

# KIRTLAND TEMPLE SUIT

Findings of the Court in Lake County, Ohio.

THE following are the findings of the Court in which the late suit of the Reorganized Church or the quieting the title to the Kirtland Temple, was tried.

"In Court of Common Pleas, Lake County, Ohio, February 23d, 1880. Present: Hon. L. S. Sherman, Judge; F. Paine, Jr., Clerk; and C. F. Morley, Sheriff.

Journal Entry, February Term, 1880.

The Reorganized Church of Jesus Christ of Latter Day Saints: Plaintiff. Against

Lucien Williams, Joseph Smith, Sarah F. Videon Mark H. Forscutt, the Church in Utah of which John Taylor is President and commonly known as the Mormon Church, and John Taylor, President of said Utah Church. Defendants.

Now at this term of the Court came the Plaintiff by its attorneys, E. L. Kelley, and Burrows and Bosworth, and the Defendants came not, but made default; and thereupon, with the assent of the Court, and on motion and by the consent of the Plaintiff a trial by jury is waived and this cause is submitted to the Court for trial, and the cause came on for trial to the Court upon the pleadings and evidence, and was argued by counsel; on consideration whereof, the Court do find as matters of fact:

(1st). That notice was given to the Defendants in this action by publication of notice as required by the statutes of the state of Ohio; except as to the Defendant, Sarah F. Videon, who was personally served with process.

(2d). That there was organized on the 6th day of April, 1830, at Palmyra, in the state of New York, by Joseph Smith, a Religious Society, under the name of "The Church of Jesus Christ of Latter Day Saints," which in the same year removed in a body and located in Kirtland, Lake County, Ohio; which said Church held and believed, and was founded upon certain well defined doctrines, which were set forth in the Bible, Book of Mormon, and Book of Doctrine and Covenants.

(3d). That on the 11th day of February, A. D. 1841, one William Marks and his wife, Rosannah, by Warranty Deed, of that date, conveyed to said Joseph Smith as sole Trustee-in-Trust for the Church of Jesus Christ of Latter Day Saints, being the same Church organized as aforesaid, the lands and tenements described in the petition, and which are described as follows:

[The description of the land is omitted.—Eds.]

And upon said lands said Church had erected a church edifice known as The Temple, and were then in the possession and occupancy thereof for religious purposes, and so continued until the disorganization of said Church, which occurred about 1844. That the main body of said Religious Society had removed from Kirtland aforesaid, and were located at Nauvoo, Illinois, in 1844, when said Joseph Smith died, and said Church was disorganized and the membership (then being estimated at about 100,000) scattered in smaller fragments, each claiming to be the original and true Church before named, and located in different states and places.

That one of said fragments, estimated at over thousand, removed to the Territory of Utah under the leadership of Brigham Young, and located there, and with accessions since, now constitute the Church in Utah, under the leadership and Presidency of John Taylor, and is named as one of the defendants in this action.

That after the departure of said fragment of said church for Utah, a large number of the officials and membership of the original church which was disorganized at Nauvoo, reorganized under the name of the Reorganized Church of Jesus Christ of Latter Day Saints, and on the 5th day of February, 1873, became incorporated under the laws of the state of Illinois, and since that time all other fragments of said original Church (except the one in Utah) have dissolved, and the membership has largely become incorporated with said Reorganized Church which is the Plaintiff in this action.

That the said Plaintiff, the Reorganized Church of Jesus Christ of Latter Day Saints, is a Religious Society, founded and organized upon the same doctrines and tenets, and having the same church organization, as the original Church of Jesus Christ of Latter Day Saints, organized in 1830, by Joseph Smith, and was organized pursuant to the constitution, laws and usages of said original Church, and has branches located in Illinois, Ohio, and other States.

That the church in Utah, the Defendant of which John Taylor is President, has materially and largely departed from the faith, doctrines, laws, ordinances and usages of said original Church of Jesus Christ of Latter Day Saints, and has incorporated into its system of faith the doctrines of Celestial Marriage and a plurality of wives, and the doctrine of Adam-God worship, contrary to the laws and constitution of said original Church.

And the Court do further find that the Plaintiff, the Reorganized Church of Jesus Christ of Latter Day Saints, is the True and Lawful continuation of, and Successor to the said original Church of Jesus Christ of Latter Day Saints, organized in 1830, and is entitled in law to all its rights and property.

And the Court do further find that said defendants, Joseph Smith, Sarah F. Videon and Mark H. Forscutt, are in possession of said property under a pretended title, derived from a pretended sale thereof, made by order of the Probate Court of Lake County, on the petition of Henry Holcomb, as the administrator of said Joseph Smith, and the individual property of said Smith; and the Court finds that said Smith had no title to said property, except as the Trustee of said Church, and that no title thereto passed to the purchasers at said sale, and that said parties in possession have no legal title to said property.

And the Court further finds that the legal title to said property is vested in the heirs of said Joseph Smith, in trust for the legal successor of said original Church, and that the Plaintiffs are not in possession thereof."