed Elymas the sorcerer as I feel towards this Atheist Smith."<sup>59</sup> During the same year, mobs pursued Joseph Smith's followers as they left New York for Ohio.<sup>60</sup> In 1832, Campbell's "Delusions" was reprinted as a pamphlet.<sup>61</sup> In Kirtland, potential anti-witchcraft violence can be seen in the mob that attacked Joseph Smith and Sidney Rigdon in 1832. While remembering

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56. Samuel R. Weber, "'Shake Off the Dust of Thy Feet': The Rise and Fall of Mormon Ritual Cursing," *Dialogue: A Journal of Mormon Thought* 36, no. 1 (Spring 2013): 108–39.

57. Alexander Campbell, "Delusions," *Millennial Harbinger* (Bethany, Va.), Feb. 1831, 85–96.

58. Campbell, "Delusions," 95, 96, 122.

59. Campbell, "Delusions," 96.

60. Joseph Knight, "Joseph Knight, Sr., Reminiscence, Circa 1835–1847," in *EMD*, 4:24.

61. Alexander Campbell, *Delusions: An Analysis of the Book of Mormon; with an Examination of its Internal and External Evidences, and a Refutation of its Pretenses to Divine Authority* (Boston: Benjamin H. Greene, 1832).



this event, Joseph Smith recalled that these attackers cried out “Simond! Simond!” which he interpreted as a reference to their Campbellite leader Simond Riders. As a victim of a tumultuous mobbing by Campbellites, Smith may have misheard shouts of “Simon! Simon!” comparing Joseph Smith to Simon Magus. While they assaulted Joseph Smith, the mob attempted to destroy his ability to speak (and therefore prophesy, curse, or bewitch). Joseph remembered the mob shouting, “God dam it . . . Let us tar up his mouth!”<sup>62</sup> They simultaneously attempted to force a “phial” of liquid into his mouth. Joseph claimed that the mob decided not to kill him, but instead they would “scratch me well. . . . All my clothes were torn off me except my shirt collar; and one man fell on me and scratched my body with his nails like a mad cat.”<sup>63</sup> Afterward, Smith had to scrub the tar from his lips to “breath more easily.”<sup>64</sup> The easily overlooked use of scratching has tragic gravity. In the nineteenth century, “scratching above the breath,” was widely believed to be a means of deactivating a witch’s powers and was consequently a common aspect of extrajudicial anti-witchcraft violence.<sup>65</sup>

Echoes of witchcraft belief continued later into Joseph Smith’s life. In 1834, the Campbellite E. D. Howe would publish the Hurlbut affidavits in his work *Mormonism Unveiled*. This work reads like a

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62. History, 1838–1856, volume A-1 [23 Dec. 1805–30 Aug. 1834],” 206–7, JSP, <https://www.josephsmithpapers.org/paper-summary/history-1838-1856-volume-a-1-23-december-1805-30-august-1834/212>.

63. History, 1838–1856, volume A-1 [23 Dec. 1805–30 Aug. 1834],” 206–7, JSP, <https://www.josephsmithpapers.org/paper-summary/history-1838-1856-volume-a-1-23-december-1805-30-august-1834/212>.

64. History, 1838–1856, volume A-1 [23 Dec. 1805–30 Aug. 1834],” 207, JSP, <https://www.josephsmithpapers.org/paper-summary/history-1838-1856-volume-a-1-23-december-1805-30-august-1834/213>.

65. Stephen A. Mitchell, “Witchcraft Persecutions in the Post-Craze Era: The Case of Ann Izzard of Great Paxton, 1808, *Western Folklore* 59, no. 3/4 (2000): 308, 314; Mike Slater, *The Old Woman and the Conjurors: A Journey from Witch Scratching to the Conjurors, and the Southcottian Millenarian Movement of the Early 19th Century*, (Woodbury, Minn.: Llewellyn Publications, 2020), 1–45.

combination of skeptical and believers' demonologies, describing Smith's alleged folk-Christian activities through the pretended and diabolical witchcraft paradigms. As late as 1835, Smith complained of Campbell's continued witchcraft allegations.<sup>66</sup> The following year, Joseph Smith's last recorded treasure quest ended with a revelation that encouraged his companions to "inquire diligently concerning the more ancient inhabitants and founders of this city; For there are more treasures than one for you in this city" (D&C 111:9–10). This treasure quest took place in Salem, Massachusetts, suggesting that the troubles that had followed Smith to this point in 1836 could be explained through a knowledge of early American witchcraft belief and violence. In 1837, Smith's enemy Grandison Newell accused Joseph of attempting to murder him. He claimed that Smith, the "high priest of satan," had bewitched two assassins who stopped short of murdering Newell when they "broke the spell of the false prophet" and "were restored to their right minds, and are now rejoicing that they were not left to the power of the devil and co-adjutor Smith, to stain their souls with a crime so horrible."<sup>67</sup> It would appear that many of Smith's enemies accused him of witchcraft and magic throughout his early life and career.

According to the standards established by Alan Charles and Edward Peters, there are three sources of materials in witchcraft studies.<sup>68</sup> The

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66. Letter to the Elders of the Church, Nov. 30–Dec.1, 1835, 227, JSP, <https://www.josephsmithpapers.org/paper-summary/letter-to-the-elders-of-the-church-30-november-1-december-1835/3>.

67. Grandison Newell, "To Sidney Rigdon-Letter No 02," *Painesville Telegraph*, Painesville, Ohio, Vol. III, No. 21.

68. In the case of pamphlets, extreme caution must be applied "because often pamphlet writers were often perfectly willing to distort official records in the interests of a more dramatic story or particular point of view." See Alan Charles Kors and Edward Peters, *Witchcraft in Europe 400–1700: A Documentary History*, 2nd ed. (Philadelphia: University of Pennsylvania Press, 2001), 22–23. The Joseph Smith Papers have provided an analysis of the primary sources of

first and most reliable archival documents consist of court records and verified reproductions of contemporary pamphlets.<sup>69</sup> The second type is literary sources. These documents require caution, recognizing that the authors' biases shaped these accounts, often overshadowing the beliefs and actions of the accused. Nevertheless, historians of witchcraft utilize these documents by controlling for allegations of diabolism injected into these accounts by their authors. The third category are pictorial sources.<sup>70</sup> In Joseph Smith's 1826, 1829, and 1830 disorderly person proceedings, only the court bills fall into the category of archival records.<sup>71</sup> We do not have the original trial notes or pictorial sources, only literary sources.

Two of the literary records used to reconstruct the 1826 pretrial are known as the Pearsall narrative and the Purple narrative. The Pearsall narrative exists only in articles claiming to recreate the original pretrial notes. The first of these articles appeared in 1872 with subsequent version printed in 1883 and 1886.<sup>72</sup> The Purple narrative is purportedly authored by William Purple as a memoir of his alleged role as notetaker at the 1826 pretrial. It was published in 1877.<sup>73</sup> Additionally, for the 1830 cases, there are accounts written by Joseph Smith, his mother, and other friendly observers, a rarity in witchcraft records. An additional narrative account related to the 1830 disorderly person cases is a letter ascribed to Justice of the Peace George H. Noble, who oversaw the

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the 1826 hearing. See Introduction to *State of New York v. JS-A*, JSP, <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1>.

69. Kors and Peters, *Witchcraft in Europe*, 22–23.

70. Kors and Peters, *Witchcraft in Europe*, 23–24.

71. Dan Vogel ed., *EMD*, 4:257–71.

72. Introduction to *State of New York v. JS-A*, JSP, <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1>.

73. Introduction to *State of New York v. JS-A*, JSP, <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1>.

Colesville disorderly person proceedings of 1830.<sup>74</sup> As with all sources, these narrative accounts should be read cautiously—the events they describe may not accurately reflect what took place in court. They may also include deliberate or unintentional distortions of these events. As in all narrative accounts of witch trials, we must account for the injection of demonological stereotypes in descriptions of Joseph Smith’s alleged behaviors.

### The 1826 Pretrial: Folk-Christian Belief

The narrative accounts of the 1826 disorderly person pretrial feature evidence that they fall into the larger pattern of religiously persecuting cunning-folk. In the Purple narrative, there is strong evidence about Joseph Smith’s, his followers’, and his father’s folk-Christian beliefs. The Purple narrative describes Joseph Smith as a “Seer,” a term for cunning-folk who compared themselves to Old Testament prophets.<sup>75</sup> The Purple narrative addresses the cunning-folk practice of utilizing seer stones. It also affirms that these were genuinely held beliefs: “Deacon Stowell and others as firmly believed it.” As an afterthought, the Purple narrative claims that Josiah Stowell’s “ward and two hired men . . . were, or professed to be, believers.”<sup>76</sup>

The Purple narrative’s description of Joseph Smith’s acquisition of his seer stones includes folk-Christian practices. It claims that after seeing a vision of a particular stone, Joseph Smith set off to find his seer

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74. Wesley P. Walters, “From Occult to Cult with Joseph Smith, Jr.,” *Journal of Pastoral Practice* 1, no. 2 (Summer 1997): 133–37.

75. For biblical justification, see Robert Kirk, *The Secret Commonwealth of Elves, Fauns, and Fairies* (New York: New York Review of Books, 2007), 22, 51, 58.

76. Appendix: Reminiscence of William D. Purple, 28 Apr. 1877 [*State of New York v. JS-A*], 3. JSP, <https://www.josephsmithpapers.org/paper-summary/appendix-reminiscence-of-william-d-purple-28-april-1877-state-of-new-york-v-js-a/1> (hereafter Reminiscence of William D. Purple).

stone, and the narrative provides significant detail about how he washed the stone after he found it. This detail is less perplexing when one reads the writings of Karl Herr, a modern Pennsylvania Dutch cunning man. In his book on his folk-Christian practices, Herr provided a theological justification for the washing of miraculous stones before praying to God and asking for God's blessing upon the stone.<sup>77</sup> This fits a larger pattern of Joseph Smith consecrating his other seer stones, as observed by Mark Ashurst-McGee.<sup>78</sup> This may be a description of Joseph consecrating his first seer stone. The Purple narrative also portrays the stone's powers within a folk-Christian paradigm, claiming that when Joseph had the stone, "he possessed one of the attributes of Deity, an All-Seeing-Eye," repeating an earlier description of Joseph Smith's alleged gifts as a seer as an "omniscient attribute."<sup>79</sup> According to this account, Joseph Smith Sr. defended his son's alleged gift and "described very many instances of his finding hidden and stolen goods" and that he "swore that both he and his son were mortified that this wonderful power that God had so miraculously given him should be used only in search of filthy lucre, or its equivalent in earthly treasures, and with a long-faced, "sanctimonious seeming," he said his constant prayer to his Heavenly Father was to manifest His will concerning this marvelous power. He trusted that the Son of Righteousness would some day illumine the heart of the boy, and enable him to see His will concerning him."<sup>80</sup>

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77. Karl Herr, *Hex and Spell Work: The Magical Practices of the Pennsylvania Dutch*. (Boston: Weiser Books, 2002), 118–21.

78. Mark Ashurst-McGee, "A Pathway to Prophethood: Joseph Smith Junior as Rodsman, Village Seer, And Judeo-Christian Prophet" (master's thesis, Utah State University, 2000), table 2, 318.

79. These seem to reference the same all-seeing-eye of God that was sometimes a feature of New English churches even as late as the nineteenth century. See Alice Morse Earle, *The Sabbath in Puritan New England* (New York: Charles Scribners' Sons, 1891), 16.

80. Reminiscence of William D. Purple.

These testimonies of Smith's divine powers were a recurring theme in the Purple narrative. The next witness was Deacon Josiah Stowell, who affirmed the testimonies of Joseph Sr. and Joseph Jr., giving several examples of the junior Joseph Smith's abilities. Stowell "delineated many other circumstances not necessary to record," affirmed that Smith possessed the abilities he claimed, and "described very many circumstances to confirm his words." The Purple narrative then reports that Justice Neely questioned Stowell's belief in Joseph Smith's alleged abilities as a treasure seer, "Do I *believe* it?" says Deacon Stowell, "do I believe it? no, it is not a matter of belief: I positively know it to be true."<sup>81</sup>

The Purple narrative claims Joseph Smith told his fellow treasure seekers that the treasure "could not be obtained except by faith, accompanied by certain talismanic influences. So, after arming themselves with fasting and prayer, they sallied forth to the spot designated by Smith."<sup>82</sup> These talismanic influences are likely a description of the folk-Christian amulets utilized by treasure seekers, four of which Joseph Smith Sr. is believed to have owned.<sup>83</sup> According to both the Purple and Pearsall narratives, these talismanic influences were necessary to break a protective spell placed on the treasure by the person who buried it. When their attempts to acquire the treasure proved unsuccessful, the Purple narrative hints at the folk-Christian motivation for the treasure quest: a struggle against the devil over the souls of sinners seeking redemption from purgatory.<sup>84</sup> "After some five feet in depth had been attained without success, a council of war against this spirit of darkness was called, and they resolved that the lack of faith, or of some untoward mental emotions, was the cause of their failure."<sup>85</sup>

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81. Reminiscence of William D. Purple.

82. Reminiscence of William D. Purple.

83. Padro, "Redemption," 48.

84. Padro, "Redemption," 48.

85. Reminiscence of William D. Purple.

The Purple narrative alternates between folk-Christian descriptions and justifications for Joseph Smith's behavior and alternating depictions of these practices as diabolical.<sup>86</sup> When demonologists argue against public perception of cunning-folk beliefs and practices, they systematically described the common perception that practices were powered by the Christian God. Demonologists would then attempt to refute commonly held opinions by arguing that folk-Christian practices were blasphemous forms of false Christianity disguising an implicit pact with the devil. For those who believed demonologists rather than folk-Christians, evidence of folk-Christian activity was evidence of witchcraft.

Notably, the Pearsall narrative is relatively circumspect on this aspect of the 1826 pretrial. While it discusses Joseph Smith's seer stone use and treasure seeking, it does not give a detailed account of what power he ascribed these abilities to nor details that would allow us to compare his alleged practices to the ethnographic record. In place of these details, it systematically describes Joseph Smith's motives and activities as pretended. In the Pearsall narrative, Joseph Smith does not confess to deception; instead, his accusers describe Joseph's practices and beliefs as "pretended." Despite this insistence on pretension, the Pearsall narrative claims that Josiah Stowell "positively knew that the Prisoner could tell and possessed the art of seeing those valuable treasures through the medium of said stone." It describes this belief as an "implicit faith in Prisoners skill." Outside of these two comments, the Pearsall narrative does not contain the kind of detail that allows us to see folk-Christian practices and beliefs found in the Purple narrative.

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86. An 1877 account of the pretrial discussed the treasure quest as a "faith (and practice)," reinforcing the practice's religious nature. "*Bainbridge (NY) Republican*, 23 August 1877," in *EMD*, 4:138.

## The 1826 Pretrial Allegations of Diabolical Witchcraft

The Purple narrative about the 1826 pretrial demonstrate that Smith's accusers viewed Smith's folk-Christian activities as witchcraft. This is not surprising, considering early New English law and New York literature defined treasure seeking as witchcraft.<sup>87</sup> Rather than describing Smith's activities as pretended, the Purple narrative describes Smith's activities in terms of diabolical witchcraft. The Purple narrative claims that Joseph Smith had "unlimited control over the illusions of their sire," hinting at witches' alleged ability to magically control the minds and behaviors of their victims. Consequently, Josiah Stowell's relatives came to see Smith as an "incubus . . . eating up their substance, and depriving them of their anticipated patrimony," alluding to the witches' ability to use magic to funnel off wealth from their victims through a demon familiar. The Purple narrative describes Josiah Stowell's drive to engage in treasure seeking as a "monomaniacal impression to seek for hidden treasures," hinting at the early modern conflation between mental illness, bewitchment, and possession. Stowell allegedly "camped out on the black hills of that region for weeks at a time." The document's author referred to treasure quests as "nocturnal depredations on the face of Mother Earth," hinting at the nocturnal assembly of the Witches' Sabbath.<sup>88</sup>

The Purple narrative hints at *maleficium* through its use of "the fabled shirt of Nessus," the poisoned shirt that killed Hercules, as a metaphor for Joseph Smith's impact on Josiah Stowell's spiritual welfare. Stowell's neighbors, church members, and family tried to "dissuade" him from engaging in treasure seeking, suggesting concerns about religious boundary maintenance. The Purple narrative describes Joseph Smith's seer stone as a "magic stone," overlooking the Christian identity

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87. Padro, "Redemption," 55–58, 73–78.

88. Reminiscence of William D. Purple.



ascribed to it by Joseph Smith Sr., who defined his son's abilities as a gift from God. It also describes Joseph Smith as an incubus, one of the demons strongly associated with witchcraft among believers in the diabolical witch doctrine. Johnathon Thompson's testimony once again describes the treasure quest as "nocturnal labors." It claims that those who buried the treasure had placed a protective charm upon it through an animal sacrifice. Thus, along with faith, acquiring the treasure required "certain talismanic influences."

The Purple narrative demonizes Joseph Smith's treasure seeking through claiming that he and his fellow seekers utilized an animal sacrifice to an evil spirit to dismantle the charm. Notably, this point contradicts the document's earlier claim that the treasure quest was "a council of war against this spirit of darkness." The Purple narrative claims that Josiah Stowell "went to his flock and selected a fine vigorous lamb, and resolved to sacrifice it to the demon spirit who guarded the coveted treasure. Shortly after the venerable Deacon might be seen on his knees at prayer near the pit, while Smith, with a lantern in one hand to dispel the midnight darkness, might be seen making a circuit around the pit, sprinkling the flowing blood from the lamb upon the ground, as a propitiation to the spirit that thwarted them."

It then describes the allegation of animal sacrifice as "a picture for the pencil of a Hogarth!" and claims that it came from a diseased mind inspired by the *Arabian Nights*. These are explicit references to "the Four Stages of Animal Cruelty" by William Hogarth and the *Arabian Nights* story "The Tale of the Old Man and the Hind." In both stories, animal cruelty leads to similar cruelty toward human beings, with the *Arabian Nights* story culminating in the sacrifice of a human being enchanted to look like livestock. These allusions suggest that Purple was well aware that Joseph Smith was accused of human sacrifice in the same region.<sup>89</sup> Allegations that Joseph Smith and treasure seekers sacrificed animals

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89. Dan Vogel disproved allegations of human sacrifice in the Susquehanna River Region. See Vogel, *Joseph Smith*, 73.

built upon demonological stereotypes that witches performed animal sacrifices at their Sabbaths.<sup>90</sup> The Purple narrative's allusion to a "diseased mind" may be a reference to skeptical demonology's etiology of witchcraft as a product of diabolical illusions experienced by the mentally ill or perhaps believers' demonology, which argued that witches could cause mental illness.

The penultimate paragraph of the document also builds upon demonological stereotypes about demons and witches causing mental illness. The author of the narrative claims that the 1826 courtroom in Bainbridge enabled the "evincing" (revealing the presence) of "the spirit of delusion that characterized those who originated that prince of humbugs, Mormonism." This would appear to be a memory colored by William Purple's later knowledge of Mormonism, as it demonizes the Book of Mormon's claim that the Holy Spirit will confirm the book's truth after sincere and inquisitive prayer through a voice or feeling experienced as a burning in the bosom. Quakers made similar claims about the Holy Spirit speaking to believers through the inner-light. New English Calvinists like Increase Mather characterized these claims as a form of demonic possession.<sup>91</sup> The Purple narrative's allegations of diabolism reflect New English witchcraft belief and the author's awareness of local gossip about Joseph Smith's alleged necromantic and pretended activities, as well as what he claims to have witnessed in the courtroom.<sup>92</sup>

Just as the Pearsall narrative glosses over the 1826 pretrial's folk-Christian elements. It is also reserved regarding Smith's alleged diabolism. Nonetheless, the Pearsall narrative does contain a possible hint of diabolical witchcraft belief. Its depiction of Johnathon

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90. Padro, "Redemption," 61–64.

91. Increase Mather, *An Essay for the Recording of Illustrious Providences* (Boston: Printed by Samuel Green for Joseph Browning, 1684), 341–44.

92. This gossip can be found in Howe, *Mormonism Unveiled*, 231–53; Heil Lewis, "Heil Lewis Rejoinder, 4 June 1879," in *EMD*, 4:303–5.

Thompson's testimony contains a reference to the protective charm that treasure buriers allegedly placed on their treasures.<sup>93</sup> The Pearsall narrative's lack of allegations of diabolism reinforces what is already known about authors who wrote for nineteenth-century Anglophone audiences: when writing for educated audiences, they downplayed common people's belief in witches.<sup>94</sup> However, this lack clashes starkly with the Purple account's emphasis on diabolical witchcraft over pretended witchcraft as well as the anti-witchcraft violence and belief that can be found in other descriptions of Joseph Smith's early adulthood.

### Allegations of Delusion and Pretended Practices

As noted earlier, the first skeptical demonologist, Johann Weyer, argued that witches were deceived by the devil, who utilized an imbalance of black bile. This imbalance was believed to cause "melancholy" or depression. It was used to explain a wide variety of visionary experiences, and Weyer used this paradigm to argue that alleged witches were deceived and delusional but not guilty of actual witchcraft. The Purple narrative provides some examples of this paradigm. It employs a skeptical demonological argument that Joseph Smith's visions of treasures were a "cherished hallucination" and that the treasure quest was a product of "the hallucination of diseased minds." It reveals Mr. Stowell's sons "caused the arrest of Smith as a vagrant, without visible means of livelihood," a potential reference to the trope of the begging witch. The document goes on to describe Mormonism as a "mighty delusion of the present century." Purple claimed that witness Johnathon Thompson

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93. This was an element of treasure lore common to the German settlers of Pennsylvania and New York. See Padro, "Redemption," 48.

94. Waters, "They Seem to Have All Died Out," 149–53; Owen Davies, "Witchcraft Accusations in Nineteenth and Twentieth Century Europe," in *The Routledge History of Witchcraft*, edited by Johannes Dillinger (London: Routledge, 2020), 289–98.

“could not assert that anything of value was ever obtained by them.”<sup>95</sup> The Purple narrative portrays Joseph Smith’s treasure quest as genuinely held folk-beliefs treated as delusion or diabolized as the influence of evil spiritual powers through witchcraft. However, the Purple narrative does not describe “pretended” practices or beliefs, nor does it claim that Smith was deceiving Stowell and the other treasure seekers.

Among skeptical demonologists who wrote after Weyer, the use of the word “pretended” to describe supernatural claims of miraculous power is not a clear-cut statement about fraud. It is a recategorization of disparaged religious beliefs and practices to better police and penalize them. This is most commonly seen in skeptical English demonologists’ descriptions of non-Calvinist religious traditions from the sixteenth to the nineteenth centuries. This understanding of the word “pretended” also appears in the Pearsall narrative’s depiction of the 1826 pre-trial.

The Pearsall narrative follows this tradition. It relies almost entirely upon “pretended” powers, claiming that Joseph Smith “had pretended to tell by looking at this stone, where coined money was buried in Pennsylvania, and while at Palmyra he had frequently ascertained in that way where lost property was of various kinds.” Oddly, it depicts Josiah Stowell as claiming that Joseph Smith Jr. “pretended to have skill of telling where hidden treasures in the earth were by means of looking through a certain stone.” When compared to statements in both narratives that assert Stowell’s belief in Smith’s abilities, this statement seems to be an insertion or a scribal distortion. In the Pearsall narrative, Johnathon Thompson testified that Joseph Smith Jr. “pretended to know” where the treasure was buried and “pretending that he was alarmed” when they thought their shovels had hit a chest. The Pearsall narrative then claims that Johnathon Thompson believed “in the prisoners professed skill, that the board he struck his spade upon was probably the chest but on account of an enchantment, the trunk kept settling away from under them while digging.” This should be compared to the Purple

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95. Reminiscence of William D. Purple.”

narrative's version of Johnathon Thompson's testimony. There, Thompson never presents these alleged practices or beliefs as pretended. On the contrary, the Purple document's version of the Johnathon Thompson testimony portrays Smith's folk-Christian beliefs as genuine even if it later repackages them as delusional beliefs leading to unprofitable diabolical witchcraft. Thus, potential scribal distortion also appears in the Johnathon Thompson testimony. The Pearsall narrative's consistent depiction of Smith's activities as "pretended" also occurs in its presentation of the Horace Stowell and McMaster<sup>96</sup> testimonies.

The two literary sources for the 1826 pretrial diverge strongly on their description of Smith's activities as pretended witchcraft and diabolical witchcraft. Of these two accounts, the Purple narrative matches the allegations of diabolism that Smith's neighbors claimed to have of his activities after 1824. However, the Pearsall account contains the justice's itemized fee bill, which matches Justice Neeley's and Constable De Zing's bill of costs.<sup>97</sup> This conundrum would suggest that the Pearsall account is not a faithful reproduction of the original trial notes. It would appear that working with the original notes, Emily Pearsall may have fabricated an account of the trial by removing elements of folk-Christian belief frequently associated with witchcraft and the allegations of diabolical witchcraft. For example, Joseph Smith Sr.'s and Joseph Smith Jr.'s testimonies, which explicitly characterize treasure seeking as a Christian act in the Purple narrative, are both completely omitted in the Pearsall narrative. These elements of Joseph Smith's early life would have triggered the skepticism of a late nineteenth-century audience. Their absence in the Pearsall narrative reflects a later reframing of the events. By the last quarter of the century, Salem had been cemented as

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96. This may have been Cyrus McMaster, who was later involved in the 1830 disorderly hearings See Vogel ed., *EMD*, 4:10, 63, 63n40, 260. David McMaster is another possibility; see Vogel ed., *EMD*, 4:248, 259.

97. Introduction to *State of New York v. JS-A*, JSP, <https://www.josephsmithpapers.org/paper-summary/introduction-to-people-v-js/1>.

a symbol of national embarrassment. As Gretchen A. Adams notes, by “the 1860s and well beyond,” the shameful memory of Salem, “more often described the excesses and passion of the persecuting ‘hunter’ than the beliefs and practices that created the ‘hunted.’”<sup>98</sup> If the original trial notes included Smith’s confessions’ folk-Christian belief conflated with witchcraft or if it contained allegations of diabolical witchcraft, the recreation of these elements in the Pearsall articles from later in the century would have triggered skepticism among people from Emily Pearsall’s generation of Americans. William Purple, on the other hand, was from an ante-bellum generation of nineteenth-century Americans who had not internalized this understanding of Salem or skepticism about diabolical witchcraft. Hence, Purple’s account included the folk-Christian confessions from both Joseph Smiths. For William Purple and other believers in diabolical witchcraft, the conflation of folk-Christianity with witchcraft meant that the Smiths’ confessions of folk-Christian activity would have been seen as blasphemous confessions of implicit pacts, which believers imagined to be witchcraft. On the other hand, Emily Pearsall would have been motivated to modify an account of the 1826 pretrial by stripping the actual trial notes of inconvenient and embarrassing material, focusing instead on post-Enlightenment concerns with pretended witchcraft, painting it as fraud. In order to do so, the Pearsall narrative had to eliminate allegations of animal sacrifice and insinuations of human sacrifice as well as allusions to magical thought control and magical theft that were later reported in the Purple narrative. Additionally, the Pearsall narrative evades the first name of one of the witnesses, who is simply described as McMaster. The Pearsall narrative’s scribal insertion portraying Josiah Stowell as describing Joseph Smith’s practices as pretended suggest that Emily Pearsall may have added and embellished material in her account. This is suggested by alleged accounts of deliberate deception in the Horace

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98. Gretchen A. Adams, *The Specter of Salem: Remembering the Witch Trials in Nineteenth-Century America* (Chicago: University of Chicago Press, 2008), 120.

Stowell, Arad Stowell, and McMaster testimonies. These accounts of deliberate deception do not appear in the Purple narrative. Further evidence for selective distortion in the Pearsall account can be found in the Pearsall narrative's guilty verdict, which strongly contradicts William Purple's claims that the prisoner was discharged on Josiah Stowell's testimony. The motive and the ways the Pearsall account do not match the larger body of evidence would strongly suggest that such a chain of events shaped the final document used to generate this account. The divergences in these narratives suggest that the allegations in the pre-trial as remembered by William Purple focused on diabolical witchcraft while Emily Pearsall heavily edited her account to create a narrative that focused on post-Enlightenment concerns with pretended powers.

### The 1829 Charges in Lyons

Charges of witchcraft continued to follow Joseph Smith. In March 1829, Lucy Harris gathered a larger number of Joseph Smith's enemies from Palmyra to bring him to court in Lyons for "pretending" to have the gold plates.<sup>99</sup> Lucy Mack Smith's account of these events focuses on testimonies of pretended belief. However, considering that this legal dispute appears to have mostly involved Manchester and Palmyra residents, these affidavits' contents may have been similar to the allegations of diabolism in Joseph Smith's early life found in the Manchester affidavits of E. D. Howe's *Mormonism Unveiled*.<sup>100</sup> For example, William Stafford describes the sacrifice of a black sheep, a component of the myth of the diabolical Witches' Sabbath.<sup>101</sup> Willard Chase's report of angel Moroni appearing as a witch's familiar spirit in the form of a black toad at the

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99. Lucy Mack Smith, *History*, 1844–1845, bk. 9, 12–13, JSP, <https://www.josephsmithpapers.org/paper-summary/lucy-mack-smith-history-1844-1845/116>.

100. Howe, *Mormonism Unveiled*, 231–53.

101. Padro, "Redemption," 58; Remy, *Demonolatreiae Libri Tres*, 40–41.

gold plates' alleged burial site is combined with depictions of Joseph and Emma allegedly acquiring the plates while dressed for a black mass.<sup>102</sup>

The presence of outright allegations of diabolical witchcraft in the abortive 1829 proceedings may explain why the justice of the peace in Lyons subsequently tore up the affidavits and requested that the accusers “go home about their [*sic*] business, and trouble him no more with such ridiculous folly.”<sup>103</sup> The witchcraft belief of the populace and conservative religious authorities met a firm wall of judicial skepticism in the courtroom. Lucy Mack Smith's suppression of witchcraft belief in her account of these proceedings reflects larger trends in the nineteenth century of underreporting witchcraft belief. As victims of these allegations who lived in the public eye, the Smiths would have been wise to downplay allegations of diabolism as a means of preserving their safety from anti-witchcraft violence as well as their reputations.

### The 1830 Charges in Bainbridge and Colesville

As Smith's reputation increased, so did the accusations of witchcraft. In 1830, Joseph Smith published the Book of Mormon. Soon afterward, newspapers insinuated witchcraft in their depictions of this event. The *Rochester Daily Advertiser* referred to Martin Harris as “blindly enthusiastic.”<sup>104</sup> In neighboring Vermont, the *Horn of the Green Mountains* claimed that Smith's influence over Martin Harris was due to Smith's “hocus pocus.”<sup>105</sup> In New York, the *Gem* compared Smith and his fol-

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102. “The relation of witches to toads (or frogs) is notorious . . . toad-familiars are as commonplace as cats.” See George Lyman Kittredge, *Witchcraft in Old and New England* (New York: Atheneum, 1972), 181–82.

103. Howe, *Mormonism Unveiled*, 387; Lucy Mack Smith, History, 1844–1845, bk. 8, 7, JSP, <https://www.josephsmithpapers.org/paper-summary/lucy-mack-smith-history-1844-1845/88>.

104. Reprinted in Francis Kirkham, *A New Witness for Christ in America*, vol. 2 (Salt Lake City: Zion's Printing and Publishing Company, 1848) 31.

105. Kirkham, *New Witness*, 40.



lowers to “Salem Witchcraft-ism and Jemima Wilkinsonian-ism” before discussing treasure seeking in terms reminiscent of witchcraft.<sup>106</sup> Other sources show further allegations against both pretended and diabolical witchcraft. Abner Cole made witchcraft allegations against Joseph Smith in *The Reflector* by defining treasure seekers like the cunningman Luman Walters and Joseph Smith as both pretended and diabolical “witches and wizards.”<sup>107</sup> After the publication of Abner Cole’s witchcraft allegations, Joseph Smith exorcised the devil out of Newell Knight, who then saw visions of heaven. A mob gathered to destroy the dam used for baptism and to threaten Joseph and his followers at the Knight home. He was then charged with being a disorderly person in Bainbridge. The constable who arrested Joseph told him that the trial had been a ruse, with the mob intending to capture Joseph before the trial. In this proceeding, Joseph Smith successfully appealed to the statute of limitations. Though, he was promptly rearrested and taken to Colesville, where he faced prosecution for treasure seeking and performing what his Presbyterian prosecutors presented as a charismatic exorcism.<sup>108</sup>

In the 1830 cases, Smith’s prosecutors also leveled charges of pretended religion. In the narrative accounts of these proceedings, Joseph Smith’s treasure seeking and seer stone use are described by his opponents as pretended. However, Smith’s opponents also described the explicitly Christian exorcism of Newell Knight as pretended in spite of the genuine belief of those involved. Like Francis Hutchinson’s writings on the French Prophets, and the French Edict against

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106. Kirkham, *New Witness*, 47–48. Jemima Wilkinson was associated with a woman who was accused of witchcraft and executed for poisoning.

107. Cole, “Book of Pukei—chap. 1,” 36–37; Cole, “Book of Pukei—chap. 2,” 60; Abner Cole, “Gold Bible No. 3,” in *EMD*, 2:243.

108. History, circa June 1839–circa 1841 [Draft 2],” 42–45, JSP, <https://www.josephsmithpapers.org/paper-summary/history-circa-june-1839-circa-1841-draft-2/48>.

the “Pretended Reformed Religion,”<sup>109</sup> Smith’s opponents defined the early Latter-day Saints’ beliefs as pretended. Thus, interest in Smith’s earlier practice of allegedly pretended treasure seeking is not necessarily indicative of a concern for fraudulent economic activities. It is demonstrative of how the post-Enlightenment legal system categorized unorthodox beliefs and practices as false, bypassing the genuine belief of those involved.

Not all of the allegations in these proceedings were of allegedly pretended powers. Some of the first witnesses testified to what Joseph Smith euphemistically calls “the most palpable falsehoods.”<sup>110</sup> The falsehoods are potentially found in a letter attributed to Justice of the Peace Noble, “Jo. and others were Diging for a Chest of money in night could not obtainit- [*sic*] It they procured one thing and an other together with [a] *black Bitch* the Bitch was offered a sacrificise [blo]od sprinkled prayer made at the time (no money obtained) the above Sworn to on trial – Sir a Small Volume at least might filed Similar to the above.”<sup>111</sup> It is likely that the justice of the peace initially recognized these as diabolical witchcraft allegations in a legal system that did not recognize diabolical witchcraft as a reality, much less a crime. Ultimately, this court case turned in Joseph Smith’s favor and he was released. However, just as a mob of anti-witchcraft Methodists had harassed Joseph Smith in Harmony, Pennsylvania, he and his followers were likewise harassed by mobs leading up to and during the 1830 proceedings. At the end of the Colesville case, the sheriff who had arrested Joseph had to provide a diversion to ensure that Smith could safely escape the mob awaiting

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109. King Louis XIV, *AN EDICT OF THE French King, Prohibiting all Publick Exercise of the Pretended Reformed Religion in his Kingdom* (N.P.: G.M., 1686).

110. History, circa June 1839–circa 1841 [Draft 2], 46, JSP, <https://www.josephsmithpapers.org/paper-summary/history-circa-june-1839-circa-1841-draft-2/52>.

111. Walters, “From Occult to Cult with Joseph Smith, Jr.,” 135.

him outside the courthouse.<sup>112</sup> These anti-witchcraft mobs would have seen their persecution as a fulfillment of God's law (Exodus 22:18). After the trials, the mobs in Pennsylvania and New York would regather in their attempts to punish and potentially kill Joseph Smith.<sup>113</sup> The intensity of the extrajudicial violence that hounds Joseph during this part of his life is disproportionate to the alleged crime of fraud. However, when we recognize that these trials were about witchcraft, the inner demonologies motivating the persecution of Joseph Smith are obvious.

### Conclusion

An analysis of the English legislation that informed nineteenth-century New York cases against Joseph Smith between 1826 and 1830 demonstrates that treasure seeking and the cunning-folk use of seer stones had a long association in Anglophone law and theology as a form of witchcraft. This represented an effort to impose the demonologists' religious doctrine onto the treasure seekers' beliefs and practices, which was part of a larger effort to police nonorthodox religious and spiritual practices through the legal system. Religious leaders and legislators classified treasure seeking as witchcraft during the era of the witch-hunts. After the Enlightenment, the legal system adopted skeptical demonology's classification of cunning-folk activities as "pretended witchcraft and magic." The beliefs of competing forms of Christian and non-Christian religions were also defined and penalized as being "pretended." Outside of the legal system, people classified treasure seeking as diabolical witchcraft, pretended witchcraft, or both, depending on their personal beliefs about witchcraft.

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112. History, circa June 1839–circa 1841 [Draft 2], 42–48, JSP, <https://www.josephsmithpapers.org/paper-summary/history-circa-june-1839-circa-1841-draft-2/48>.

113. History, circa June 1839–circa 1841 [Draft 2], 53, JSP, <https://www.josephsmithpapers.org/paper-summary/history-circa-june-1839-circa-1841-draft-2/59>.

Those who practiced treasure seeking saw it as an expression of their Christian faith. Thus, competing ascriptions and beliefs about treasure seeking and seer stone use meant that the courtroom was a battleground between beliefs about treasure seeking. The government could impose its own definition of pretended witchcraft and magic onto the beliefs of folk-Christians while negating the diabolical witchcraft beliefs of accusers who maintained early modern belief in the diabolical witch.

When we assess Joseph Smith's early trials as if the word "pretended" indicated deliberate deception on Joseph's part, we miss the larger picture. Joseph's enemies were primarily concerned with witchcraft. They chose to prosecute him for "pretended witchcraft and magic" under the 1813 disorderly person statute because it was the only legal resource available for penalizing activities which Joseph's enemies conflated with witchcraft. Their only alternative was extralegal anti-witchcraft violence in the form of mobbing. The fact that they utilized both judicial and extrajudicial means while accusing Joseph Smith of diabolical witchcraft would indicate that pretended witchcraft, magic, and religion were only a superficial concern, if they were truly a concern at all. While Joseph Smith, his father, and Josiah Stowell define their treasure seeking in terms of folk-Christianity, others saw something more nefarious. Rather than mere fraud, these early legal charges indicate that diabolical witchcraft was an important paradigm motivating those who persecuted Joseph Smith's early treasure seeking and claims to the gift of prophecy. The testimonies of Joseph, his father and Josiah Stowell indicate that Joseph's treasure-seeking was a folk-Christian activity motivated by genuine belief in the religious value of these activities.

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