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TEMPLE LOT

DEED



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TEMPLE LOT DEED



A complete record of all legal transfers of
that interesting spot of ground known as
The Temple Lot.



By
ARTHUR M. SMITH
Avca, Missouri



Price 20 cents

THE TEMPLE LOT

Just a little over a hundred and twenty years ago, into the sleepy little village of Independence, Missouri, there came a small group of earnest men. These were not the type of men commonly seen in the frontier towns of that day, neither was the object of their coming all the long perilous way from the East, one of common interest, but rather it was a strange mission upon which these men had come. That mission was the pointing out and dedicating of the "Spot" upon which the "Temple of the Lord" would finally be built.

These were the early founders of that work which has since become known as the "Restoration." Since that time to this, throughout all the changing years, throughout all their suffering and loss, often broken in spirit and body, the descendants of these same earnest men, their children and their grand children and those who have joined with them, have looked forward to that time when in deed and truth, God's work, would begin in earnest, and this "Temple" of the Lord be built. And although division and separation has scattered those who should be united in the effort to accomplish this work, still in every division, we find the steadfast faith and belief that this Temple shall yet be built. Thus the "Spot" dedicated by these men over one hundred and twenty years ago, is still of vital interest to believers in the great Restoration.

The land of Zion was blessed and dedicated as the land upon which God should gather his people on this continent in the last days. The spot, where the Temple was to be built was revealed to them by the Spirit of the Lord and they Joseph Smith, Oliver Cowdery, and those brave men who were with them at that time have testified that they did offer a prayer and did dedicate the spot thus revealed as the spot where the Temple of the Lord shall stand. This was done August 3, 1831. The actual purchase of this property, December 19, 1831, four months and sixteen days after this dedication had actually taken place. Thus we are introduced briefly to the subject of this little tract, we ask you to read it carefully that you might be properly informed. You will notice that after each transfer, the book and page will be given, that is so that we might help you should you care to look these matters up in the public records here in the Court House at Independence, and we surely hope you will.



The above is a picture of the stone marker found on the north line of the Temple foundation May 18, 1929, which was laid by Joseph Smith and seven companions August 3, 1831. This stone was found forty feet west of the northeast corner of the present foundation site.

WHY THIS LITTLE TRACT

Because the question as to the real ownership of the property known as the TEMPLE LOT, in Independence, Missouri, seems to be of so much importance to all believers in what is known as the Latter Day Saints Church, or the Mormon (the name given by the world to all believers of the Book of Mormon) this tract has been written.

To those who desire to know the truth, we humbly invite them to read carefully the pages of this tract, in which they will find a complete record of each and every transfer of this interesting plot of ground known as the Temple Lot, from the first transfer made by the United States to the State of Missouri, on June 6, 1828, to the last transfer dated July 17, 1906, wherein the City of Independence deeded to the Church of Christ a triangular piece of land lying just north of the lots which had been dedicated as the place where the temple is to stand. For your convenience, we have given the book and page number whereby you may easily find the record of all these transfers of this property in the Recorder's Office at the Court House of Independence, Missouri.

The Church of Christ has long used the words "Temple Lot" as a distinguishing mark only, and not as a part of its name. Because of this it has become a symbol of that group of people known among the Latter Day Saints as the Church of Christ (sometimes called the "Hedrickites"), the legal and lawful owners of the Temple Lot property.

They do not hold this property by "squatter's rights" as some would like to have you believe, but by right of legal and lawful purchase. There is no lien or mortgage of any kind against this property; neither is it held for any other church or organizations. The Temple Lot was purchased by the Church of Christ, because they believed the Revelation given to the Church in July, 1831, wherein it is indicated that the Temple of the Lord is to be builded upon this piece of ground. The Church of Christ still holds it for this purpose only, looking forward with faith to the day of the coming of our Lord and Savior, even Jesus Christ, the Son of God.

ARTHUR M. SMITH

Avā, Missouri

TEMPLE LOT TITLE

(1) UNITED STATES

to

STATE OF MISSOURI

Under Act of Congress approved Jan. 24, 1827. Dated June 6, 1828. Book A, Page 98.

(2) STATE OF MISSOURI

to

JONES HOY FLOURNOY.

Dated May 29, 1833. Filed Dec. 6, 1887. Cons. \$160.00. This land, according to deed, purchased Dec. 12, 1831, at \$2 per acre. Book 163, page 60-61.

(3) JONES H. FLOURNOY and wife CLARA

to

EDWARD PARTRIDGE

Dated Dec. 19, 1831. Filed Dec. 19, 1831. Cons. \$130.00. Purchased, according to the deed, Dec. 19, 1831. Amount 63 and 43/160th acres. Personal deed to Partridge—no church mentioned.

In the record of the Temple Lot Title, in item Number Two and Number Three, there would seem to be a conflict in dates. In Number Two we find that the deed is dated May 29, 1833, and not filed until 1887. In Number Three we find Mr. Flournoy sold this property to Edward Partridge and gave deed dated December 19, 1831, a little over a year earlier than the date of his own patent which he received from the State of Missouri.

The first man to own this land was Jones H. Flournoy who purchased from the State of Missouri, eighty acres at two dollars an acre. He bought the land from the State of Missouri on December 12, 1831. Seven days later, December 19, 1831, he sold sixty-three and forty-three one-hundred-sixtieths acres to Edward Partridge for one hundred and thirty dollars. Flournoy gave Partridge a deed to this land, December 19, 1831, which deed Partridge filed the same day, but Flournoy did not make his final payment to the State of Missouri until May 29, 1833, at which time he received his patent from the state. A record of the recording of this Flournoy patent or deed can be found in the Recorder's office at Independence, Mo., Book 163, page 60. In this record you are referred back to Book H, which gives the record of the giving of this patent to Flournoy by the Governor of the State of Missouri.

Bishop Partridge was forced to leave the country of Missouri, along with the rest of the saints when they were driven out at the order of Governor Boggs. Partridge died May 27, 1840. Eight years later or on May 5, 1848, Lydia Partridge, Bishop Partridge's widow, and three of his children, gave a quit claim deed to James Pool.

- (4) LYDIA PARTRIDGE, widow of
EDWARD PARTRIDGE, deceased
ELIZA M. PARTRIDGE
EMILY D. PARTRIDGE
CAROLINE E. PARTRIDGE,
heirs of said
EDWARD PARTRIDGE, deceased.
Quit Claim Deed.

to

JAMES POOL.

Dated May 5, 1848. Filed June 16, 1848. Cons. \$300.00. Purchased May 5, 1848. Book N, page 203.

A few months later, 1848, we find this same James Pool in some difficulty. The result is quite apparent in the action of the Circuit Court of Jackson County, for we find in the record, where the sheriff levied on the same property and sold the same to John Maxwell. The price Mr. Maxwell paid indicates there was no doubt as to the true ownership of the 63.43 acres.

In the Circuit Court of Jackson County, Missouri, at Independence:

"In return on executions numbered 1184, 1185, 1187, 1192 issued to the Sheriff of Jackson County, Missouri, said Sheriff states that he levied on the following described land as the property of James Pool in Jackson County, Missouri, to-wit:

". . . , thence S, 172 poles and 17 links to beginning, containing 63.43 acres, and sold James Pool's interest in said land on September 22nd., 1948, at the Court House door in Independence, to John Maxwell for \$1,315.00."

- (5) JAMES POOL by B. F. THOMPSON, Sheriff,

to

JOHN MAXWELL.

Sheriff's deed.

Dated March 24, 1849. Filed April 18, 1849. Cons. \$1,315.00. Book O, page 99.

John Maxwell held this property until 1851; in the mean time, the little village of Independence had grown. Now Maxwell entered into some kind of agreement with Samuel H. Woodson, by which Woodson obtained an interest in this interesting property, and they platted what is known as the Maxwell, Woodson Addition to the City of Independence, and this particular "Spot" dedicated as the place of the Temple is located on these lots. ("Behold, the place which is now called Independence, is the center place and the SPOT for the Temple is lying westward upon a lot which is not far from the courthouse:" D. C. Sec. 57).

Feb. 25, 1851, Maxwell gave Samuel H. Woodson a written agreement "Wherein it was agreed that in consideration of plaintiff's (Woodson) executing to said Maxwell his note to be due six months from the date of said agreement, that said Maxwell would at once execute to plaintiff a quit claim deed, his wife adjoining therein to a portion of the following described land, lying in Jackson County, Missouri; to-wit:"

Then follows description of the 63.43 acres.

Maxwell died without executing the quit claim deed according to agreement between himself and Woodson. Thereupon Woodson brought suit against the Maxwell estate. The court found Woodson did execute the note according to the agreement, but Maxwell having died without having executed the quit claim deed. The Circuit Court of Jackson County, deeded it to Samuel H. Woodson.

Record N, p. 9, same cause 7187. September Term 1859.

Following Maxwell's death, on May 15, 1856, Robert G. Smart was granted by Probate Court to be administrator.

General Index 1, p. 76, file box "J-4," Record D, p. 567.

This suit by Woodson was contested by Smart and the Maxwell family, and to satisfy all parties the Court orders a Sheriff's sale. The Court orders from this sale, \$670.00 paid to the Maxwell heirs, and the rest to be divided half to Woodson and the rest to the Maxwell heirs.

Thus far our study has concerned the entire sixty-three and a fraction acres. But now it has been divided into city lots and it will be our purpose to follow from now on only those particular lots which have to do with the land or property over which there has been so much dispute and which is generally known as the Temple Lot, which in fact consists of the following lots: Lots number 15, 16, 17, 18, 19, 20, 21, 22 of the Maxwell-Woodson Addition to the City of Independence, and a strip purchased from the city by the Church of Christ. For it is well known that the "spot" for the Temple is located upon these lots.

Lot 21

In harmony with the order of the court, as per the foregoing lawsuit between Woodson and Maxwell and the Maxwell estate, on Sept. 15, 1859, the Sheriff sold to Thomas H. Swope the following lots: Lots number 11, 12, 21, for which Mr. Swope gave two notes, one due in six months and one in 21 months. Whether he paid his first note at the time it was due or not, it is quite evident he did not make his final payment on these lots until, March 14, 1867, at which time he received his deed; in the meantime, he had sold to Jacob Tindall, Lot (21) twenty-one, giving a warranty deed for the same May 13, 1866, and Tindall in turn sold the same lot, 21, to John Hedrick, August 22, 1867. It will be noticed that Hedrick did not purchase this lot until after Swope had made his final settlement with the Circuit Court, and had received his deed and the same had been properly recorded. A little farther on we will show how this same lot is sold to the Church of Christ.

(6-A) JOHN A. HAYDEN, Sheriff

to

THOMAS H. SWOPE

Sheriff's deed.

Dated March 14, 1867. Filed May 14, 1867. Cons. \$299.25. Book 52, p. 68.

(7-A) THOMAS H. SWOPE

to

JACOB TINDALL

Warranty Deed.

Dated May 13, 1866. Filed June 2, 1866. Cons. \$250.00. Book 47, p. 129.

(8-A) JACOB TINDALL

to

JOHN HEDRICK

Warranty Deed.

Dated Aug. 22, 1867. Filed Sept. 24, 1867. Cons. \$250.00. Book 50, page 331.

Lot 20

At the same time the Sheriff sold the lot to Mr. Swope, he also sold lots 9 and 20 to a Mr. John Montgomery. He also seemed to take his time and we find final settlement for these lots was not made until September 19, 1867. Five days later we find Mr. John Hedrick buys from Mr. Montgomery lot number 20.

(6-B) JOHN A. HAYDEN, Sheriff

to

JOHN MONTGOMERY

Sheriff's Deed. Part of Maxwell and Woodson Addition. Dated Sept. 19, 1867. Filed Sept. 20, 1868. Cons. \$186.00. Book 62, page 461.

(7-B) JOHN MONTGOMERY

to

JOHN H. HEDRICK

Warranty Deed.

Dated Sept. 24, 1867. Filed Sept. 24, 1867. Cons. \$250.00. Book 50, page 332.

Lot 16

At the same Sheriff's sale (September 15, 1859) John Kelley had purchased lot number 16. He however had died and we find one George W. Buchanan acting as the administrator of his estate. On December 12, 1867, John H. Hedrick bought lot 16 from the Kelley estate.

(7-C) GEORGE W. BUCHANAN, Administrator of Estate of JOHN KELLEY, deceased

to

JOHN H. HEDRICK

Administrator's Deed. Lot No. 16 in Woodson and Maxwell Addition.

Dated Dec. 12, 1867. Filed Dec. 12, 1867. Cons. \$250.00. Book 53, page 526.

We now find John Hedrick owns three lots, 16, 20, 21. These he in turn sells to the Church of Christ, Granville Hedrick acting as trustee in trust for the Church.

(9) JOHN H. HEDRICK and
wife ELIZABETH ANN

to

GRANVILLE HEDRICK, President of the
Church of Christ (of Latter Day
Saints), the trustee in trust for the
said Church of Christ.

Deed in Trust. Lots 21, 20, 16, of Woodson and
Maxwell Addition. Dated Nov. 8, 1869. Filed
Nov. 12, 1869. Cons. \$750.00. Book 73, page 1.
Clause in deed.

"WHEREFORE, the said Church of Christ is the
real party of the 2nd part to this deed of convey-
ance as represented by the term trustee in trust
for the said Church of Christ. And further it is
hereby covenanted in the decrees of this deed of
conveyance to the said Church of Christ that all
persons who have dissented or who may here-
after dissent from this said Church of Christ by
withdrawal or otherwise separated or ex-com-
municated from this said Church of Christ, shall
be a forfeiture and shall have no claim of right,
title or interest whatever, either in law or equity
in the aforementioned real estate specified in this
deed."

Lots 17, 18, 19, 22.

It is again necessary for us to return to that same
Sheriff's sale, of Sept. 15, 1859, and we find Sheriff Hay-
den sold to Joseph Erwin lots number 2, 3, 17, 18, 19, 22.
The Church of Christ was only interested in that "lot"
upon which this Temple was to stand, and such as should
adjoin, or those that were within the same block as the
"lot" upon which the "spot" for the building of the Temple
was located. Therefore we find Mr. William Eaton pur-
chasing lots 17, 18, 19, 22 from this Mr. Irwin.

(6-D) JOHN HAYDEN, Sheriff

to

JOSEPH C. IRWIN
Sheriff's Deed. Lots 2, 3, 17, 18, 19, 22 of Maxwell
and Woodson Addition.

Dated March 23, 1867. Filed Dec. 8, 1870. Cons.
\$1,077.37. Book 82, page 255.

(7-D) JOSEPH C. IRWIN and wife MARY

to

WILLIAM EATON

Warranty Deed.

Dated July 9, 1873. Filed July 11, 1873. Cons.
\$525.00. Book 104, page 311.

Lot 15

In this following transfer we have the record of lot 15
as coming from Samuel Woodson and as we have already
shown wherein he, Mr. Woodson, obtained his rights and
holdings on this property, there is no further comment
needed.

(10) SAMUEL H. WOODSON and
MARGARET J. WOODSON

to

ADOLPHUS W. KEAN and SUSAN KEAN
children of the late Alonzo P. Kean,

Warranty Deed. Lot 15 of Woodson and Max-
well Addition. Dated Nov. 23, 1860. Filed Nov.
27, 1860. Cons. \$150.00.

(11) MARIA McCLANAHAN and
SUSAN NELSON, formerly
Susan Kean

to

WILLIAM EATON

Warranty Deed. Lot 15.

Dated March 7, 1874. Filed March 7, 1874. Cons.
\$200.00. Book 104, page 517.

Thus we find Mr. Eaton now holds the deed to lots
15, 17, 18, 19, 22, which he in turn sells to the Church of
Christ.

(12) WILLIAM EATON and
MARY EATON, wife

to

GRANVILLE HEDRICK, President of the
Church of Christ (Latter Day Saints) the
trustee in trust for the said Church of Christ.
Warranty Deed. Lots 17, 18, 19, 22, Woodson and
Maxwell Additions.

Dated Nov. 5, 1877. Filed Nov. 6, 1877. Cons. \$425.00. Book 115, page 452.

The next purchase made by the Church of Christ, was for a strip of land lying just north of these lots. Kansas Street had formerly been plotted along the north side of their property, but for various reasons the city had abandoned this street from River Blvd. to Lexington and now sold the same to Richard Hill, who was trustee in trust for the Church of Christ at this time.

(13) CITY OF INDEPENDENCE

to

RICHARD HILL, as trustee for the use and benefit of said Church of Christ (Latter Day Saints), being the religious body of people now owning and in possession of the "Temple Lot."

Deed.

Dated July 17, 1906. Filed July 17, 1906. Cons. \$75.00. Book 264, page 621. No. 53660.

It is interesting to learn that the little group of Saints located in Illinois, and sometimes called "Hedrickites," had been told by revelation, coming through Granville Hedrick, who was at that time the presiding Elder of this group, that if they would prepare themselves, that the way would be opened up to them and they would be able to purchase the land upon which the "Temple of the Lord" was to be erected. In harmony with this instruction thus given by revelation in 1864, they disposed of their property and prepared to go to Missouri, that they might accomplish the objective designated in the revelation. Thus in 1867, they were ready to move forward in harmony with instructions given. The record of the purchase of the lots as shown in the preceding pages of this tract testify to the truthfulness of this revelation as well as to the faithfulness of these first Saints to return to Missouri.

In the year 1891 the Reorganized Church of Jesus Christ of Latter Day Saints began a lawsuit to obtain possession of the Temple Lot property. This suit was based on a deed which Edward Partridge was supposed to have made to three children of Oliver Cowdery. They were John, Jane, and Joseph Smith Cowdery. Now Oliver Cowdery

had married Elizabeth Ann Whitmer, December 18, 1832, over six years before this deed was supposed to have been made. They had three children, all girls: Maria Louise, Elizabeth Ann, and Josephine Rebecca. Edward Partridge and Oliver Cowdery were closely associated together in the work of the Church during those six years, and one can not by any stretch of the imagination believe that Brother Partridge did not know the Cowderys' children were all girls, and that none of them had the names given in this deed. Neither can we believe it to be a mistake, since the history reveals Edward Partridge to be a man worthy of our honor and esteem, a man of integrity and courage, fearless in the discharge of what he believed his duty to God and his fellow men.

The Reorganized Church of Jesus Christ of Latter Day Saints purchased a Quit Claim deed made out by Maria Louise Johnson (the only living child of Oliver Cowdery) and her husband, Dr. Chas. Johnson, to a tract of land containing about forty (40) acres of land, purporting to be a part of the 63.43 acre tract formerly owned by Edward Partridge. This quit claim deed is dated June 9, 1887, and filed the next day or June 10, 1887, for which the Reorganized Church paid the whole sum of \$100.00. Maria Louise Johnson gave this deed on the strength of a deed she had received from her mother Elizabeth Ann Cowdery (Oliver Cowdery's widow). This deed is for forty (40) acres of the original Partridge Farm. This deed was made out May 29, 1886, and filed June 22, 1886. There is no evidence that Elizabeth Cowdery ever owned a single foot of the property known as the Partridge farm. There can not be found evidence of any transfer of property to her of any part or parcel of the tract of land known as the Temple Lots.

We are told that she based her claim to this property on the deed made out by Partridge to the three children of Oliver Cowdery; but, since it is proven that these children never did exist, how could she become possessed with property deeded to children that could not possibly be her own? If such children did exist and were truly the children of Oliver Cowdery, then they must have been born of another woman other than his lawful wife, which

would make of Oliver Cowdery a character the whole Restoration would be ashamed of. No, the truth is, these children never existed. This can be proven beyond any doubt, and even the Reorganized Church should be glad they lost this lawsuit, and thus they failed to brand with dishonor one of the founders of this Latter Day work.

The three fraudulent deeds upon which the Temple Lot Suit was founded are given as exhibit (A) (B) (C). It will be noted that the first deed (A), Edward Partridge to John Cowdery, Jane Cowdery, Joseph Smith Cowdery, is not dated. The justice of peace gives the date of his witnessing as Mach 25th, 1839, but it was not filed till February 7, 1870, three years after the Church of Christ purchased the first lots. Then we will call attention to the date of the deed of the forty (40) acres (B) given by Cowdery's widow sixteen years (16) after the church had made the last purchase of the lots known as the Temple Lots. If this deed was of any worth we wonder why the Reorganized Church did not sue for the rest of the land or the 37.57 acres not included in the Temple Lot deeds. We suggest a careful study of these three so-called deeds.

DEEDS ON WHICH THE REORGANIZATION MADE THEIR CLAIMS

(A) EDWARD PARTRIDGE

to

JOHN COWDERY, JANE COWDERY,
JOSEPH SMITH COWDERY.

Deed. Dated—. Filed February 7, 1870. Cons.
\$1,000.00. Book 72, page 432.

KNOW ALL MEN, That Whereas there was money put in my hand, viz: in the hands of Edward Partridge by Oliver Cowdery as Elder in the Church of the Latter Day Saints, formerly of Kirtland, State of Ohio, for the purpose of entering lands in the State of Missouri, in the name of and for the benefit of said church, and Whereas I, Edward Partridge was bishop of and in said church he took said money and funds, thus put in his hands and entered the land in his own name in the County of Jackson, State of Missouri, and is entered land from the Government of the U. S. in Jackson County, State of Missouri, in the name of Edward Partridge and signor of this deed.

NOW, KNOW YE that for the furthering the ends of justice and as I have to leave the State of Missouri by order of Governor Boggs and with me also our church, I do for the sum of \$1,000.00 to me in hand paid by said Oliver Cowdery do Give, Grant, Bargain and Sell to Jno. Cowdery son of Oliver Cowdery now 7 years, and Jane Cowdery, 3 years and Joseph Smith Cowdery, 1 year old, all the land entered in my name in the County of Jackson in the District of Lexington in the State of Missouri. Said Edward Partridge the 1st party and signor of this deed does also sell, alien and convey to the aforesaid Jno. Cowdery, Jane Cowdery, and Joseph Smith Cowdery, children of Oliver Cowdery all real estate and lands he has both entered as aforesaid and all he own in his own name by private purchase and holds by deed of gift being intended for the use of the church of Latter Day Saints or otherwise this sale is to embrace all lots of all sizes situated in Independence and to embrace the lot known as The Temple Lot, and all other lands of whatever description said Partridge the 1st part is entitled to in said Jackson County, State of Missouri; Said Partridge also agrees to amend this deed to said Oliver Cowdery at any time for the purpose aforesaid.

Given under my hand and seal the day above written,

EDWARD PARTRIDGE, (SEAL.)

E. C. Gates, Witness.

State of Missouri

Caldwell County

ss.

On March 25th, 1839, before me the undersigned, one of the justices of the peace of the County Court in and for said County, came Edward Partridge, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument of writing as party thereto and did acknowledge the same to be his act and deed for the purpose therein mentioned.

Attest under hand and private seal day and year above written.

ELIAS HIGBEE, J. C. C. C.

(B) ELIZABETH ANN COWDERY,
(widow of Oliver Cowdery, deed)

to

To my daughter, MARIA LOUISE
JOHNSON, the only living child of
said Oliver Cowdery.

Book 146, page 139. Deed dated May 29, 1886.
Deed filed June 22, 1886.

Remise, Release and Forever Quit Claim unto the
said second party the following described land in
Jackson County, Missouri, to-wit:—

A tract of about 40 acres in S. E. ¼ Sec. 3, Twp.
49, Range 32, West 5th P. M., commencing at a
point 40 rods West of the East line 122 rods North
of the South line of said Section; thence South 70
degrees West 17 poles 15 links; thence South 64
degrees West 40 poles; thence S. 15 degrees West
20 poles; thence East parallel with South Section
line to a point 40 rods West of East Section line;
thence to a place of beginning (and other land)

TO HAVE AND TO HOLD the same unto the
said party of the second part and her heirs and
assigns forever.

Rest hand and seal.

Witness to mark.

her

D. E. Havens,
H. Howard.

ELIZABETH ANN X COWDERY
mark

State of Missouri
County of McDonald

ss.

On this 29th day of May, 1886, before me, a
Notary Public, personally appeared Elizabeth Ann
Cowdery, to me known to be the person described
in and who executed the foregoing instrument
and acknowledged that she executed the same
as her free act and deed, and the said Elizabeth
Ann Cowdery further declared herself to be single
and unmarried.

In Testimony Thereof, I have hereunto set my
hand and affixed my official seal at my office in
South West City the day and year first above
written.

Term expires March 21st, 1888.

D. E. Havens, Notary Public.

(L. S.)

(C) MARIA LOUISE JOHNSON, only
surviving child of Oliver Cowdery and
DR. CHAS. JOHNSON, her husband

to

GEORGE A. BLAKESLEE, Bishop and
Trustee in Trust of the Reorganized
Church of Jesus Christ of Latter Day
Saints.

Quit Claim Deed. Dated June 9, 1887. Filed
June 10, 1887. Cons. \$100.00. Book 146, p. 544.

This Temple Lot Suit began in 1891, and was in court
until 1894.

The decision of the lower court gave the ownership
of the Temple Lot to the Reorganization. This decision
of Judge Philips' Court was appealed by the Church of
Christ, the higher court reversed the decision of the lower
court—and left the ownership with the Church of Christ,
not by squatter rights but by right of purchase—as this
tract sets forth.

Reversal of Judge John F. Philips' Decision in Temple
Lot Case. We quote the following from the records of the
Court of Appeals.

"IN THE CIRCUIT COURT OF THE UNITED STATES
OF THE WESTERN DIVISION OF THE WESTERN
DISTRICT OF MISSOURI
AT KANSAS CITY"

"There was filed on November 30th, 1891, an amended
bill Cause No. 1820. Petition was filed, entitled 'The
Reorganized Church of Jesus Christ of Latter Day Saints
—vs.—The Church of Christ at Independence, Richard
Hill, Trustee, etal,' effecting the sale of lots 15, 16, 17, 18,
19, 20, 21, and 22, a triangular strip North of and adjoining
Lot 15, all in Woodson and Maxwell's Addition to the
City of Independence, and known as the Temple Lot;
praying that the title to same be invested in the plaintiffs."

"Answers and replications duly filed, cause tried, and
on March 3, 1894, judgment rendered in favor of plaintiff.
60 Federal Appeals 937. Appeal was taken from this
judgment to the United States Circuit Court of Appeals,
December term, 1894, cause being No. 518. Judgment
reversed and rendered in favor of defendants, as appears
in the 70 Federal Reporter, page 179.—17 -CCA387."

The diagram of the Temple Lot Deed on Page 20 needs
little or no explanation, yet there are a few things we wish
to call to your attention.

The first transfer (1) was from the United States to the State of Missouri; Number (2) was from the State of Missouri to Jones H. Flournoy; Number (3) the transfer from Flournoy and wife to Edward Partridge. The spot where the Temple should stand had been previously dedicated four months and 16 days before the purchase of the land by Partridge. The absence of any mention of Church or the purpose for which Partridge purchased this land, may seem strange, but there is no doubt that the reason for this purchase was for the purpose that the Church might own the land that had been dedicated and set apart for the building of the Temple.

The revelation indicating the spot where the Temple should stand was given in July, 1831, previous to the dedication and five months before the purchase actually took place. We wish to call attention to the peculiar wording of this revelation. "Behold the place which is now called Independence, is the center place, and the Spot for the Temple is lying westward upon a LOT which is not far from the courthouse; (D. C. 57.)"

This land was not plotted into lots at this time and was nothing but a farm, and there was little or no indication that it ever would be incorporated or plotted as a part of the little village of Independence.

After the death of Bishop Partridge, his widow and three children gave a Quit Claim deed to James Pool Number (4): the record of this transfer can be found in Book N, Page 203 at the court house in Independence.

The next transfer (5) was a sheriff's sale, to John Maxwell. Two years later (1851) a portion of the original Partridge farm was plotted and known as the Woodson Maxwell Addition to Independence, the Spot that had been dedicated was now on these lots of this Woodson Maxwell Addition, and from this point, the diagram has to do with the lots known as the Temple Lot.

By order of the Court (1859) these lots were sold to Swope, Montgomery, Kelley, Irwin, and Woodson. In 1867 the Church of Christ returned to the land of Zion, and began to gather their moneys, to purchase these lots. Two years later James Hedrick purchased a part of these lots for the Church of Christ and in 1877 the others were purchased and transferred to the Church.

The portion to the right marked (13) (City of Independence to Richard Hill,) was never a part of the Original Partridge farm, but was obtained from the City when the

city vacated a part of Kansas Street. This piece is a three-cornered piece lying north of the Church building.

The Partridge deed (A) which is purported to have been made out March 25th, 1839, to the three children of Oliver Cowdery was never filed until 1870.

Oliver Cowdery married Elizabeth Ann Whitmer December 18, 1832. They had six children but none bore the names mentioned in this deed, neither is there any possibility of harmonizing the ages and dates of birth of the children named in the deed with the children who were actually born and acknowledged as the children of Oliver Cowdery (see the Geneology of Oliver Cowdery by Meiling, page 173).

Another peculiar feature of this deed, he deeds to these three children, "all lots of all sizes situated in Independence and to **embrace the lot known as the Temple Lot,**" and as yet this land (1839) was not plotted. Neither was it plotted until 1851, 12 years after the giving of the deed.

The following is a list of the children of Oliver Cowdery; Maria Louise, born August 11, 1835. Elizabeth Ann, born November 14, 1836. Josephine Rebecca, born March 21, 1838. Oliver Peter, born August 8, 1840. Adeline Fuller, born September 28, 1844. Julia Olive, born May 27, 1846. See page 173, Geneology of Oliver Cowdery, by Meiling.

A study of the birth list of these children as compared with that of the children named in this purported deed reveal facts that brand this deed as nothing less than **a slanderous document, against the character of one of the outstanding men of the Restoration.** You will notice that the three children named in the deed are not found in this list. You will find that Joseph, aged one at the time of the writing of the deed should have been born not later than March 25, 1838, or four days after the birth of Josephine Rebecca. Jane, aged three at the writing of the deed, should have been born not later than March 25, 1836. According to this, if Jane actually existed, she was born seven months and fourteen days after Maria Louise, and seven months and nineteen days before Elizabeth Ann of the authentic birth list. John Cowdery, to be seven years old on the 25th day of March, 1839, would have been born nine months before his parents were married. It is not hard to prove that this is not true; therefore, not only do we submit this tract to establish the truth relative to the ownership of the Temple Lot, but also as a vindication of Oliver Cowdery, whom we honor for his part in the wonderful work of the Restoration. The diagram on page 20 will need no further explanation.

Temple Lot Deeds

