PRESIDENT BRIGHAM YOUNG'S ESTATE.

Suit Against John Taylor et al., constituted authorities as such as- ceived by the testator, for the in controversy, and the items of |87, plat A, Salt Lake Cond and the Executors.

SEPARATE ANSWER OF JOHN TAYLOR.

tory.

Emeline A. Young, on behalf of herself and the heirs at law and legatees and beneficiaries under the ant as Trustee-in-Trust for said ply capable as a corporation, of tended to make any conveyance cribed parcels of real estates Young, late of Salt Lake County, Utah Territory, deceased, plaintiff.

George Q. Cannon, Albert Carrington and Brigham Young, executors of the last will and testament of Brigham Young, late deceased; and John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury, Angus M. Cannon defendants.

This defendant, John Taylor, alleges,

I. That he has no individual interest in this controversy, and that his only connection with the mat-Trust for the Church of Jesus Christ of Latter-day Saints.

corporation, existing under the laws item was for the funds, property, sonable cash value of all the real or his death, to wit: of Utah Territory, and that he is its and assets of said Church, under and personal property so received acting Trustee-in-Trust for the pur- for said Church. its rights of property and privileges that said sum, or any other sums testator's estate was fraudulently he held and claimed as belonging 30 in township I nontalait poses of guarding and maintaining and powers conferred upon it by allowed by the said executors and and unlawfully diminished one to himself individually, and dis east of the Sait Lake mile b law, but that said corporation is not approved by said Prebate Judge, million of dollars or in any other connected from the Church and in S. survey. The east was made a party to this suit, nor is the was false, fraudulent or illegal, or sum, but he says that all the condefendant made a party as its trus- that said executors, by collusion veyances so made, of both real and

tee. tion and belief, denies that the the fraud and illegality of said said testator and his executors as afterwards acquired, such proper- township 1 north, rangelf M plaintiff, Emeline A. Young, had claim, and intending to cheat and hereinbefore stated. authority to bring suit for or defraud said estate, and the benefi- This defendant on information on behalf of any of the heirs, lega- ciaries thereof, under said will, did and belief denies that this property tees or beneficiaries under the said in form allow said claim as a just so conveyed to him as Trustee-ined, or that she was in any manner same to be filed in said Probate 000, or that it can reasonably be individual property, this dubious nally owned by the the for or on behalf of said heirs on the contrary, said defend- the payment of taxes, etc. legatees or beneficiaries. And this ant says that each and all VII. Said defendant denies that which there was no doubt or un- gal title therete, but walks, defendant denies that the said of the items of said account said executors, at the time of set- certainty. heirs, legatees, devisees or benefici- allowed by the executors, and tling said claim or at the time the II. That after the ascertainment vidual property and months. right to represent them or any of in-Trust for said Church, for transactions. ments of her complaint.

versy are of common or general in- charged. Second, Nor because the pretend that they had the right piece of land, commencing at the This defendant in terest to all the heirs, legatees, de- same was barred by virtue of the and authority to dispose of said coutheast corner of lot 1 in said the Gardo premises visers, or beneficiaries under said lapse of time and by the statute property and all the property of block 150, plat A, Salt Lake City ceived at one hundred will, but on the contrary alleges which prohibits the allowance of said estate, and that she as a religi- survey, thence south 2 rods, thousand dollars, but on the contrary alleges which prohibits the allowance of said estate, and that she as a religithat each family of the testator con- any claim against any estate not ous duty was bound thereby, or- thence west 40 rods, thence near that amount stitutes a distinct and separate class accruing within the time prescribed that they had the right and author north 2 rods, thence east and, besides, the by said will, and only the children by the statute of limitations. ity to disinherit her or to deprive 40 rods to place of beginning. lease on said premise Em of said Emeline A. Young's mother Third, Nor because the pretended her of all or any shares in said es all described in said complaint, ninety-nine years by said testator, or their descend- claimant, for whom in trust the tate, nor did this defendant claim The south half (1/2) of lots 5 and 6, day of September, 4 ants, constitute the class to which said claim was presented, was not any right whatsoever in the pre- block 88, plat A, Salt Lake City the nominal sum she belongs, or have a joint interest capable of having or owning such mises not conferred by the provis. survey. Lots 3 and 4 in section 17, yearly rent. Said with her, namely, Elia Elizabeth estate or assets, and the whole of ions of said will or the laws of the and lot 1 in section 18, and the said deceased Bright by t Y. Empey, Marinda Hyde, Y. said claim was fraudulent, illegal land. Conrad, Hyrum Smith Young, and void, and the facts were well Nor did said defendant and the section 20, township I south, Church and to his pow Louisa W. Y. Furguson, Lorenzo known to said executors and John executors in pursuance of such range 3 west of the Salt Lake fice, is an acknown ball D. Young, Alonzo Young, Ruth Taylor, and all acts in recognition claim, right and authority convert, meridian, U. S. survey, contain- for said time it was said

testator died seized of estate worth said estate and the beneficiaries un- did said executors do so, nor did the northeast 1 of section 19, in duly admitted to possible \$2,500,000 over and above all der said will on the 9th day of this defendant or the executors, so township I south, range 3 west of said executors, Call age just debts and liabilities, or April, 1878, and on other days and far as he knows, is informed, or be- the Salt Lake meridian, U. S. sur- ton and Brigham for her that the property to which he held times, before the commencement lieves by reason of any claim of vey. The south of the southeast cuted bonds with said the legal right or title, was of this suit, made and delivered spiritual authority, demand of her. I and lot 2 of section 17, in the ties, as required by the worth over \$1,626,000; and this deeds and pretended to convey and or unlawfully or otherwise compel township and range last aforesaid. Prebate Court; and the angelast aforesaid. defendant says that much of said deliver to said John Taylor, in pay- said plaintiff to make and deliver Part of lot 4, block 45, plat B, Sait dury qualified as substate was held by the testate was held by the testate and deliver to said John Taylor, in payestate was held by the testator as ment of said claims and as Trustee- any release; nor did they unlawful- Lake City survey, as described in and had liquidated said Trustee-in-Trust for said Church, in-Trust of the Church of Jesus ly withhold her interest in the the complaint. Part of lot 4, block with this defendants that which was the equitable owner and Christ of Latter-day Saints, the estate, and so far as the release of 59, plat B. Sait Lake City survey, of the testator as The her beneficiary, and that he was large property set forth by the plaintiff is made to him, as described in the complaint. Also for said Church, the large indebted of the the complaint. ly indebted at the time of his in her said complaint or any part Trustee-in-Trust he says that it lot 3, block 7, plat D, sait Lake City devisees and beneficial and the said testator, was made freely and voluntarily survey. Church over \$1,000,000.

Young.

that they are now so acting.

executors of said will of said testa- counted for nor appropriated to Church, and no material fact was the northeast corner old c tor have pretended to allow, in de- its use, and which was not withheld from her or her said agent thence south 5 rods, then Ti In the District Court of the Third fiance of statute and of their duty barred by lapse of time, nor by any nor was any misrepresentation rods, thence north 5 miles Judicial District of Utah Terri- in such cases, or have fraudulently statute, nor were the executors pro- made to them by this defendant, east 5 rods to the plan in allowed a false and fraudulent hibited by any statute from allow- or by any other person to the best ning. claim against the estate of the tes- ing, nor the Probate Judge from of his knowledge and belief. tator on the 10th day of April, 1878, approving the same. And defend- This defendant further denies third classes of property air or at any other time, to this defend- ant says that said Church was am- that he individually made or pre- tors did convey the follower last will and testament of Brigham Church, to the amount of \$999,632, owning, and did own such estate whatsoever of any of the property defendant as Trustee-in nda 90, or for any other amount for bal- and assets, and all the conveyances conveyed by the executors of said said Church, in connection ance on railroad contract account; made by said executors in discharge estate, to any person or persons sundry personal property balance due on Utah Central Rail- of said claim, and to secure the whomsoever for the purposes as dation of a regularly ast road account; errors in footing and trust property to the Church, were alleged in said complaint, or for allowed and approved xec extension in account; Zion's Co- made and received in the utmost any other purpose. operative Mercantile Institution good faith in the discharge of legal And for a further defence this de- Church on account ctic account; balance of book account and sacred duties, devolving upon fendant states and alleges: from June 30th, 1873; real estate said testator as Trustee-in-Trust for [1. That the aforesaid testator, under his control and name Social Hall, lot and building; real said Church, and on his executors Brigham Young, deceased, acted as as its Trustee and President estate Museum let and building; representing him and his last will the President and chief efficer of Part of lot 1, block 75, plai hild real estate Council House, lot and building; amount of errors in credits in President Brigham Young's private account; amount to reimburse the Trustee in-Trust for error of said testator, his executors, lega of said testator, lega of said testator, his executors, lega of said testator, lega of said testator, lega of said testator lega of said testator lega of said testator lega of said testator lega of said erroneously credited the private actives, devisees, heirs at law, or benetime of his death, and as such City survey, describe actives, described at the private active act comes in his own right only and for answer to plaintiff's complaint for subsistence and quartermaster's tees, devisees, heirs at law, or benethe time of his death, and as such chief officer and Trustee-in-Trust mencing 5 rods south cet very for subsistence and quartermaster's the right and capacity of said to he had the care, custody and conto plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to he had the care, custody and conto plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to he had the care, custody and conto plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to he had the care, custody and conto plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to he had the care, custody and conto plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff's complaint for subsistence and quartermaster's the right and capacity of said to plaintiff to p 28th, 1866, or for any other item. own and hold such assets or estate, that each and every item of said each of them are in law and equity claims, so allowed by the executors for ever barred and estopped. ters in controversy is as Trustee in- and approved by the Probate Judge | This defendant denies that, as of said Salt Lake County, was a Trustee-in-Trust, or otherwise he defendant as successor of said testa- said complaint. Partilizate That said Church is a domestic Church, and said claim for said testator \$400,000, or that the rea- of property held by him at the time both described in said said claim for said testator \$400,000, or that the reathe control and in the legal custody | was more than \$300,000. chief officer and acknowledged and of said testator as Trustee-in-Trust This defendant denies that by which he held and recognized as 88, plat A, Salt Lake City at This defendant denies that by

trustees for the said Church, or that bate Judge was due and owing by this was done upon full informa to George A. Smith as hate they have ever acted or been recog- the testator Brigham Young, de- tion and knowledge by said plain- Trust for said Church with nized by said Church or its legally ceased, for property and assets re- tiff and her attorney of the matters' successors in office, to w, et sistant trustees, as charged by the use of the Church, and for account and claims asserted by Lots 3 and 4 in block and t plaintiff in her said complaint, or which he had never, dur- the Church against said testator, Salt Lake City survey, was is ing his lifetime, settled or in and the claim to property held in of lot 8 in block 76, place u This defendant denies that the any way or manner paid, or ac- trust by said testator for said Lake City survey, commid n bills, etc., as per entry of August | Church to collect said claim or to But on the contrary, defendant says but says that from so doing they and counts, affairs and responsibilities thence south 5 rods, then

bona fide existing indebtedness, received from said executors of the tor as such trustee, and the execu honestly due and owing to said personal estate or assets of the tors of his will, found three classes and a part of lot 5 in from

the said conveyances so made to its property. VI. And this defendant denies him as Trustee-in-Trust, the said and fraud with this defendant, at personal estate, were done in the II. This defendant, on informa- that or any other time, knowing of discharge of the sacred duties of but the legal title to which he had plaint as a part of and

will of said Brigham Young deceas- and legal demand, and caused the Trust has produced annually \$100,authorized to represent them or Court, and procure the approval made to produce that sum or any to and endorsement of the same by other sum greater than \$18,000, bring a suit in her own name the Judge of said court. But, after making necessary repairs and

legatees, devisees or beneficiaries accounted or settled for in his life direct said plaintiff, Emeline A.

gation of the complaint as above by the said beneficiaries for the Said executors also made convey- day of April, 1878, the me IV. This defendant denies that set forth is specifically denied as be- purpose of forever settling all ques- ances to this defendant as Trustee- tion in the Probate purpose of Newspher 1877.

them, have ever been assistant ecutors and approved by the Pro- beneficiaries under said will, and had during his lifetime re-

trol of its estate, assets and funds. 15 rods, thence west linestat That in the settlement of the ac- north 20 rods, thene peck arising out of the administration of rods to the place writing said Brigham Young, deceased, as Part of lot 6, block Worne Trustee-in-Trust as aforesaid, this Lake City survey, as actie

First, A class of property known | Salt Lake City survey, dene to belong to said Church, and complaint Part of loling

Third: A class of property which | 30 acres of land in sall | V once belonged to the Church, section 30, described in hat ty was therefore regarded as that the aforesaid partore uncertain. That in the settle- | block 76 parts of lot les, ment of the liabilities of the block 74 and the last above it estate to the Church, and in part of lot 8, in block it her separating its property from his Salt Lake City Survey Viccon and uncertain class of property was | were deeded as aforesall | ore all given to his estate as part and ceased Brigham Young score parcel thereof, and such only was in-Trust, to himself mulle bt claimed as Church property, about and he afterwards squire hu

ares under said will, save said Eme- approved by the said Probate Judge | conveyances were made by them of such property, the said executors such on the aforest were line A. Young alone, have been were honest and legal, equitable to this defendant as Trustee in did convey the following described ness. made parties to this suit either as and bona fide items due from said Trust, were trustees of said church or property to this defendant as Trus plaintiffs or defendants, or that said testator to said Church, and grow- that they were both grantors and tee-in-Trust, as property belonging real and personal whitee-Emeline A. Young has any legal ing out of his relation as Trustee- grantees in law or in fact in such to said Church, the title to which on the aforesaid independent was held by said testator as its received by this willus them, or that there is such legal re- property and assets received by He denies that as apostles of said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee, although not so designated Trustee-in-Trust, at measurement of the said trustee in th lation existing between said Eme- the testator for the use of the Church this defendant or the said at all times and in every instance and at much higherfulner line A. Young and the other heirs, Church and for which he had not executors assumed to control and in the title papers, viz, Twenty- reasonable cash value losses one (21) and 34-100 acres, and two could have been sold litt of under said will of said testator as time, nor appropriated to its use, Young, or her agent as to her ac- (2) and 72 100 acres of land in sec- had the liquidation of said testator as time, nor appropriated to its use, Young, or her agent as to her acauthorizes her to represent them or and that no item thereof was any of them, or authorizes an adju- barred by any statute of limitation tion of said estate or the execution east of the Salt Lake meridian., U. market value, best limitation tion of said estate or the execution nor by lapse of time. First, Nor of the releases and acquittances, S. survey, particularly described in it would have further maked by cation, or the allegations and state- was said claim false as alleged by acknowledgements, confirmations plaintiff's complaint, lots 2, 3 and minished the testalor's state the plaintiff because there was no or covenants, or otherwise as to 4, and the south 2 of lots 5, 6, 7 and have lessened the indivision the plaintill because there was no or covenants, or otherwise as to s, and the south of his numerous less released the said state; nor did s, block 150, plat A, Salt Lake City of his numerous less said questions and matters in contro- the deceased at any time as therein they fraudulently or otherwise survey; also the following described visees or their heirs northwest t of the northwest t of himself as Trustee for Young Johnson and Adela Elvira thereof were prohibited by law and waste or convey the property afore | ing 162 acres. The east 1 of the Church, and it is also reconvey the property afore | ing 162 acres. The east 1 of the Church, and it is also reconvey the property afore | ing 162 acres. void. Fourth, Nor because said said in any manner as set out in worthwest and the north of the of trust, and is good! Sall III. This defendant, on inform- executors, colluding as aforesaid said complaint, nor so far as he north east tof said section 20. Lots IV. That after wh ation and belief, denies that said with said John Taylor to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, er is informed, 1, 2, 3 and 4 and the southwest to defraud knows, believes, and 1, 2, 3 and 4 and 1, 3 and 4 an

day of November, 1877, ing untrue; for in fact and in law, tions of differences, controversies in-Trust as aforesaid of the follow- Lake County, in which to George Q. Cannon, Albert Carring- and equity, each and every item of and causes of litigation, between ing described property, which the will had been probable to Brigham Voung or either of suit account to allowed by the ton, Brigham Young, or either of said account so allowed by the ex- the said Church and the estate and testator, Brigham Young, deceased, said court to require

III. That of the seore

funds and estate 74, plat A, Salt Lake Crovi The east of lot 6, block and scribed in said complainked Second: A class of property which | west of the southeast | mi

That all of the pur no