

til the Lord can behold himself in them.

For the benefit of the young people Brother Teasdale explained the first principles of the gospel, and showed the meaning of being born of the water and of the Spirit after the pattern of our Lord and Savior. Encouraged parents to raise up and educate their children in such a way that they may be useful servants in God's kingdom, and not parlor ornaments, who know not how to be useful or how to make home happy.

Counselor Grover then presented the general and local authorities of the Church respectively in their order, who were unanimously sustained by the Conference.

Pastor Joseph Young spoke on the subject of dreams and visions; he believed that the only way of approach was by fasting and prayer and by faith in the Lord. Said that when he died he did not wish his family or friends to go to any extravagant expense in burying him; if his family had any means to spare, give it to the poor or send it to Europe to bring some of the poor saints to Zion.

Benediction by Elder W. A. C. Bryan.

Conference adjourned.

WM. A. C. BRYAN,
Clerk.
Nephi, July 23, 1879.

THE CONTEMPT CASE.

Proceedings were resumed this morning, Tuesday, July 22, in the Third District Court, Judge Borman presiding. The attorneys for the plaintiffs called.

Mr. CONNER, who was sworn and testified as follows: I have been in a position to know the market value of Utah Western bonds. Was one of the directors of the road. The bonds sold from \$118 to \$135 per bond. At this time the company had not paid interest on the bonds for some time. The interest was due every six months, I believe.

Cross-examined—This was their value about the summer or fall of 1878.

The plaintiffs desired information as to the fact of Brigham Young having resigned the office of Trustee-in-Trust in April, 1873, in favor of George A. Smith, and having not resumed said office until the death of George A. Smith. The defense answered that George A. Smith was appointed such trustee, but held office under Brigham Young as President of the Church, and who supervised his acts. Evidence from the record to this effect will be produced.

Judge Harkness, for the executors then offered the following motion as a general demurrer to the whole proceedings:

In the Third District Court of the Third Judicial District of Utah Territory, County of Salt Lake.

ON ATTACHMENT FOR ALLEGED CONTEMPT.

Emeline A. Young, on behalf of herself and the heirs-at-law and legatees and beneficiaries under the last will and testament of Brigham Young, late of Salt Lake County, Utah Territory, deceased.

vs.

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.
Territory of Utah,
County of Salt Lake. } ss

And now come the defendants, George Q. Cannon, Albert Carrington, and Brigham Young, personally and by their counsel, and move the Court to strike out the evidence given in behalf of the plaintiff as herein specified, this motion being made separately as to each several class of evidence hereinafter specified and numbered; and grounds of the motion as to each class of said evidence, in addition to specifications under each class, are as follows:

There is no demand shown of any specific property.

The affidavits on which the attachment was granted do not charge absolutely a detention of any property or effects of the estate of Brigham Young deceased or a detention of any specific property.

The affidavits on which the attachment issued and the evidence taken, only tend to prove past waste or misappropriation of the estate, and these questions are in issue in the main case, and no proceeding has been taken to determine that the defendants have any property in their hands or which they should deliver.

The evidence taken is in the nature of an accounting, to support a charge of waste, and to ascertain what the Executors should be accountable for; and there is no evidence tending to show, against the denial and operation of the defendants, that at the time of the appointment of a Receiver, they had any specific property or assets in their hands not delivered; and if said evidence, or any part thereof would be proper as a foundation for evidence to show specific property in their hands, it has not been followed by any evidence making it relevant, and these defendants submit they should not be required to explain such evidence by counter-proof, in this proceeding.

1.—The inventory of the estate of Brigham Young, deceased, and exhibits "A," "B," "C," "D," "E," "F" and "G," and all the parol evidence relating to them.

2.—The executors' account current, filed in the Probate Court, down to April 30th, 1878.

A like account down to December 31, 1878.

A summary or balance sheet of the two accounts current.

All the parol evidence relating to said accounts.

3.—Vouchers 393, 397, 398, 399, 400, 402, 403, 404, 405, 564, 205 and 218, being vouchers for the payment of a portion of notes amounting to \$65,000, made by the deceased in his life time, all allowed and approved by the executors and probate judge. Also the parol evidence relating to said note amounting to \$65,000.

4.—Voucher 239, ac't of Z. C. M. I., \$75,545.89.

Voucher No. —, ac't of Trustee-in-Trust, \$9,141.88.

Voucher 526, ac't Z. C. M. I., \$9,427.96.

Voucher 264, ac't of Z. C. M. I., \$4,934.52.

All of said accounts having been paid on allowance and approval by the executors and probate judge.

5.—Voucher 422, being 5 notes to Deseret Bank amounting to \$77,600, to wit: Note of Carrington \$18,000; Brigham Young, \$18,000; Geo. Reynolds, \$15,000; W. H. Rossiter, \$10,400; O. P. Arnold, \$16,200.

Also vouchers 245 and 406 for payment of interest on same notes, the executors' accounts showing they received and charged themselves, and credited the estate the money, and afterwards paid the notes.

6.—Voucher 535, Z. C. M. I., \$7,765.60.

Voucher 240, Z. C. M. I., \$11,427.06.

The accounts showing the assets, were used for support of families or legatees; and accounted for under the will.

7.—Voucher 198, 647, 211, 279, 224, 197, 247 and 200, also vouchers No. 196 and 409, the Executor's accounts fully showing the disposition of the money.

Also voucher—account Sharp and Dunford, \$40.50.

8.—Voucher No. 202, statement of claim of Noble Co. bank.

Voucher 34, \$1,000, on W. U. R. R. contract.

Voucher 127, \$112 cost bill on Mauch Chunk judgment.

Voucher No. —, Voucher of Le Grand Young for \$750 for services.

Evidence relating to the claim of Drexel, Morgan & Co.

Evidence relating to claim of Noble Co. bank.

Evidence relating to claim of Mauch Chunk bank.

Evidence relating to claim paid C. P. Huntington.

Evidence relating to claim of J. Martin Miller.

Evidence relating to claim of J. O. Dewey.

SHEEKS & RAWLINS & BENNETT & HARKNESS,

Attorneys for said Defendants.

Hon. Geo. Q. Cannon was recalled for the defense: Am an executor in the estate of Brigham Young. Have seen the papers "Exhibits F and G," purporting to be statements of property left on hand after settling with the heirs. This settlement was completed in October or early in November. We have not disposed of any real estate since then. At the commencement of this suit we had no Utah Central

bonds on hand, the last being disposed of in October or November, 1878. The packages of crockery mentioned in our answer were forgotten until the day this answer for contempt was made. The personal property turned over included everything but the Rio Virgin notes. We have not disposed of any property since the commencement of this suit. In conversation with Mr. McCormick a week ago last Friday, I expressed my willingness to comply with the order of the court. The next morning, in a joking manner, he stated that he wanted "all the millions" we had on hand. The 413 Utah Central bonds mentioned in my previous examination, were included in the general estate as a basis of the settlement with the heirs. I have not had the least disposition to evade the order of the court, and have in good faith done all in my power to comply with it. Have been absent in Washington the greater part of the time since the death of President Young.

A number of vouchers were shown, which witness recognized as notes given for funds required during his absence. Except from the accounts I know nothing about the way this money was expended.

The following was offered in evidence as "exhibit I":

"FORT EPHRAIM,
July 4th, 1877.

For value received, I hereby sell and transfer to President Brigham Young all my right, title and ownership in the stock and bonds of the Utah Western Railway, and relinquish all management of the same to President Brigham Young, it being understood that LeGrande Young is to take hold of the same and assist in the sale of securities and the management of the road under the direction of President Young. It is also agreed by me that I execute to LeGrande Young and Wm. Riter, of Salt Lake City, an assignment of all my property as trustees to make sale of the same for the liquidation of my indebtedness, and when the business is settled up and debts paid, the remainder is to be disposed of according to the direction of President Brigham Young.

Witness my hand and seal the day and year above written.

(Signed) JOHN W. YOUNG.

RUDGER CLAWSON, } Witnesses.
GEO. Q. CANNON, }

Saw the paper the day it was written. I saw John W. sign it. President Young said to me that he wanted John W. to stay at home and he would help him meet his obligations. A telegram was sent at that time to Salt Lake to say that President Young was the principal stockholder in the Utah Western Road. Most of John W.'s indebtedness was in the east. We investigated his accounts thoroughly before we paid his debts, took the best legal advice we could get and counseled with the Probate Court. We, as executors, were threatened with suits by creditors in the east, and even by John W. himself who said he would be compelled to take legal proceedings, unless we paid these obligations, they claiming that they were assumed by Prest. Brigham Young.

Cross-examined—According to our idea, if an account was commenced in 1870 and continued to run until the President's death, we were authorized to pay it, considering the whole account as good and not partially outlawed. We had oral evidence of statements made by President Young in regard to John W.'s debts. I do not recollect ever being at a meeting of the heirs when the subject of John W.'s account came under discussion.

Recess till 2 o'clock.

At 2 o'clock the witness was again put upon the stand for further cross-examination.

Thomas G. Webber, Esq., was giving evidence when we went to press.

Mr. T. G. Webber testified as to the property in "Exhibits F" and "G," and also regarding some Utah Central bonds, 100 of which were loaned to the Co-op. to be paid in like bonds or at the rate of \$800 each. It was shown, in regard to John W. Young's account, that the amounts paid out were all in money, but they redeemed bonds pledged as collateral security. The executors paid out \$53,652.22 and 219 Southern bonds, and received in return 234 Western bonds. At the time the receiver was appointed, Mr. Rossiter was the only per-

son having any money on hand and that was turned over.

Hon. Brigham Young took the stand. He repeated his statement that all the property in the possession of the executors had been turned over, so far as he knew, and said it was not in his power to make good the appropriations objected to. He explained relative to the notes given to John W., and to the banks; the latter being given for money borrowed for the use of the estate. Regarding the "I. O. U. \$500," given by him and paid out of the estate, witness stated that that \$500 was borrowed by him from the P. E. Fund to assist the plaintiff Emeline A. Young in redeeming her pawned wardrobe. The money was sent to California and charged to her in the settlement. "Exhibit I," witness thought he had seen in his father's hand previous to his death, when his father said he had taken possession of John W.'s interest in the Utah Western. As an executor, since Jan. 1, 1879, witness had received a further percentage of \$100 to \$300. The other executors perhaps had not received so much.

Hon. Albert Carrington's testimony corroborated the foregoing.

Mr. Webber was recalled. He stated in which the executors received their percentage. He was paid \$300 per month as a salary. Mr. Rossiter had been paid about \$1,200 altogether.

Hon. Geo. Q. Cannon was recalled and testified relative to the \$77,000, with which Gen. D. H. Wells was connected. Said amount was paid to settle an account between Pres. Young, Gen. Wells and the Deseret National Bank.

W. W. Riter testified that President Young took possession of the Utah Western road. Witness was shown the agreement, signed by John W. Young and identified it as being similar to the one President Young had shown him.

James Jack was sworn. He had received no salary from the executors. He was merely paid for acknowledging deeds as a notary. He knew of notes amounting to \$65,000 filled out to John W. and signed by the President. On the 11th of July, 1877, President Young had asked witness to copy the letter signed by John W., and had stated that he had taken possession of John W.'s property and assumed his liabilities. June 21, 1877 President Young paid Royal Bissett \$16,000 to pay interest on coupons of the Utah Western.

The defense closed. The plaintiffs desired to enter a copy of the church record relative to the resignation of President Young and the appointment of Geo. A. Smith as Trustee-in-Trust, but it was objected to and the Court adjourned.

Wednesday, July 23.

At the opening of the Court this morning, a motion was made by the plaintiff's counsel to strike out all the evidence that had been given of conversations had with President Brigham Young, deceased. The motion was overruled. Hon. Geo. Q. Cannon, Hon. Brigham Young and T. G. Webber, Esq., were recalled. Counsel for President John Taylor introduced James Jack, who was examined as a witness. Sundry papers were introduced and the evidence was closed. Judge Sutherland began his argument for the plaintiff about half past 11 o'clock, and spoke an hour until recess. He resumed at 2 p.m., and is speaking as we go to press.

The court will be in session tomorrow, when Messrs. Rawlins and Harkness will reply in behalf of the executors. Judge Williams and A. Miner will follow in behalf of President John Taylor.

Expanding Tires.

In the workshop of the railroad from Moscow to Nijni, the tires of the wheels are not expanded by the direct action of fire, but by hot water, before being put on the wheels. With the assistance of a movable crane they are plunged into a metallic cistern containing the water, which is kept boiling by means of steam from a boiler close by. An immersion for some ten minutes is found to expand a tire sufficiently to enable it to pass around the wheel. The heat is found to be more uniform and the contraction more regular than when a tire is heated by fire in the usual way; it is said, indeed, that in six years there was only one case of fracture of the water-heated tires, and only 1 per cent. of them loosened upon the wheel.—Chamber's Journal.

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