

Seeing that Boreman in his decision accuses the Executors of "recklessness and utter disregard of law throughout the whole administration," are we not justified, in view of those facts, in our denunciation of his extra-judicial, undignified and unjustifiable attack? And with this proof of his untruth before us, in characterizing his statement that the executors had decided on this matter of transfer, "upon their own judgment," "without asking direction of any court," as judicial falsehood number two? The Probate Court is the tribunal which by statute is authorized to give judgment in the matter of the estates of decedents, and here is the sealed and attested approval and allowance of the Probate Court on this very action of the Executors, proving beyond doubt the "recklessness" of Boreman's personal assault on these gentlemen, and the propriety of his application to his statement of the words which form the heading to this article.

Two of these falsehoods, only, have been exposed. There are more to follow.

### JUDICIAL FALSEHOOD NUMBER THREE.

HAVING proven beyond successful contradiction that Boreman's decision contains two direct and palpable falsehoods, we now direct attention to a third untruth:

"These executors have allowed claims against the estate to the amount of hundreds of thousands of dollars barred by the statute of limitations, and without submitting the same to the Probate Court."

This charge is repeated in another place in the decision, Boreman being apparently so anxious to accuse and abuse the Executors and to make his charges assume an imposing magnitude, that he had to double on some of his aspersions. This allegation is given in support of his general charge of "a wanton and reckless waste of the estate."

Now what are the facts? These: In the settlement of the estate some claims were presented of open accounts, which had been running for several years. For instance, Z. C. M. I. had a balance of account against President Young of \$75,545.89. On proof that the account was correct and the claim valid it was allowed by the executors and paid. No one disputes the justice of the debt. Even Boreman does not say it was an unrighteous claim. But he says it was barred by the statute of limitations. His statement is a falsehood. We have seen the account on the books of the Institution and speak that which we know. The account between President Young and Z. C. M. I. was an open, mutual and current account. It ran on for years, he obtaining goods from the Institution and paying amounts from time to time in cash, and selling to it hides, wool, cloth and other merchandise, the value of which was credited on account. A monthly statement was regularly rendered. Copies may be seen and the original statements produced if necessary. The last payment by President Young on this account was made in March, 1877. The settlement was effected between the Institution and the Executors February 28th, 1878. Was this account barred by the statute? Let us see.

Sec. 19. "In an action brought to recover a balance due upon a mutual, open and current account, where there have been reciprocal demands between parties, the cause of action shall be deemed to have accrued from the time of the last item proved in the account on either side."

Here is an "open, mutual and current account," showing "reciprocal demands between the parties," the items proved by the presentment and acceptance of monthly statements, and its last item thus "proved in the account" was in March, 1877. From this date to the settlement eleven months only elapsed. The statute specifying within what period actions may be commenced for the recovery of real property, says:

Sec. 17. "Within two years \* \* an open account for goods, wares, merchandise, and for any article charged in a store account,"

Did two years elapse between the times of the last item and of the settlement? No, only eleven months. If it be claimed that some of the entries were made more than two years before the time of settlement, we answer that they were covered by subsequent payments, the rule being to apply the payments on the back portion of an account current. If this were not so, it would be a bad thing indeed for every merchant in the Territory who has credited any dishonest customer for goods. But, as we have shown, there is a special provision for accounts like the one in question, making the time of limitation date from the last item proved in the account. Viewed in any way, then, this Z. C. M. I. account, which is the largest in the list referred to, was not outlawed, and Boreman's assertion is a wilful falsehood uttered in abuse of the Executors.

Further. The sum of all the claims thus referred to in the decision, does not reach "hundreds of thousands of dollars," and not one of them was barred by the statute. Outlawed claims were presented to the trustees, but were disallowed, and some that they considered barred were referred to the Probate Judge and paid on his approval. The Executors, therefore, not only strove to obey the instructions of the testator in the settlement of all his just debts, but paid due regard to the provisions of the law in relation to these matters.

So much for the first part of judicial falsehood number three. But it is a double-shotted fabrication. We will now consider its latter part. Boreman not only falsely accused the Executors of paying hundreds of thousands of dollars of claims barred by the statute, but of doing so "without submitting the same to the Probate Court." The account of Z. C. M. I., which we have cited as a sample, is endorsed: "Approved and allowed. Elias Smith, Probate Judge."

So are they all. What gigantic impudence, as well as unblushing falsehood is exhibited in Boreman's statement. The proof of his untruth is so easy to be obtained that it is perfectly amazing that in his bigotry and anxiety to assail the executors, he should have so far compromised himself.

Now is it to be wondered at that we, in common with the large majority of the people here, should entertain a sentiment of detestation against this arrant libeler of good men? The DESERET NEWS has no contempt for the Court. We have always sustained the majesty of the law and the dignity of the Courts. But we openly avow our contempt for the person Boreman, and where in he departs from the line of his authority and from the bounds of truth to calumniate our friends, we shall not hesitate to expose his infamy or to hold his wrongdoing up for the execration of the public.

We have kept our peace under many indignities; we have born the insolence of petty tyrants holding temporary power; we have not turned away our face from the smiter, nor retaliated after the vilest abuse has been heaped upon us. But we claim the right to stand up in our own defense, and we have ample and sufficient weapons. We do not care to threaten, and do not intend to act unlawfully. But if this persecution and unjustifiable abuse of our leading citizens continue, we can open a battery that they little think of, one charged with facts which we shall not hesitate to dart at heads that are now defiant and haughty, and shall not be deterred from our course by threats, covert or undisguised. We have truth and right on our side; we despise the hypocrites who are the authors of the strife stirred up against us, and with the support ready to sustain us, we may not stop till we carry the war into the camp of the enemy. But we have not yet finished with Boreman.

### THE "CONTEMPT" CASE.

#### AMOUNTS DEMANDED REDUCED.

On Friday the defendants in the contempt case appeared in Court, Judge Boreman presiding. The Order adjudging the defendants in contempt having been presented, the text of which we give below, F. S. Richards, Esq., of counsel for President Taylor, moved the Court to reduce the amounts specified in the order, which the defendant was

required to pay over to the Receiver, from the nominal to the actual value of the property; also to strike out the sum of \$21,000 for rents of real estate. Counsel referred to the items of \$60,000 for Washington factory notes, and \$80,000 for gas stock, and showed that while these were the nominal values of the property, their actual value was much less, as appeared from the inventory and appraisal which had been introduced as evidence in the case.

Judge McBride, of counsel for the plaintiff, objected, stating that in his answer the defendant had admitted the receipt of this property, and had accounted for its expenditure, part of it on the Manti and St. George Temples, and it could only be assumed that he had received it at its face value. Judge Hagan followed in the same strain. Judge Williams and Messrs. Miner and Richards showed that in the original answer, which was part of the response, the value of the property as claimed by the plaintiffs was denied and stated to be in the aggregate worth not over \$300,000, including both realty and personalty, while its nominal value was over \$600,000.

After considerable discussion among the lawyers and some remarks and questions from the Judge, counsel for the defendants explained that the point they wished to make was this: Part of the property required to be turned over to the Receivers had been disposed of, and could not be produced, and the defendant was now required to pay over the nominal value of property instead of its actual value, and they wished the Court to make the proper reduction. Also that as the real estate had not entered into these proceedings for contempt, the rents had not been demanded by the plaintiffs, and the amount thereof had not appeared in this matter before the Court, the same be stricken from the Order.

The Court, after closely examining his own decision, and also the inventory and other papers in the case, for some time, granted the motion, with the exception of the amount for rents. This reduces the cash to be turned over, from \$161,000 to \$99,000, and requires the Z. C. M. I. stock and R. R. bonds to be turned over, or their actual instead of their nominal value in money, which makes a difference of \$61,000.

A. Miner, Esq., moved that a provision be inserted in the Order permitting the defendant to give a bond for the amount instead of turning over the property; which was peremptorily overruled by the Court.

Judge Williams then moved that the Order be suspended until tomorrow, to give the defendant an opportunity to show his inability to comply with the Order. This also was overruled.

Exceptions were taken to the Order in behalf of all the defendants. By agreement of counsel, further proceedings were suspended until to-morrow.

### Local and Other Matters.

#### FROM FRIDAY'S DAILY, AUG. 1.

**Returned Missionary.**—Elder Jesse Vincent, of South Jordan, who returned last evening from an eight months absence in Kentucky, as a minister of the Gospel, called upon us this morning. His labors have been reported from time to time, and have been quite successful. He returns honorably released, on account of the climate affecting his health injuriously.

**From the North.**—We had a call this morning from Bishop E. L. Austin, of Liberty, Bear Lake County, who arrived in the city last evening, and will return in a day or two to his home. The crops up there were good, and plenty of water obtainable, which was a great advantage. Stock was looking well, though hay was short, not over a quarter of an average crop being promised. The general health was good.

**Respect to the Dead.**—Brother Joseph Hall, of Ogden, writes that on the arrival of the remains of Elder Joseph Standing there last evening, an immense concourse of people of that place and other surrounding settlements assembled to witness the transfer of the body

to the Utah Central train. A large representation of the Y. M. M. I. A. of Weber County, received the body and placed it upon a bier draped with black and white and decorated with garlands and the mottoes, "Joseph Standing, another martyr for the cause of truth," and "Freedom, where is thy Domain?" A funeral cortege was then formed, and headed by the Ogden brass band playing Webster's Funeral March, proceeded to the Utah Central depot and deposited the body in the car prepared for its carriage to Salt Lake.

#### FROM SATURDAY'S DAILY, AUG. 2.

**Same Kind.**—Boreman is the talk of the town. So was his ancestor who fired the Temple of Diana. Same family.

**Too Late.**—We have received a full report from Brother Eli A. Day of the celebration of the 24th of July at Mount Pleasant, but it comes too late for publication.

**For Sanpete.**—Tuesday morning, Sisters E. B. Wells and Louie Felt leave for Sanpete in the interests of the *Woman's Exponent* and to transact other business connected with woman's work in this Territory. Success.

**Women Workers.**—Sisters Eliza R. Snow, M. I. Horne, S. M. Kimball and S. M. Heywood, who started on the 1st ult. for an extended tour through the northern settlements, at last accounts were at Soda Springs, having visited every important town in Bear Lake Valley and vicinity, and held upwards of 30 meetings in the interests of the cause they represent.

**Returned.**—Elder John R. Holt, of Mill Creek, recently returned from a mission to Kentucky, to which he was assigned last October, stepped into our office this morning. He travelled in company with Elder Jesse Vincent while absent, the two baptizing 25 persons during their travels and preaching the Gospel in fields entirely new. He was released a short time before Elder Vincent, and returned to Utah about two weeks ago.

**Twenty-Fourth at Kamas.**—The 32nd anniversary of the birth of our Territory was celebrated at Kamas in an enjoyable and interesting manner. Firing of salutes, followed by appropriate speeches from Hon. S. F. Atwood and Messrs. W. E. Pack and Samuel Williams occupied the first part of the day, during which the Relief Societies magnified their calling by dispensing refreshments to the assembled multitude; and a grand ball in the evening wound up the day's proceedings. The occasion was one of unalloyed interest and pleasure.

**Information Wanted.**—An old gentleman named McCloy, of Larkhall, Lanarkshire, Scotland, would like information of his three sons and two daughters, who came to Utah seven years ago. Their names are John, Robert, Richard, Margaret and Hannah McCloy. If this should meet the eye of any of them, a letter addressed to their father, care of Alex. Frame, same place, will be delivered promptly. Any one possessing information of their whereabouts, will confer a favor by writing to Mr. McCloy, as above.

**Priesthood Meeting.**—A meeting of the priesthood of the Stake commenced this morning, at 11 o'clock, in the 14th Ward Assembly Rooms. There were present, A. M. Cannon and D. O. Calder, of the Presidency of the Stake, and Elias Smith, President of the High Priests' Quorum. All the wards of the Stake were represented by some of the presiding authorities excepting the 1st, 14th, 18th and 20th Wards of the city, and the Farmers' and Brighton Wards of the country.

After the usual routine of business was disposed of, remarks were made by Pres. D. O. Calder and A. M. Cannon and Elder L. W. Richards, showing the importance of the priesthood properly nourishing and caring for those committed to their charge and of severing corrupt and dead members from the Church. Some explanations were also given in regard to the order to be observed at the funeral services of Elder Joseph Standing.

The brethren were especially urged to use their influence, both by precept and example, to get all under their jurisdiction, who were citizens, to turn out and vote at the coming election, to be held on Monday, the 4th inst.

Elder Henry Grow, in behalf of the Tabernacle Committee called for carpenters to prepare the building for plastering.

Adjourned to meet at 11 a. m. on Saturday, Sept. 6th, 1879.

#### FROM MONDAY'S DAILY, AUG. 4.

**Arrived.**—Hon. J. A. Hunter, lately appointed Chief Justice of Utah Territory, has arrived in this city.

**The Twenty-Fourth.**—We still receive reports of the manner in which "Pioneer Day" was celebrated in the settlements. This time particulars are at hand of the proceedings in Castle Valley and in the beautiful cedar grove in Grass Valley. The items, which would have been interesting if published sooner, are now rather stale.

**Seventies' Meeting.**—The Seventies' monthly meeting will be held at the Council House, on Wednesday, August 6th, 1879, at half past 7 o'clock. A prompt attendance is expected.

JOSEPH YOUNG, Sen.,  
A. P. ROCKWOOD,  
JOHN VAN COTT.

ROBERT CAMPBELL, Clerk.  
Salt Lake City, Aug. 4th, 1879.

**Judicial Matters.**—Saturday evening the Third District Court adjourned over till Monday, the 1st day of September. Judge Emerson went to Provo Sunday morning to empanel the grand and petit juries of the First District Court for the September term, which was to be done at 11 o'clock this morning. As Chief Justice Hunter has arrived in time to take his seat for the next term, Judge Emerson will remain in his own district, unless matters unforeseen recall him to take charge of the court here.

**Good Words for "Bikuben."**—We have been shown a letter from Elder Thos. A. Shreeve, dated 19th of June, at Papania, Christ Church, Canterbury, New Zealand, to the editor of the *Bikuben*, ordering some copies of that paper sent to different addresses there. The writer says, "It is a great help to our Scandinavian brethren, who cannot read the English quite as well as their own language, and as we have no Elder from home who can talk with them in their own tongue, it is a great blessing to them, as they can understand the principles of the gospel through its pages." The day before writing Elder Shreeve had baptized a family into the Church.

**Grateful Acknowledgments.**—In recounting the incidents attending the untimely death of our martyred brother, Elder Standing, expressions of gratitude for courtesies rendered, should not be forgotten. The generous action of Messrs. Benedict Hall & Co., New York, in the matter, is well deserving of mention. Immediately after the killing of his companion, Elder Rudger Clawson, finding himself without means to procure the necessary things for encasing the body, previous to its transportation, telegraphed to the above firm for \$200, which was at once sent to him without word or question, and enabled him to obtain the requisite furnishings for his purpose and start for home sooner than he otherwise could have done.

**Gone to Prison.**—All the absurd and disgraceful proceedings in the so-called contempt case, were eclipsed this afternoon by the arrest of George Q. Cannon Albert Carrington and Brigham Young, executors of the will of the late Pres. Young. The order heretofore made in this case was to-day carried into effect, it having been decided unwise to attempt to furnish the extra heavy bond required and the executors, in charge of a deputy marshal, were conveyed to the penitentiary. This culmination of a case, already celebrated for the remarkable judicial decisions it has called forth, is in direct accordance with the whole proceedings. It is true, a great indignity is inflicted upon three honorable and well-known gentlemen, but their willingness to submit will undoubtedly result in good to their case, as showing up the true spirit and vindictiveness in which the suit was commenced and prosecuted. The gentlemen will doubtless receive kind treatment and every courtesy, and will, we predict, speedily be set at liberty.