

THE GREAT SUIT CLOSED.

THE SEVEN HEIRS SATISFIED.

The Acts of the Executors Endorsed and Confirmed.

THE CHURCH PROPERTY RESTORED.

The Receivers Discharged and Further Action Barred For Ever.

On Saturday Chief Justice Hunter, in the Third District Court delivered a decree which is annexed hereto, fully and completely exonerating the Executors of the estate of the late President Young from the charges preferred against them, in the suit pending in the Court, discharging the Receivers, returning to the parties previously holding the same, all the property placed in the care of the Receivers, discharging President John Taylor from his bonds, and barring all further legal action against the parties defendant in this vexatious case.

These seven litigant heirs receive the sum of \$75,000 amongst them, of which we understand their counsel, by contract, deduct twenty-five per cent., and in consideration of this all the other heirs appear with the Executors and Trustee-in-Trust as defendants, and both plaintiffs and defendants, by mutual consent, agree to this permanent settlement of the dispute.

We have no space for extended remarks on this matter to-day, but all who love peace and the welfare of the Church will rejoice that the case is finally settled. Following is the

DECREE OF COURT.

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

Lemuel B. S. Miller, assignee of Emeline A. Young, and who has been substituted for her, she suing for herself and in behalf of all the heirs at law, devisees and beneficiaries under the last will and testament of Brigham Young, deceased, including Louisa W. Y. Ferguson, Marinda H. Y. Conrad, Vilate Y. Decker, Elizabeth Y. Ellsworth, Ernest I. Young, and Dora Young, who have entered their appearance and been made plaintiffs herein,

vs.

George Q. Cannon, Albert Carrington and Brigham Young, Executors of the last will and testament of Brigham Young, deceased, and John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury, Angus M. Cannon, Mary Ann Angell Young, Brigham Young, Luna Young Thatcher, John Willard Young, Mary J. Young, Brigham T. Young, Richard W. Young, Elizabeth Y. Brown, Catherine A. Young, Amelia Young, Joseph A. Young, Briant S. Young, Walter S. Young, Lester K. Young, Junius Young and Eugene J. Young, children and heirs at law of Joseph A. Young, deceased, and Alexander C. Pyper, guardian of said Catherine A. Young, Amelia Young, Joseph A. Young, Briant S. Young, Walter S. Young, Lester K. Young, Eugene J. Young and Junius Young, minors; John Willard Clawson, Leo H. Clawson, Walter Clawson and Seldon Clawson, children and heirs at law of Alice Young Clawson, deceased, and H. B. Clawson, guardian of Leo H. Clawson, Walter Clawson and Seldon Clawson, minors; Lucy Ann Decker Young, Fanny Caroline Young Thatcher, Heber Young, Shamira Young Rossiter, Arta D. Christa Young, Feramor Little Young, Clarissa Hamilton Young, Ella Elizabeth Young Empey, Hyrum Smith Young, Lorenzo D. Young, Alonzo Young, Ruth Young Johnson, Adella Elvira Young and Hyrum S. Young, guardian of Alonzo Young and Adella Elvira Young, minors; Emily D. Partridge Young, Emily Augusta Young Clawson, Caroline Young Croxall, Joseph Don Carlos Young, Miriam Young Hardy, Josephine Young, Clara Decker Young, Jennette Richards Young Snell, Nabby Howe Young Clawson, Charlotte Talula Young, Lucy Bigelow Young, Susa Young Dunford, Rhoda Mabel Young McAllister, Eliza Burgess Young, Margaret Pierce Young, Brigham Morris Young, Zina D. Huntington Young, Zina P. Young Williams, Oscar Brigham Young, Harriet Barney Young, Phineas Howe Young, and Harriet B. Young, guardian of Phineas Howe Young, a minor, Mary Van Cott Young, Fanny Van Cott Young and Mary Van Cott Young, guardian of Fanny Van Cott Young, a minor; Susannah Snively Young and Julia Young Burton, Mary Eliza Croxall and Willard Croxall, minors, and Mark Croxall, their guardian; Maria Young Dougall, Willard Young, Phebe Young Beattie, Evaline L. Young Davis, Mahonri Moriamcumer Young, Eliza R. Snow Young, Naamah K. J. C. Twiss Young, Martha Bowker Young, Harriet Amelia Folsom Young and Augusta Adams Young by their attorney Z. Snow.

Oscar Brigham Young, Harriet Barney Young, Phineas Howe Young, and Harriet B. Young, guardian of Phineas Howe Young, a minor, Mary Van Cott Young, Fanny Van Cott Young and Mary Van Cott Young, guardian of Fanny Van Cott Young, a minor; Susannah Snively Young and Julia Young Burton, Mary Eliza Croxall and Willard Croxall, minors, and Mark Croxall, their guardian; Maria Young Dougall, Willard Young, Phebe Young Beattie, Evaline L. Young Davis, Mahonri Moriamcumer Young, Eliza R. Snow Young, Naamah K. J. C. Twiss Young, Martha Bowker Young, Harriet Amelia Folsom Young and Augusta Adams Young by their attorney Z. Snow.

Defendants.

DECREE.

This cause having come on for hearing by consent, and all the parties being present by their attorneys, to wit: Lemuel B. S. Miller by R. N. Baskin his attorney, Louisa W. Y. Ferguson, Marinda H. Y. Conrad, Dora Young, Ernest I. Young, Vilate Y. Decker, and Elizabeth Y. Ellsworth by Messrs. Tilford & Hagan and Sutherland & McBride their attorneys, and the defendants, George Q. Cannon, Albert Carrington, and Brigham Young, Executors of the last will and testament of Brigham Young, deceased, by Sheeks & Rawlins and Bennett & Harkness, their attorneys, and John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury and Angus M. Cannon by their attorneys Richards & Williams, A. Miner and W. N. Dassenberry; Mary Ann Angell Young, Brigham Young, Luna Young Thatcher, John Willard Young, Mary J. Young, Brigham T. Young, Richard W. Young, Elizabeth Y. Brown, Catherine A. Young, Amelia Young, Joseph A. Young, Briant S. Young, Walter S. Young, Lester K. Young, Junius Young, and Eugene J. Young, children and heirs at law of Joseph A. Young, deceased, and Alexander C. Pyper guardian of said Catherine A. Young, Amelia Young, Joseph A. Young, Briant S. Young, Walter S. Young, Lester K. Young, Eugene J. Young and Junius Young, minors; John Willard Clawson, Leo H. Clawson, Walter Clawson and Seldon Clawson, children and heirs at law of Alice Young Clawson, deceased, and H. B. Clawson guardian of Leo H. Clawson, Walter Clawson and Seldon Clawson, minors; Lucy Ann Decker Young, Fanny Caroline Young Thatcher, Heber Young, Shamira Young Rossiter, Arta D. Christa Young, Feramor Little Young, Clarissa Hamilton Young, Ella Elizabeth Young Empey, Hyrum Smith Young, Lorenzo D. Young, Alonzo Young, Ruth Young Johnson, Adella Elvira Young and Hyrum S. Young, guardian of Alonzo Young and Adella Elvira Young, minors; Emily D. Partridge Young, Emily Augusta Young Clawson, Caroline Young Croxall, Joseph Don Carlos Young, Miriam Young Hardy, Josephine Young, Clara Decker Young, Jennette Richards Young Snell, Nabby Howe Young Clawson, Charlotte Talula Young, Lucy Bigelow Young, Susa Young Dunford, Rhoda Mabel Young McAllister, Eliza Burgess Young, Margaret Pierce Young, Brigham Morris Young, Zina D. Huntington Young, Zina P. Young Williams, Oscar Brigham Young, Harriet Barney Young, Phineas Howe Young, and Harriet B. Young, guardian of Phineas Howe Young, a minor, Mary Van Cott Young, Fanny Van Cott Young and Mary Van Cott Young, guardian of Fanny Van Cott Young, a minor; Susannah Snively Young and Julia Young Burton, Mary Eliza Croxall and Willard Croxall minors and Mark Croxall their guardian, Maria Young Dougall, Willard Young, Phebe Young Beattie, Evaline L. Young Davis, Mahonri Moriamcumer Young, Eliza R. Snow Young, Naamah K. J. C. Twiss Young, Martha Bowker Young, Harriet Amelia Folsom Young and Augusta Adams Young by their attorney Z. Snow.

No evidence having been offered on the part of the plaintiffs or any of them of any of the matters alleged in the complaint, and the cause on their part having been submitted on the pleadings and the defendants having put in evidence the accounts of the Executors' administration of said estate from the time of their appointment, to the commencement of this suit,

with proof of the same, the said accounts consisting of the account current ending April 30, 1878, and account current ending December, 31, 1878, and an account current ending June 14, 1879, the said accounts, showing that there was on hand at the time of the commencement of this action, in property, bonds, stocks, etc., a fund amounting to one hundred and forty-nine thousand and seventy dollars at the appraised value, reserved as a fund from the income of which to support the wives of the testator during life. And a supplemental fund, amounting in property, bonds, stocks, etc., to the further sum of, at the appraised value, seventy-two thousand one hundred and ninety dollars. These funds, less the amounts paid out of the same by the Receivers, allowed by the court on settling their accounts, to be used and distributed by the executors in accordance with the will of said testator, and all matters and things in litigation in said suit having been compromised and settled between the parties, and the sum agreed upon by them, to wit: Seventy-five thousand dollars, having been paid to the plaintiffs jointly, or to their attorneys, and each and all of the defendants, except the Executors aforesaid, John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury, and Angus M. Cannon, having severally received the various sums agreed upon to be paid them, and having waived all their rights or causes of action against the other defendants last above named, because of the matters set forth in the pleadings, as appears from the several instruments in writing signed by them and filed herein, but not having surrendered their interest in and to the aforesaid reserved funds left in the hands of the Executors, by the consent of all parties hereto, and on the pleading and proofs taken herein.

It is considered, adjudged and decreed that the aforesaid accounts of said Executors, and the matters and things therein contained, be and the same are hereby ratified and confirmed as to all the parties, and that the allegations of the complaint of waste, conversion and misappropriation of the property and assets of said estate of the testator, Brigham Young, deceased, are not sustained in any respect. That all the actions and doings of said Executors, or any of them in the administration of said estate as Executors or Trustees, as shown by said accounts, be and the same are hereby ratified, and confirmed, and all the issues in this action are found and adjudged in favor of the defendants, George Q. Cannon, Albert Carrington and Brigham Young, Executors as aforesaid; John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury and Angus M. Cannon.

That the deeds of conveyance and transfer of property, real and personal, by said Executors to John Taylor, Trustee-in-Trust for the Church of Jesus Christ of Latter-day Saints, whether as of property held by said testator in trust for said Church or in liquidation of an account presented by said John Taylor, Trustee-in-Trust for said Church against the estate of said testator for nine hundred and ninety-nine thousand six hundred and thirty-two 90-100 dollars, approved by said Executors and the Probate Judge of Salt Lake County, Utah Territory, April 10, 1878, less three hundred thousand dollars credited for the services of said testator to said Church, be and the same are hereby ratified and confirmed. And that the deed or instrument of mutual release and quit claim dated May 30th, 1878, signed by said John Taylor, Trustee-in-Trust for said Church, and all the heirs, devisees, legatees, beneficiaries under the will of said testator, except Nabby Howe Clawson, and filed as "Exhibit B," in John Taylor's answer herein be and the same is hereby ratified and confirmed, and adjudged to be valid and binding on the parties thereto. And that each and all of the heirs, devisees, legatees, and beneficiaries under said testator's will, except Alfales Young and Harriet E. Cook Young, (who have not appeared in this action nor been served with process), be and they and each of them and their executors, administrators, and assigns are hereby forever barred of and from all rights, remedies or causes of ac-

tion as to all the matters and things alleged or disclosed in the pleadings herein.

That the bond for two hundred thousand dollars executed by the defendant John Taylor, in the contempt proceedings herein, be and the same is hereby cancelled and ordered to be returned to him.

That the records of the Probate Court, Salt Lake County, Utah Territory, brought into this court in this case on subpoena duces tecum be returned to the custody of said Probate Court and that said court may proceed to perfect its settlements with the Executors aforesaid and make all necessary and proper orders of record not in conflict with this decree, as fully as is no injunction had been issued herein nor this suit brought.

It is ordered that the Receivers and each of them do return to John Taylor, Trustee-in-Trust, all the real and personal estate in their hands or either of them, together with all the rents, profits, and dividends thereon to wit: All the real estate mentioned and claimed in the answer of John Taylor herein, and which, as Trustee-in-Trust he had not conveyed to others, which has come to the hands of said Receivers or either of them from John Taylor Trustee-in-Trust or otherwise, including certificates for five hundred shares in the capital stock of the Provo Manufacturing Company and certificate for eleven hundred and one shares in the capital stock of the Salt Lake City Railroad Company, and that said Receivers and each of them return to the said defendants John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury and Angus M. Cannon, and to each of them the real estate owned by them respectively and which they hold under conveyances from said John Taylor, Trustee-in-Trust, in the hands of said Receivers, or either of them, together with all the rents, issues and profits arising therefrom, and it is ordered that said Receivers and each of them return to said Executors, Cannon, Carrington and Young, all the real and personal estate, bonds, stocks, &c., received from them and not disposed of and paid out under orders of this Court, or its Judge, as per the reports of said Receivers herein filed and approved by the Court, together with all the rents, profits, issues and dividends which may remain on hand after payment of the accounts ordered to be paid by the Court, including the compensation of said Receivers.

And the reports of said Receivers on file herein are hereby approved and confirmed and they are allowed the following compensation for their entire services: M. Shaughnessy one thousand dollars, W. S. McCormick one thousand dollars, and that they and each of them after turning over the property, real and personal, stocks, bonds, &c., as herein directed, to the several parties entitled thereto, be discharged.

That the injunction bond herein executed on behalf of Emeline A. Young be and the same is hereby cancelled and satisfied.

Done in open Court this 4th day of October, A. D., 1879, and in the presence of all the parties, plaintiffs and defendants, represented by their respective attorneys, they consenting and agreeing thereto.

JOHN A. HUNTER,
Judge.

TERRITORY OF UTAH }
County of Salt Lake. } ss.

I, O. J. AVERILL, Clerk of the Third Judicial District Court of Utah Territory, do hereby certify that the foregoing is a full, true and correct copy of the original decree made, entered and filed in the action therein entitled, by the Court in open Court, October 4th, 1879, in the above entitled action filed in my office.

Witness my hand and seal of said Court, at Salt Lake City, this 24th day of October, A. D., 1879.

O. J. AVERILL, Clerk,
By H. G. McMILLAN, d.p. Clerk.

We append hereto the final release of the seven litigant heirs, as filed in Court in the settlement of this suit:

RELEASE.

WHEREAS, Emeline A. Young, in behalf of herself and the other heirs at law and legatees of Brigham Young, late of Salt Lake City,

Utah Territory, deceased, has commenced and is now prosecuting an action in the district court for the Third Judicial District of said Territory of Utah, against George Q. Cannon, Albert Carrington and Brigham Young, as executors of the last will of said Brigham Young, deceased, and others impleaded with them, charging the said Executors, by said action and proceedings connected therewith, with waste and misappropriation of the moneys and property of said estate, and particularly with the misappropriation of real estate to John Taylor, as Trustee of the Church of Jesus Christ of Latter day Saints, on a claim by said Trustee that said property was held in trust by said Brigham Young, deceased, for the use of said Church, and the transfer and delivery of other real and personal property in payment to said Church of an allowed claim against said estate of \$999,632.90 less \$300,000 deducted for services of the deceased; also with waste and misappropriation of the moneys and property of said estate, in payment of the debts and liabilities of John W. Young to a large amount; and also in the payment of claims against said estate barred by the statute of limitations, and in otherwise wasting and misappropriating the assets of said estate; and whereas the undersigned are desirous of settling with said Executors, concerning all the several matters charged in said complaint and proceedings in said action; and also concerning all charges of waste or misappropriation made against them.

Now, in consideration thereof, and for the sum of \$75,000 to them in hand paid, the undersigned, heirs and legatees of said deceased, severally release and discharge the said George Q. Cannon, Albert Carrington and Brigham Young, Executors as aforesaid, and each of them, of, and from all claims, demand, actions, and causes of action against them, or either of them, as Executors, on account of the waste and misappropriation of assets charged in said action or specified in the proceedings for contempt taken against them in said action; and from all charges of waste and misappropriation of the assets of said estate, and ratify and confirm all that said Executors or either of them, have done in the administration of said estate as Executors or trustees, as shown by their accounts of said administration.

Witness our hands and seals this 29th day of September, A. D., 1879.

(Signed)
Elizabeth Y. Ellsworth, Vilate Y. Decker, Louisa W. Y. Ferguson, Dora Young, Ernest I. Young, Marinda H. Y. Conrad, Emeline A. Young, Lemuel B. S. Miller.

Witness as to first seven signatures, S. H. Lewis. Witness as to Miller, E. T. Sprague.

UNITED STATES OF AMERICA,
Territory of Utah,
County of Salt Lake, } ss.

Be it remembered that on this 29th day of September, A. D., 1879, before me, S. H. Lewis, a Notary Public in and for the County of Salt Lake, Utah Territory, personally appeared the within named Elizabeth Y. Ellsworth, Vilate Y. Decker, Louisa W. Y. Ferguson, Dora Young, Ernest I. Young, Marinda H. Y. Conrad and Emeline A. Young, whose names are subscribed to the foregoing instrument as the parties thereto, personally known to me to be the identical persons described in and who executed the foregoing instrument, who duly acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof, I have hereto set my hand and affixed my notarial seal, at my office in Salt Lake City, Salt Lake County, Utah Territory, the day and year in this certificate first above written.
S. H. LEWIS,
Notary Public.

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

On this fourth day of October, A. D. 1879, personally appeared before me, E. T. Sprague, clerk of the Supreme Court of the Territory of Utah, Lemuel B. S. Miller, personally known to me to be the person described in, and who executed the foregoing instrument, and duly acknowledged to me that he executed the same freely and voluntarily,