MORMON HISTORY RECALLED

Decision in the Case Regarding Ownership of the "Temple Lot,"

VICTORY FOR THE REORGANIZED CHURCH

Interesting Facts Concerning the Organization of the Church of Latter Day Saints, Together with Joe Smith's Prophecy and Brigham Young's Bequest.

KANSAS CITY, March 3.—Temple lot, the sacred piece of Mormon soil in Independence, for which the Reorganized Church of Jesus Christ of Latter Day Saints and the Independence faction of the Mormon church have been fighting in the courts for four years, today was decided by Judge Phillips of the United States circuit court to be the property of the Reorganized church. The Independence faction of the Mormons is, by the opinion, enjoined from asserting title to the property, the cloud is removed and full possession allotted to the plaintiff. The successful organization has its headquarters at Lamoni, Ia. Its following numbers 25,000 souls and its president is Joseph Smith, jr., son of prophet Joseph Smith, the founder of Mormonism.

Besides settling the title to the much prized temple lot, known among Mormons as the "Garden of Eden," the opinion incidentally finds from the evidence that the Reorganized Church of the Latter Day Saints is the real church which was founded in 1830 by Joseph Smith, and that the factions of the Mormon church in Utah and in Independence are offshoots of the mother church and have departed from the teachings of the prophet.

Temple lot originally consisted of sixty-three acres of ground, but its area has been gradually reduced until now it comprises a block of property 300 feet square located on one of the highest eminences in Independence. It is surrounded by a barb-wire fence and in the northeast corner is a small frame church, which is used by the Hedrickites.

The history of Temple lot dates back almost to the time of the inception of the Mormon faith, and is associated with the days when the saints were a power in Jackson county. In 1832 it is claimed that an angel of the Lord appeared to Joseph Smith, the prophet, in a vision and told him that Jackson county was the site of the original Garden of Eden and that Temple lot was the very spot where the fig tree grew from which our first parents obtained their wardrobe. Here, it was said, that on the last day when the earth is to crumble into glowing ashes and be swept away by the winds of the universe, the faithful Mormons were to congregate and ascend to heaven from the magnificent temple ordained to be erected. The truth of this prophecy is denied by some of the Mormons, who claim that the lot is simply a sacred piece of soil destined for a site for a Mormon temple.

JUDGE PHILLIPS' REVIEW.

Judge Phillips reviews the various phases of the case from the time the sixty-three acres of land were purchased in 1830 by an agent of the Mormon church for the purpose of erecting thereon a temple designed to be the new Jerusalem. For sixty-two years, he adds, it has been known as "Temple lot," on which, in the fullness of time and the fulfillment of the prophecy, was to be erected a splendid temple for the gathering of the believers for religious worship and exaltation. He follows the case through its many ramifications and the position of each party through whose hands the property passed, beginning with Bishop Partridge, who came to Independence in 1832 from Kirtland, O., to buy the land with $3,000 contributed by members of the church.

He speaks of the persecution of Partridge and his flock in 1839, when they had to flee from Caldwell county, Missouri, because of military persecution. The deeds, receipts and other papers relating to the case are quoted from at length to show that the church of which Joseph Smith was the head was the true church, and was the owner of the Temple lot. After the killing of Joseph Smith at Carthage, Ill., in June, 1844, his violent death struck with dismay the hearts of his followers, and out of the confusion incident thereto was borne the disorders, schisms and ambition for leadership. Disintegration set in and the church split into factions, and under the lead of different heads scattered to various parts of the country. The true church, under Joseph Smith, was established at Lamoni, Ia., another branch under Brigham Young, who claimed to have received through revelation the leadership of the Mormons, and a third, the Hedrickites, remained at Independence.

In summing up Judge Phillips says: "In case of disorganization and factional division of an ecclesiastical body the settled rule of the civil courts is that 'the title to church property is in that part which is acting in harmony with its own laws and the ecclesiastical laws and usages, customs and principles which were accepted among them before the dispute began and the standards for determining which party is in the right.'

"The right of ownership abides with that faction, great or small, which is 'in favor of the government of the church in operation with which it was connected at the time the trust was declared.' The court will adjudge the property 'to the members, however few in number they may be, who adhere to the form of church government or acknowledge the church connection for which the property was acquired.'"

The decision of Justice Caton in the case of Ferraria et al against Van Concellos et al, 31 Illinois, pages 54, 55, is quoted where it is held "that where a church is erected for the use of a particular denomination or religious persuasion a majority of the members cannot abandon the tenets and doctrines of the denomination and retain the right to the use of the property, but such secession is to forfeit all rights to the property, even if but a single member adheres to the original faith and doctrine of the church. Those who adhere to the original tenets and doctrines, for the promulgation of which a church has been erected, are the sole beneficiaries designed by the donor, and those who depart from and abandon those tenets and doctrines cease to be beneficiaries and forfeit all claims to the title and use of such property."

JOSEPH SMITH'S FOLLOWERS.

In 1852 the scattered fragments of the church, the remnants of those who held to the fortunes of the present Joseph Smith, son of the so-called martyr, gathered together a nucleus of the organization. They took the name of "The Reorganized Church of Jesus Christ of Latter Day Saints," and avowed their allegiance to the teachings of the ancient church, and their epitome and faith adopted, while containing differences of phraseology in its essentials, is but a reproduction of that of the church as it existed from 1830 to 1844. The claim of the respondent that the Nauvoo church practiced polygamy and therefore was not following the tenets of Joseph Smith is held to be irrelevant. The opinion goes far into the teachings of Mormonism, and analyzes the theories advanced by Joseph Smith, criticises his interpretation of the bible and is, in fact, an exhaustive review of Mormonism from its inception.

The claim of respondents that a court of equity has no jurisdiction in the case is set aside in the following words: "A court of equity has jurisdiction in this case. It belongs to it to remove clouds from the title, the relief being granted on the principle of quia timet. It is peculiarly its province in a case like this to vindicate the trust, to determine the real beneficiaries of the trust estate and to prevent its diversion.

"Decree will go in favor of complainant, establishing the trust in its favor against respondents, removing the cloud from the title, enjoining respondents from asserting title to the property and awarding the possession to the complainant."

Incidental to the decision Judge Phillips unmercifully scores the Utah polygamous church. He says: "Among the quorum of twelve representing the apostles was one Brigham Young, a man of intellectual force, shrewd and aggressive, if not audacious. It was an easy matter for him to seize the fallen reins of the presidency. He led the greater portion of Mormons out to what was known as 'winter quarters,' near Omaha, and thence to Salt Lake valley in Utah. From this settlement sprung the powerful ecclesiastical association known as the Salt Lake or Utah church. While the respondents (the Independence church) are wary of claiming alliance with this Salt Lake church, it is evidently 'the power behind the throne' in the defense of this suit.

"There can be no question of the fact that Brigham Young's assumed presidency was a bold usurpation. The book of doctrine gave Joseph Smith authority to be presiding elder of the church and Brigham Young was but president over the twelve traveling counsels. The book taught clearly that the succession should descend lineally and go to the first born.

"Joseph Smith so taught, and, before his taking off, publicly proclaimed his son, Joseph, the present head of the complainant church, his successor, and he also anointed him.

"Young's assumption of the office was itself a departure from the law of the church. The book of Mormon pronounced the severest anathema against the crime of polygamy. The Hedrickites at Independence are called ecclesiastical nondescripts, repudiating polygamy, while looking to Salt Lake City for succor. They are described as a small band whose seizure of Temple lot and attempt to divert the trust involves the interposition of a court of equity."

The respondents will appeal.

ON CHARGE OF GRAND LARCENY.

Salt Lake Attorney in the Toils Refuses to Tell of His Troubles.

James T. Fishleigh of Salt Lake, U. T., was arrested at the Murray hotel yesterday for grand larceny. At 9 o'clock a telegram from Chief Pratt of the Mormon city was handed to Detectives Dunn and Donahue with a description of Fishleigh. In less than thirty minutes the officers located the man wanted and had him locked up in the city prison.

Fishleigh is an attorney by profession and was considerably surprised at his arrest. He admitted that he had been in some trouble in Salt Lake, but he did not expect such a serious turn of affairs. He declined to say what his trouble was about and the police here are in the dark, as the telegram only stated that such a person was wanted for grand larceny.

The Salt Lake officials have been notified and an officer will start for Omaha at once.

Southeastern Nebraska Teachers.

The tenth annual session of the Southeastern Nebraska Educational association will be held at Beatrice March 28, 29 and 30, and a most interesting program has been prepared. Well known educators will be present from Nebraska and neighboring states. President Gates of Iowa college at Grinnell will deliver an address Wednesday. All who enroll as members of the Educational association will receive tickets free of charge for the oratorical contest Thursday evening. This is the second annual meeting of the Southeastern Nebraska High School Oratorical association. The leading high schools of eastern Nebraska will be represented and the contest promises to be a very close and exciting one. First and second gold medals will be awarded to the two highest in each class, dramatic, humorous and oratorical.

Twelve minutes will be given each paper, six minutes to each one named on the program for discussion and three minutes to each one who takes part in the general discussion. A $30 banner will be awarded to the county enrolling the largest percentage of its teachers, Gage county not to compete except for honorable mention.

Excursion rates, one and one-third fare for the round trip, have been secured.

Shriners at Lincoln.

About a dozen of the nobles of Tangier temple, A. A. O. N. M. S., accompanied by their ladies, visited Lincoln Tuesday to attend a work session of Sesostri's temple of the capital city, followed by a "ladies night" banquet in the evening. The visiting nobles were cordially received and most royally entertained.

TENNIS CLUB OVERHAULING.

Radical Changes in the Organization Proposed—A Lady Membership.

There is to be an entire overhauling and renovating of the Omaha Tennis club this season. If present appearances are not belied the city will have a stronger organization than it ever had before, and one which leaves other cities in the state languishing in the rear.

Invitations have been sent out to some hundreds of persons in the city known to be interested in the game to attend the general meeting of the club which is to be held at the Bachelors' Quarters, Twentieth and Farnam streets, next Tuesday evening, March 6. It is hoped that there will be a large attendance, especially of those who have not hitherto been connected with the club. In addition to the election of officers and other routine business, such as the selection of a ground to play on, several proposals are to come up which are likely to prove of considerable interest.

It is the wish of the club coterie to embrace within the folds of that organization all the players in the city. There are quite a number of little bands of players who meet on private courts and show their abilities to one another. They have little chance of improving their style or their skill and when, perchance, they enter for one of the local tournaments, they find their opponents making use of strokes they never saw before and which they know not how to deal with. Let them all join forces together for mutual benefit. It is only by varied as well as constant practice that any improvement in the game can be acquired. There is no need for the private clubs or gatherings to be broken up, indeed this is not desired, but considerations of self-benefit as well as all instincts of patriotism and loyalty to city and state should induce everyone with any knowledge of the game and any desire to improve at it to ally himself with others of his own kind in the city, pay the small subscription to the support of the club and be present occasionally, if not frequently, on the club grounds for practice against all styles and weights.

It is whispered that the proposal may be made, although this is a suggestion which will need very careful consideration before being acted on, to admit lady members. This is a decided innovation, but one which would undoubtedly have many advantages. It is claimed, perhaps with reason, by those who imagine themselves as connoisseurs in such matters that the fellows will attend more frequently if the girls can come too. Hitherto maidenly shyness has asserted itself to such an extent that it has been difficult to induce any of the fair sex even to play in such a public place as the Harney street courts even by special invitation. But this is a difficulty which will no doubt be easily overcome, and if the club decides to make the change that is proposed we may expect to see a prize offered at the next city tournament for a ladies' singles competition.

Cricketers Making Ready.

The Omaha Cricket club met at the Barker hotel last evening and started the arrangements for the coming season's work. President Lawrie stated it would require about $50 worth of new material, and in case the club decided to sod the grounds this would entail an additional expense of about $150. The question of purchasing new material was left with the executive committee and that of sodding the ground was left to be decided in the future.

Six members were received and the president stated that the prospects for the coming season were brighter than they had ever been before.

A communication was read from Kearney in regard to a match. The next social will be held on Friday evening, March 29.

F. H. Marshall was elected club captain for the ensuing year.

Mr. Kemp offered a cup of the value of $20 for the member who made the best batting average during the year.

An amendment to the by-laws was adopted providing that non-members could only be chosen to play when there were not enough members on the ground at the time of opening the game.

A New Way of Curing a Cold.

A Des Moines woman who had been troubled with frequent colds concluded to try an old remedy in a new way, and accordingly took a tablespoonful (four times the usual dose) of Chamberlain's Cough remedy just before going to bed. The next morning she found that her cold had almost entirely disappeared. During the day she took a few doses of the remedy (one teaspoonful at a time) and at night again took a tablespoonful before going to bed, and on the following morning awoke free from all symptoms of the cold. Since then she has, on several occasions, used this remedy in like manner, with the same good results, and is much elated over her discovery of so quick a way of curing a cold. For sale by druggists.

Cudahy's Real Estate Purchase.

E. A. Cudahy, the South Omaha packer, has just closed a deal through W. H. Crary for what is known as the Towle acre, in West Omaha, the consideration being $20,000. Mr. Cudahy intends, as soon as the weather will permit, to commence the erection thereon of a fine residence, which will cost when completed, in the neighborhood of $60,000. The lot in question is lot 1, block 2, West Omaha, and is 187x165 feet, and lies immediately north of the Carter residence.

Mr. Crary states that several other persons are negotiating for property in the same neighborhood, and if the deals go through all of them will result in the erection of fine residences.

A Remarkable Cure of Chronic Diarrhoea

The experience of George A. Apgar of German Valley, N. J., is well worth remembering. He was troubled with chronic diarrhoea and doctered for five months, and was treated by four different doctors without benefit. He then began using Chamberlain's Colic, Cholera and Diarrhoea remedy, of which one small bottle effected a complete cure. For sale by druggists.

ALL KINDS OF VEHICLES

50c on the Dollar.

After March 6th, I will have on exhibition (for a short time only) at 1213 Farnam street, Omaha, a full line of fine Carriages, Coupes, Landaus, Victorias, Park and Canopy Rigs, Buggies, Phaetons, Carts, Buckboards, all kinds of business and pleasure wagons, drays, milk and delivery wagons, which I will close out at

50c on the Dollar.

A Full Line and Everything First Class.

Come and see, and be convinced that you can buy anything you want at half price, at 1213 Farnam street, Omaha, Neb.

W. P. Mumaugh.

Kelley, Stiger & Co.

Farnam and 15th.

First Arrival---

New Spring Dress Goods
New Spring Linens
New Spring Laces
New Spring Jackets and Capes

Black Japanese Silk, 28 inches wide, sold usually at $1.00, **70c.**

Best grade Figured India Silk, best and latest styles, 24 inches wide, **$1.00.**

Super quality Figured India Silk, 22 inches wide, **75c.**

Extra grade Black Moire Francaise, $1.65 quality, for **$1.45.**

Superior quality Moire Antique Black, regular $2.25 grade, for **$2.00.**

Genuine Habutai Wash Silks, only **50c.**

See our new French styles in 28-inch Superfine Japanese Silk at **$1.00.**

Black French Serge, 46 inches wide, sells at $1.00 usually, **75c.**

Black, extra quality Henrietta, 46 inches, **85c.**

Black Storm Serge, 50 inches wide, regular $1.25 quality, **$1.00.**

Scotch all wool Checks and Cloth Effects, **45c**

50-inch Tailor Suitings, handsome and stylish, bought to sell at $1.60, **$1.25.**

See our stylish and serviceable 46-inch Mixtures at **$1.00**

French Challis now in; make early selections from over 100 styles, **60c**

New Wash Goods

Pongee, 30 inches wide, nice fast colorings 20c quality, at **12½c.**

Swiss Mulls, 30 inches wide, 20c and 25c grades, at **12½c.**

Striped Swiss and Dimities, 30 inches, 25c quality, at **15c.**

Nainsooks, plain, striped and checked, from 7c up to **30c.**

A full line of fine dotted Swiss at popular prices.

New Linens, Etc.

On Monday we offer especial bargains in our Linen Department.

Unbleached Damask, 60 inches wide, 60c and 65c grades, at **48c**

Turkey Red Damask, 60 inches wide, 60c and 65c grades, at **48c**

Bed Spreads, large size, formerly $1.50, at **$1.20**

Napkins, 5-8 bleached, $1.50 grade at **$1.20**

Crash, heavy weight, twilled, bleached linen Crash at **11c.**

Towels---An odd lot of large sized huck towels, 30c quality, **21c**

JUST RECEIVED---CHOICE NOVELTIES IN

New Laces,
New Lace Insertion Bands,
New (Lace Effect) Embroideries,
New Veilings,

On sale Monday at our usual low prices. Novelties in Jet Edge and Band Passamenteries.

SPRING JACKETS
SPRING CAPES
SPRING MACKINTOSHES
SPRING WAISTS

We call special attention to our line of Ladies Jackets and Capes, all new shapes and styles.

Ladies' Capes made of fine diagonal cloth, new shape, trimmed with braid and folding collar; price, **$7.00**

Ladies' Capes, 25 inches long, with three ruffles of ribbon, either silk or satin, very handsome, only **$11.00**

Ladies' Jackets, in dark tan cloth, made with full back and large lapel front pearl buttons; price, **$1.00**

Ladies' Jackets, 24 inches long, new 3-button reefer style, made of English Covert Cloth, price **$10 00**

We also call special attention to our line of Ladies Black Jackets, made of undressed worsted and diagonal cloths, at **$7, $10, $13** and up ot **$25.**

Kelley, Stiger & Co.

Add Ten Years to Your Life!

SPECIAL : NOTICE.

We have bought and are now dividing into 5 and 10-acre tracts the celebrated

Columbus McDonnell Farm

On Mill Plain, four miles east of Fort Vancouver, Clark County, Washington, comprising 400 acres of the

Finest Fruit Land on Earth.

As to the superior loveliness and charm of this spot, ask any army officer who was ever stationed at Fort Vancouver. It lies just where the famous drive through the forest comes out on to the plain and the grand view of the snow-clad Cascades Range bursts into view.

Society on these Clark County fruit farms is of the best in the world. Scores of retired army officers are locating there to prolong and enjoy their sunset of life amid scenes of enchanting beauty and grandeur, where the eye may rest upon flowering lawn, roam toward the eternal peaks of Mts. Hood, Adams and St. Helens, or sweep many a mile of the beautiful valley where "Rolls the Oregon," the grandest river on the Continent. We seek the best people.

10 Acres of this Land

When we deliver it to you will not only be a most beautiful home, but will give you an income of

Three Thousand Dollars a Year.

See in this the basis of our guarantee to give you all your money back with seven per cent interest after two years if death or reverses make it impossible for you to go on with the easy payments, or if for any reason you want your money.

For terms see the

Open Door to the Oregon Country,

As we may fairly style our Home Guarantee Contracts. Send for it. Address D. H. STEARNS, OMAHA.

Photographic Views at our Omaha Office, Room 101 Bee Building.

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