DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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THE EVENING NEWS

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A DENIAL.

REFUTATION OF THE BOREMAN'S SLANDERS.

CARD FROM HON. GEO. Q. CANNON.

To the People of Utah and adjacent Territories and Honest men everywhere:

The Decision of Judge Boreman, given on Wednesday, July 30th, 1879, in the contempt case—Emeline A. Young, *et al.*, plaintiffs, *vs.* George Q. Cannon *et al.*, defendants—in the District Court for the Third Judicial District of Utah Territory, is so extraordinary that I am compelled to take notice of it. He charges the executors of the last will of President Brigham Young, of which I am one, with such an abuse of the trust imposed in them, as "to be unparalleled for its recklessness and utter disregard of law throughout the whole administration." In another place he repeats that "they [we] have most shamefully abused the trust reposed in them [us] by the will of Brigham Young, deceased." He also says, "The instances of the disregard of law and of duty by the executors, are very numerous—too numerous to be given in detail — and in fact the whole course of the administration shows the continual like abuse of trust by these executors."

These statements are so unfounded, so unjustifiable, and so absolutely false, that I owe it to my constituents who have elected me to be their delegate in the Congress of the United States, and to all my co-religionists in these valleys and mountains, and to honest men everywhere, as well as to myself, to give this public denial of them in this way. Under ordinary circumstances I would be inclined to await the slow process of investigation in the courts, and to leave my motives and my acts to be vindicated by the evidence which would be brought out in such investigation. But this whole proceeding is so extraordinary, and there is such an evident determination to anticipate the trial of the case, to have it prejudged, and by the circulation of such statements as this decision contains, to create a public opinion against us, that I feel it to be a duty to speak out at this time.

I do not think it necessary or proper at present to reply to the general charges which appear in this decision. Several of them are untrue and others are misstatements. That we assumed to ourselves, and freely exercised, certain powers as Executors, is true. We did so because we were authorized to do so by the Will. As any one can perceive who reads the Will, it is a remarkable document, prepared with great care, and it confers extraordinary powers upon the executors. President Young's estate was a peculiar one. The circumstances which surrounded him were anomalous. No one knew this better than himself. He intended that his Executors should exercise great discretion in the settlement of his estate, and had his Will prepared accordingly. Can any one who knew him suppose for a moment that he did not have entire confidence in the men whom he chose as his Executors, or that he would not have infinitely preferred their decision upon any point to that of Judge Boreman or the lawyers for the plaintiffs in this case?

It is well known that the Church property and his own private property were for years before his death intimately interwoven. He well understood the weighty reasons there were for this. His surviving associates and his Executors were also well acquainted with these reasons. But though this was the case, he was not satisfied to have things remain so. Upon several different occasions he seriously discussed plans by which he could safely transfer the bulk of the estate that stood in his name to the Church. To my personal knowledge it was his chief desire to give the larger portion of his property to the Church. There were reasons which interposed to prevent his doing this, though the last time he conversed with me upon the subject of his Will he proposed to change it and to give each of his heirs ten thousand dollars apiece and the remainder to the Church. I mention this, not because it so much affects the question at issue in this case, but to show that President Young's constant desire was that the Church should have a large share of his property. As the Will now stands, there is a clause which gave, as he supposed, ample powers to the Executors to fully settle everything of a trust character, so that the interests of the Church should be fully protected. It was under that clause that we acted in settling the claim of the Church, and we did so conscientiously, and as we fully believe, equitably. We settled no claim that we thought was barred by the statute of limitations, and where there were doubts upon any we invariably referred it to the Probate Court and obtained its decision upon, and, before paying it, its approval of the claim. Every dollar that we are accused in this decision of settling improperly, a jury of honest men would have said was equitably due and should be paid. Every claim was carefully examined and decided upon by its merits, and so far as my observation extended, everything was done that could be to protect and preserve the property for the widows and the heirs, and at the same time to pay all honest claims and demands against the estate.

As to the Church claim, I never performed an act in my life with which I felt better satisfied after its completion than I did with the settlement of that account. I felt then, and still feel, that the settlement was in every respect a most advantageous one to the estate. All who knew the circumstances and who were friends of the family of our late President and of the Church, felt relieved when that settlement was effected. More congratulations have been tendered to me, by parties outside of this Territory who knew the condition of President Young's affairs and the affairs of the Church, for the payment of this claim and the obtaining of a receipt in full from the Church, than for any other transaction connected with the settlement of the estate. In fact, that the estate has been settled at all as far as it has, is a subject of wonder to very many. Hundreds expected that we should be involved in interminable lawsuits from the very beginning, and that the estate would be eaten up by fees. There were upwards of sixty legatees under the Will. The affairs of the estate were most complicated. The Will itself was unique, the number of legatees unexampled, and all the circumstances surrounding the estate without a parallel in America or Europe. Notwithstanding the base assertions which have been made respecting the conduct of the Executors, I feel entirely safe in stating that the Probate records of America and Europe may be sought in vain to find a case of an estate of this magnitude, with so many diverse interests, being settled with more care and greater conscientiousness and less expense than this estate of President Young's. Every debt has been paid, every heir but one has been settled with, releases to the Executors have been signed by all who have received their shares; and after paying all the fees of Executors, Appraisers, lawyers, and the Probate Court and its clerk, and the salaries of a bookkeeper, clerk and outside agent, the Executors' accounts show a profit, on the value of the property of the Estate, as inventoried to them, of two hundred and twenty-four thousand, two hundred and forty-two dollars and forty-two cents.

Great stress is laid, in this decision, upon the fact that the Executors have taken their fees as allowed by the Will, and a great anxiety is manifested that we should put these fees in the hands of receivers until it is proved that we are entitled to them. Upon this point it is proper, in justice to my co-executors and myself, that I should say something. In the first place it is only bare justice to say that not one of us would have accepted the position of an Executor of this Estate if we had seen how the acceptance could have been honorably avoided. As to myself, I had a good idea of the condition of the estate and its many complications, and what a labor it would be to settle with its numerous legatees. No amount of money could have induced me to undertake the business. But there was the written appointment of President Young himself in the Will, and how could we honorably decline? When I qualified as an Executor it was my design not to take any of the fees allowed to me under the Will. It was not until I returned from Washington last summer (1878) and engaged in settling up the estate that I took a different view of this question of fees. It is not necessary I should here state the reasons which led to this change. But I then concluded that, while I did not wish myself or my family to have the least pecuniary benefit from these fees, I would take them as they were allowed, add to them some means of my own, and create a fund from which a revenue might be derived to sustain a free school in this city. This design I communicated to Elder Jas. Z. Stewart, of Draperville, after I left here for Washington last fall, describing to him the kind of school I wished to establish, and requesting him, if not inconsistent with other engagements, to become the principal of the institution. When the question of the Executors' fees came up last November, the Executors impressed upon the bookkeeper, and lawyers who had been our legal advisers in the business of the Estate, that rather than take one dollar more than they were entitled to they would prefer to have their fees one thousand dollars less. Upon this suggestion they acted in ascertaining the amount of fees. A recent examination of the accounts since the commencement of this suit reveals the, to us, gratifying fact that instead of drawing the amount of fees our attorneys decided we were legally entitled to, there is yet due us as fees seven thousand, seven hundred and seventy-two dollars and eighty-six cents.

To give color to his charge that we handled our trust recklessly Judge Boreman makes a statement which I cannot permit to pass unnoticed. He says: "They [the Executors] borrowed money from the estate themselves, and left their notes in place of the sums borrowed, and they took money out of the estate without even giving their notes, but simply charging the same to 'self.'"

So far as I myself am concerned, I have only to say that these charges are untrue. I neither borrowed money from the Estate, nor took money out of the Estate by simply charging the same to "self."

In this communication I shall not condescend to indulge in personalities respecting the men who are engaged in pushing this case. The public know them; they also know Judge Boreman. Transactions in which the most of them were engaged during President Young's lifetime, and by which he was made to suffer, are of so recent a date as to need no comment at the present time.

Before closing, I take the opportunity of saying, on behalf of my co-executors and myself, that we feel profoundly grateful to our very kind friends who voluntarily came forward and offered to give any amount of bonds to relieve us from what all felt to be the unjust and tyrannical sentence of imprisonment pronounced upon us by the Court. But we are already under $300,000 bonds as Executors. And our feeling has been, and is, that rather than ask or accept from our friends any additional bonds, we would submit to the sentence of the Court and go to prison.

I remain, respectfully,

GEORGE Q. CANNON.

Penitentiary,
Salt Lake County,
August 5th, 1879.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

EASTERN.

Fechter's Death.

QUAKERTOWN, 5.—Fechter's disease was dropsy and jaundice. He was also affected with paralysis and had suffered for several months, being seriously ill during the past week. The remains will be conveyed on Wednesday to the residence of his mother-in-law, Mrs. A. N. Price, Philadelphia, at which place the burial will probably take place.

A Swindler Found Guilty.

NEW YORK, 5.—Charles G. Fisher, at one time Assistant District Attorney at Washington, was found guilty to-day of obtaining money under false pretenses. Argument for a new trial will be heard on Friday. Fisher, according to the charge, gave a forged check in payment of a hotel bill, receiving the difference in cash.

Fatal Accident.

LEWISTON, Me., 5.—This evening a train ran into a team containing Pierre Gondrea and two ladies, Rose Martin and Celma Morin, all French and of Lewiston, at the crossings in Lisbon. All were instantly killed. They were returning from a wedding excursion.

Rights of Indians.

BOSTON, 5.—Mayor Prince, presided at a meeting to-day to consider the question raised by the Omaha decision in the habeas corpus case of the Ponca Indians. The manner in which the aboriginal race has been treated was strongly denounced. Resolutions were adopted that the rights of the Indians should be finally determined by the Supreme Court, and a committee was appointed to collect $4,000 for the purpose.

The Wheat Yield.

ST. PAUL, 5.—Returns from threshers furnish a basis for an estimate of the probable yield of wheat in this State. The whole average is much better than last year, but lower than was expected. Early wheat is the poorest in the southern countries where the average yield will be 10 to 12 bushels, and steadily improves to the north till it reaches 20 to 25 in the Red River Valley. The grade will be largely No. 2 in the South and No. 1 in the North. A conservative estimate shows an average in two-thirds of the wheat area in the State at 13 bushels per acre, and the remainder at 17; this would give 40,000,000 bushels as the whole crop; more than half No. 1.

Report from Miles.

General Terry has received a dispatch from General Miles, dated Camp on Rock Creek, July 28th: Major Walsh, of the Canadian mounted police, accompanied by the Sioux chief, Long Day, came into camp and reported that Sitting Bull's whole camp of from 5,000 to 8,000 people, comprising several hostile tribes, had moved north to Swan Lake, about 80 miles from the line, where they determined to remain. The chief brought assurance that the Indians would make their permanent abode on Canadian soil, would abstain from all hostile movements, return stolen property, and desist from American buffalo unless permitted to hunt them under the supervision of United States officials.

MORE CASES REPORTED.

Conflicting Reports as to the Number.

MEMPHIS, 5.—Four new cases were reported to the board of health this a.m. Three deaths have occurred since last night.

Eighteen cases in all were reported to the board of health to-day, 10 of whom were colored. Two additional deaths have occurred, John Waters and Ida Repter. The fever is gradually spreading from two infected points where the greater part of the mortality may be expected. The committee of safety this afternoon resolved that rations and medical attention be supplied to all camps and societies alike, provided that all moneys or contributions received by said camp or societies be turned over to the safety committee. The city is remarkably quiet and dull.

Fifteen cases in all were reported to the board of health to-day. Among the number were Absolam Boyd and wife, Fred and Robert Hollander, Mrs. Geo. Getz and son, Catherine Larkin and Michael and Kate Holly. One additional death occurred.

New Orleans, 5.—Mrs. Howe and son are out of all danger. Dr. White, of the sanitary association, says no other cases have appeared for six days, and he reports the city free from yellow fever. Physicians say the fever has run its course for the present summer.

During the thunder storm to-day several houses were struck by lightning.

Chicago, 5.—Frank Victory, aged 53, died here on Saturday night, at the residence of his son-in-law, Geo. M. Cunningham, 223 Jefferson St., after an illness of about a week. The certificate of Dr. W. L. Northway, his attending physician, states that death was caused by "bilious intermittent fever with suspicion of yellow fever because of his recent arrival from Memphis." Dr. Dunn, city physician, and other medical experts, concur in this opinion. The premises have been thoroughly disinfected. No danger is apprehended, as the physicians say the fever cannot take root in this climate.

Washington, 5.—The National Board of Health will make a requisition on the Secretary of War for 500 additional tents for Memphis, and they will be promptly forwarded.

Prisoner Shot.

ST. LOUIS, 6.—A disreputable negro, named Jackson, was arrested at 11 o'clock, last night, by a policeman. While being taken to the station house, he broke from the officer and ran. The officer fired his pistol in the air to stop the negro, but the latter continued to run. Another shot was fired, but whether by the officer who made the arrest or another who also gave chase to Jackson, cannot be ascertained, but the negro fell, the ball entering the back below the shoulder blade, penetrating the left lung, inflicting a mortal wound. Jackson was taken to a dispensary, and died in a few moments after his arrival.

WESTERN.

Indian Attacks.

SAN FRANCISCO, 5.—A Boise City dispatch says: A message is received here from Col. Bernard, saying the Indians had attacked and defeated Cattley, July 28th, wounding two men and capturing all his baggage and 23 mules. Bernard sends for all the men of his company fit for duty to attack the hostiles. The latter are strongly posted at the junction of Big Creek and the middle fork of Salmon River; number not stated. Bernard is about 150 miles from the hostiles.

FOREIGN.

GREAT BRITAIN.

Foreign Notes.

LONDON, 5.—A Kissingen dispatch denies, on good authority, that any arrangement has been concluded for the settlement of religious questions at issue between Germany and the Vatican, and adds: Bismarck will not yield any essential point in the Falk law to secure the modus vivendi.

In the House of Commons to-night, after a protracted debate, a vote of credit of £3,000,000 for the Zulu war was agreed to without division.

Sir Stafford Northcote moved that the thanks of the House be given Lord Lytton, Viceroy of India.

The *Standard's* Madrid correspondent reports that it is said in official circles that the marriage of the King of Spain with the Austrian Archduchess Christian will take place during the coming autumn.

Venard de Saint Anne, the originator of the project for bridging the English channel, promises to begin operations without delay. He estimates that it will require seven months for the experiment, and that 1,000,000 francs will suffice to pay the preliminary expenses. To raise the funds he has laid a project before the French and Belgian Chambers of Commerce, eighty-four of these have expressed themselves in favor of the project. He will visit England shortly to lay the matter before the English Government. To span the deep water he has recourse to the tubular system.

It is stated that one part of the fetes at Nancy on Sunday the 3d inst. on the occasion of unveiling the statue of Thiers was a promenade by gymnastic societies, members of which came from Metz and Strasburg, and included persons studying for the German army.

CANADA.

Crops Destroyed.

OTTAWA, 5.—A letter from upper Gatineau says: The crops in the vicinity of Sieveras are totally destroyed by hailstorms. Extensive bush fires are raging around Kemptville. The destruction of property threatens to be very heavy.

Hanlan Declines.

TORONTO, 5.—Hanlan declines to row Courtney at Saratoga for a $3,000 purse, having $5,000 offered elsewhere. If the American party make the purse $6,000 Hanlan would consider the matter.

Poisoned.

PORT VIAN, Quebec, 5.—A family named Monett, consisting of seven persons, were poisoned from eating bread which had been standing in the same place with Paris green.

U. S. DEPOSITORY.

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SALT LAKE CITY.

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Number of Shares Subscribed for Allotted to Dec. 20, 1878, 26,200, say - - £248,000

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ON and after July 5th, during the bathing season, the Utah Central Railroad will run a DAILY BATHING TRAIN to

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Leaving Salt Lake City at 5 o'clock p.m., and return at 7.50 p.m

Fare to Lake Shore and return, 50c.

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MR. STANNER'S office will be pointed out to visitors by calling at the General Tinning store, or the Deseret News Office and parties will find it to their advantage to see him and get information before going to the Land Office or elsewhere.

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"BIG BOOT,"

Has been transferred to Zion's Co-operative Mercantile Institution.

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Fresh Ground, and Packed in Fruit Cans. Useful when Empty.

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SIMPLICITY SIMPLIFIED.

Improvements September, 1878.

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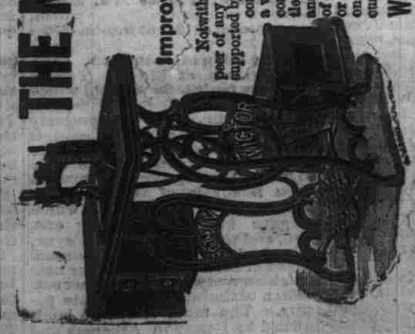

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