

# The Curious Case of Martin Harris & The Temple Lot Deed

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## The Family Connection: Daniel H. Harris

In his journal, Martin Henderson Harris, speaking of some of his descendants, stated the following: “Aunt Sophia died at Wayne Co., N. Y. She married Seth Harris, her cousin. She had a son by the name of Daniel. He (Daniel) is the one *“it is supposed that obtained from Uncle Martin Harris by deceit the deed of the temple lot in Jackson Co., Mo. The last time he was heard from, he was in Wisconsin.”*

Daniel H. Harris, born 1811 in Ontario County, NY, was approximately 10 when his father died in 1821. His mother Sophia married again, but she died in 1827 when Daniel was around 16. Following that, he lived with his stepparents until able to move out on his own. His older sister Anna, who married in 1828, moved by 1834 to Geauga County, OH. Daniel likely followed around the same time, joining his sister and her husband.

Jerusha Hodges had also moved with her older brother Ira Hodges to Geauga County, OH. She may have known Daniel Harris back in Ontario and Wayne counties, NY, from earlier years. By 1840 her parents and younger siblings had moved on to Michigan.

In 1838, Daniel married Jerusha Hodges in Geauga County, OH. He was 27. She was approximately 20.

While living in Ohio, several of Daniel’s extended Harris family lived nearby, including uncles Emer, Martin, and Preserved, and grandparents Nathan and Rhoda.

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## Martin Harris and the Jackson County Land

Martin Harris was heavily involved in the fledgling church and had traveled to the conferences held in Jackson County, Missouri, in August 1831. Doctrine & Covenants Section 57 instructed the Saints to purchase the place for the temple and every tract westward from the temple spot to Indian Territory.

With the church numbering only a few hundred members, many poor, Martin Harris was among the most prosperous. He had paid \$3,000 for the printing of the Book of Mormon and had traveled approximately 2,500 miles to proclaim the book at his own expense. Section 58 stated:

*“It is wisdom in me that my servant Martin Harris should be an example unto the church, in laying his moneys before the bishop of the church.”*

Martin placed \$1,200 in the hands of Bishop Partridge for the land purchases in Jackson County on August 3, 1831. On that same day, Martin Harris was among the eight elders present—alongside Joseph Smith, Oliver Cowdery, Sidney Rigdon, Peter Whitmer Jr., Frederick G. Williams, William W. Phelps, and Joseph Coe—when Sidney Rigdon dedicated the ground and Joseph Smith laid a stone at the northeast corner of the contemplated temple. After assisting in these dedicatory services, Martin returned to Kirtland.

The highest spot of ground on the 63.27-acre tract in Independence was the temple site. Bishop Partridge purchased the 63-acre portion for \$130 from Jones H. Flournoy on December 19, 1831. Flournoy had held the original claim for only a week before selling the 63-acre portion of his larger 160-acre purchase to Partridge.

The deed was held in the name of Bishop Partridge. There was uncertainty as to whether a church association could hold title to real estate in Jackson County, but it was well understood by all that it was “church property.”

### **The \$1,200 and the \$130: A Question of Scale**

A natural question arises from these figures: if Bishop Partridge purchased the 63-acre temple tract for only \$130, why did Martin Harris contribute \$1,200 to the effort? The answer lies in the sweeping scale of what the Saints originally intended to acquire.

Doctrine & Covenants Section 57 did not instruct the Saints merely to purchase the temple spot. It directed them to buy “every tract lying westward, even unto the line running directly between Jew and Gentile”—that is, all the way to the Missouri-Kansas border. Joseph Smith’s vision for the City of Zion was vast: a planned holy city laid out on a precise grid, ultimately envisioned to include twenty-four temples. The 63-acre Partridge purchase was only a foothold, the first piece of a far larger acquisition program.

The \$1,200 Martin Harris contributed to Bishop Partridge was therefore seed money toward that much grander design—not a payment for the temple tract alone. The \$130 Flournoy-to-Partridge transaction secured just the first and most sacred parcel. The remaining funds were intended for the ongoing purchase of additional Jackson County land as it became available.

That larger plan was violently cut short. The Saints were expelled from Jackson County by mob force in November 1833—barely two years after land purchases began. Whatever acreage the \$1,200 was meant to secure was never acquired. The City of Zion was never built. The \$130 temple tract was all that was ever purchased, and even that was lost to the Saints for more than three decades. The disparity between the two figures is not a contradiction; it is a measure of how much was intended, and how much was lost.

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### **The Deed Transferred to Martin Harris**

Published history did not, for many years, reveal that Martin Harris came to hold the Temple Tract after Bishop Partridge. The fate of the physical deed remains unknown.

The only contemporaneous record of its transfer is found in the minutes of a historic council meeting at Winter Quarters in 1848.

James Pool wished to buy the Temple Tract in 1848 and sent his agent, a Mr. Pearson, to Winter Quarters, where the Saints were camped with Brigham Young in preparation for their trek to Utah. Mr. Pearson conducted business with a church member named J. A. Kelting, who relayed the message to the apostles. Brigham Young called a council meeting on April 26, 1848. As recorded in the minutes, Young stated:

*“The land was deeded to Martin Harris. He has not put the deed on record.”*

At that meeting, Kelting further stated that Martin “wrote to Independence that he had sold that land—but there are no deeds [recorded], or ever made their appearance.” And later: “Did they know Mr. Harris held the Warranty Deed? I know it. It was turned over to Martin Harris for moneys advanced to print the Book of Mormon—If the Warranty Deed is recorded now it is not good for anything—the heirs have so many years to redeem it—it is out next August.”

Brigham Young was in a strong position to know the details, not only because he was an apostle in possession of official church records brought to Winter Quarters, but because of a close family connection: Martin Harris’s wife, Caroline, was Brigham Young’s niece, being a daughter of his brother John Young.

From the minutes several conclusions follow:

1. Prior to 1848, church leaders had deeded at least sixty acres—probably all of the Temple Tract—to Martin Harris.
2. Martin Harris had never recorded the Partridge-to-Harris deed in Jackson County.
3. Kelting stated that Martin had written to Independence claiming he had sold the land—but no Harris-to-another-party deed had ever been recorded in Jackson County records.
4. The apostles at Winter Quarters knew the Temple Tract belonged to Martin Harris, his heirs, or an unknown party to whom he may have sold it—yet they proceeded to sell a quitclaim deed to James Pool’s agent anyway.
5. The true owner of the Temple Tract in 1848 was either Martin Harris or a yet-unknown person who may have purchased it from him.

Martin’s rights were ultimately set aside. The apostles decided to sell a quitclaim deed, with Heber C. Kimball rationalizing:

*“I see no more impropriety [in selling the Temple Tract] than in selling Church Lands. It’s been done in Jackson Co., and Nauvoo. It’s under a broken contract anyways—the Lord won’t consider it valid. I don’t anyway.”*

## **Why the Deed Was Never Recorded**

Why did Martin Harris never submit the deed for recording in Jackson County? There are three compelling reasons:

- He never returned to Jackson County after 1831. Following the Saints' forced expulsion in November 1833, it would have been extremely dangerous for a prominent Mormon leader to appear there in person.
- If Martin attempted to send the deed by mail, it was likely intercepted and destroyed. The postmaster and the recorder of deeds in Jackson County were among those who had organized the mob that expelled the Saints. Martin Harris's name would have been immediately recognized and the document disregarded rather than recorded.
- Because no taxes had been paid on the Temple Tract since the Saints' expulsion in 1833, statutes of limitations would eventually have allowed the county to sell the property for back taxes regardless.

This uncertainty was not forgotten by contemporaries. As late as 1869, former apostle William E. McLellin—who had known Harris personally—wrote to inquire: “I want to know if Martin’s deed was ever recorded in Jackson Co.” The question remained unanswered.

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### **Daniel H. Harris and the Deed’s Later Fate**

After living near his uncle Martin in Ohio from the mid-1830s, Daniel H. Harris eventually moved to Wisconsin by 1850. If he did indeed obtain the deed from Martin, he also never had it recorded in Jackson County, Missouri. From 1860 to 1870, he and Jerusha lived in Quincy City, Adams County, IL, and then eventually moved to Wyoming, Luzerne County, PA, by 1880. Daniel died there on November 7, 1898. No records have been found indicating that either Martin or Daniel held a recorded deed to the Temple Lot, or that any transfer was ever executed in legally effective form.

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### **The Temple Lot Lawsuit (1891–1896)**

With the confusion of title and the emotionally charged contentions among factions of the Latter Day Saint movement over which was the rightful successor church, the stage was set for civil intervention. On August 6, 1891, the Reorganized Church of Jesus Christ of Latter Day Saints (RLDS) filed suit in the United States District Court for the Western District of Missouri against the Church of Christ for possession of the Temple Lot.

The defendants in the suit—the Church of Christ, known as the Hedrickites—were followers of Granville Hedrick. This group had organized in May 1863 in central Illinois from five unaffiliated Latter Day Saint branches that had remained behind when the main body of Saints followed Brigham Young west. Hedrick was ordained their leader on July 18, 1863. In April 1864, he received a revelation directing his followers to return to Independence, Missouri, by 1867. His brother John Hedrick was among the first to arrive, purchasing land there in 1865. About sixty Hedrickites relocated to Jackson

County by covered wagon in February 1867—the first organized Latter Day Saint presence in Independence since the Saints had been expelled at gunpoint in November 1833. Unable to acquire the entire greater Temple Lot due to limited funds, the Hedrickites purchased the 2.5-acre temple site itself, and had been headquartered there ever since.

When the lawsuit was initiated, the Hedrickites held physical possession of the Temple Lot. The RLDS Church sought to claim ownership by equitable title as the legitimate successor to the original church. The Hedrickites asserted ownership by legal title based on their deeds and continuous possession. The Utah-based Church of Jesus Christ of Latter-day Saints (LDS Church) also actively participated in the case—providing funds and legal advice to the Hedrickites—though it was not a formal party to the action.

In March 1894, Judge John F. Philips ruled in favor of the RLDS Church, declaring it the true successor to the original church and ordering the Hedrickites to vacate. The Hedrickites appealed to the United States Court of Appeals for the Eighth Circuit.

The appeals court disagreed with the trial court on the doctrine of laches, finding that the RLDS Church had unnecessarily delayed in asserting its rights, and that the Hedrickites' legal title claims were probably superior in any case. Rather than simply reversing the trial court's decision, however, the appeals court dismissed the entire case—meaning the controversy stood as though no case had ever been brought. The Hedrickites remained in possession of the Temple Lot by default. The RLDS Church sought an en banc rehearing, which was denied, and then appealed to the United States Supreme Court, which declined to take the case. The litigation was over.

RLDS leaders, including Joseph Smith III and his successor Israel A. Smith, widely interpreted the dismissal as a technical vindication—arguing they had been denied title only on procedural laches grounds, and that the courts had otherwise confirmed their claim as successors. The Hedrickites maintained the outcome validated their right to possess the Temple Lot. The LDS Church took no official position on the result. What the case did not ultimately settle was the title dispute itself: by default, status quo prevailed, and the Hedrickites have held the Temple Lot to this day.

Notably, the case became an important historical source for documents related to Mormon plural marriage. To establish that the RLDS Church's claim of being the original church was undermined by Joseph Smith's practice of polygamy, the Hedrickites called witnesses including Emily Partridge, Lucy Walker, and Malissa Lott—women who testified under oath that they had been plural wives of Joseph Smith.

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## **Current Ownership of the Temple Lot**

Ownership of the original 63.27-acre tract today is divided among three Latter Day Saint denominations. The Community of Christ (formerly the RLDS Church) owns the largest portion and maintains its world headquarters nearby, including its Auditorium (opened 1958) and Independence Temple (dedicated 1994). The Church of Jesus Christ of Latter-day Saints owns the next-largest portion and operates an interpretive visitors' center on

the site. The smallest portion—the 2.5-acre parcel that includes the spot Joseph Smith dedicated in 1831 as the temple site—is owned and occupied by the Church of Christ (Temple Lot). No temple has ever been built on that ground.

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