Church, and as such is one of the plaintiff's in the above entitled ac ion; that he has heard read the going complaint, and knows contents thereof, and that the same is true of his own knowledge except as to the matters therein stated on information and belief, and as to those matters he believes them to be true.

JOHN TAYLOR, President and Trustee-in-Trust wit: for the Church of Jesus Christ of Latter-day Saints

Subscribed and sworn to before me this first day of August, A. D., D. MCKENZIE, 1879.

JAMES JACK, SEAL. Notary Public for Salt Lake County.

## EXHIBIT A.

PRESIDENT BRIGHAM YOUNG'S LAST WILL AND TESTAMENT.

In the name of God, Amen: I Brigham Young, Sen., of the city children, Mary Eliza and Willard of Salt Lake, in the county of Salt Croxall, aged respectively seven Lake, and the Territory of Utab, be- and five years; my daughter Maria

my decease.

trusts following: In trust, to take 22. Class Eighteen shall be: Harand held the same, and to pay over riet Amelia Folsom Young, now classes, in the manner and propor-tion and for the periods of time hereinafter expressed, and to make distribution of the principal and proceeds of sale thereof as herein-after directed, excluding any child or shell be in proportion income accruing from my estate, such a sum annually, payable in monthly instalments, as may be pert; and as shall be in proportion after directed, excluding any child or shell be amounts paid to other indi-to the duties therein contained; but if this power be not exercised, the BRIGHAM YOUNG, SR. JOSEPH F. SMITH, D. MCKENZIE, JAMES JACK. (End of the fourth page.)

or children for bad conduct as the vidual members of my family, and

5. Class One shall be: Mary Ann Angell Young, (daughter of James W. and Phebe Morton Angell, de-ceased); now residing at Salt Lake City, the mother of my following 23. Class Nineteen shall be Au-will, shall be taken to have become

ing of the age of seventy it wo years and of souid mind and memory, do make, publish and declare this to be my last will and testament: 2. I direct my fameral expenses and debts to be my last will and testament: 2. I direct my fameral expenses and debts to be my last will and testament: 2. I direct my fameral expenses and debts to be my last of the payment of fail purpose, the proceeds of my estate, I authorize and the full settlement of my estate, I authorize and the full settlement of my estate, I authorize and the full settlement of waged 23 years, and my son will ard testament: of my estate, I authorize and the full settlement of legacies, or the my son will all be invested in a safe man-now aged 23 years, and my son bond or mortgage, for the sard 21 years, being the children of curvivor, or survivors of them, to power my acting executors, the survivor, or survivors of them, to sell at private or public sale my real estate, and to convey to purchasers a godi title therefor in tee simple, without in terefor in tee simple, set to the application of the purch set to the application of the purchasers money, now aged 52 years; Martha set to the application of the purchasers money, now aged 52 years; Martha Set to the application of the purchasers money to purchasers and assigns, of Class set to the application of the purchasers money to purchasers and assigns, of Class set to the application of the purchasers money to purchasers aged 21 years; Naama K. J. C. Twiss set to the application of the purchasers money to purchasers aged 25 years; Martha set to the application of the purchasers aged 25 years; Martha set to the application of the purchasers and assigns, of Class set to the application of the purchasers and assigns, of Class set to the application of the purchasers and assigns, of Class set to the application of the purchasers and assigns, of Class set to the application of the purchasers and assigns, of Class set to the application of the purchasers to division, and this from there in my foregoing Will, I have thence running south 70 feet. Set to the application of the purchasers in division, and request my executors, in the thence running south 70 feet.

to the amounts paid to other indi- under their hands and seals, an-

to the amounts paid to other indi-4. All my estate, real and per-sonal, whatsoever and wheresoever, after payment of all debts and all legacies, and delivery of real estate, devised, given or made either by this will, or any codicil thereto, I give and devise to my executors the mounts paid to other indi-under their hands and stals, an-other, or other trustees to fill his or their place, in whom the title of said estate shall become vested, as if he, or they, were originally appoint-ed by this will; and he, or they, shall have my dwelling this will, or any codicil thereto, I give and devise to my executors the mounts paid to other indi-under their hands and stals, an-other, or other trustees to fill his or their place, in whom the title of said estate shall become vested, as if he, or they, were originally appoint-ed by this will; and he, or they, shall have all the rights and powers there is a proversed; and I direct the 2 feet; thence east 10 feet, more or give and devise to my executors known as the Lion House, situate therein expressed; and I direct the 2 feet; thence east 110 feet, more or who shall act under this will, and to on Lot two (2), in Block eighty- surviving or continuing trustee and less to the west line of Commercial the survivors and survivor of them eight (88), Piat A, Salt Lake City executor, or trustees and executors, at the survey, as their place of residence to convey the estate to a third like during their natural lives. and the survey is a foresaid, upon the during their natural lives. party, who shall re-convey the same line of Commercial street 05

the net rents and income thereof to aged 35 years, to whom my execu- the trusts of this will, with all the 6; thence west 1194 feet, to place of and for the use and benefit of the tors shall pay, during the term of powers and authority, and subject beginning, valued at \$40,000. The persons named in the following her natural life, from any rents or to the duties therein contained; but above named two pieces of land,

mother shall exclude them, as here-inafter provided. 5. Class One shall be: Mary Ann instruction of the surviving or contin-shall have a residence during their in my dwelling known be as valid as if this power to fill be as valid as if this power to fill

see to the application of the pur-chase money, part whereof may be secured by bond and mortgage of the premises sold. 3. I give and bequeath to each of the mothers of my children named in the following classes, twenty-five dollars, or that amount that may be necessary to defray the expenses of the month, to be paid to the amounts paid to other indi-

to them, and the new appointees in feet to a point 53 feet west fee jointly upon all and singular of the northeast corner of said lot

(End of the fourth page.)

dollars, this amount I authorize and request my executors in the division of my estate to charge to

Jack, dated June 24, 1873, part of thence running south 70 feet, lot 7, in block 75, Plat A, Sait Lake thence west 10 rols, thence

east 10 rods to the place of begin George Q. Cannon, dated July 29, her class.

are valued in the aggregate

16. To my daughter Fanny Y Thatcher and her heirs and assigned I have deeded the east half of lot in block 14, plat D Salt Lake City survey, with the building thereon. valued at \$7,500, which amount suthorize and request my executors,

f the of fail Lake City, now residing at the physical density in the solution of the Time of the City is an of the solution of the Time of the City, now residing at the City and physical diverse city of the City and physical diverse city of the City and physical diverse city and physical divers arcel of land, for a burial County, and ner of said lot; thence running or feet north; thence west 10 rods; thence south 80 feet; thence east 10 rods to the place of beginning, with rods to the place of beginning, with ments and appurtenances thereunto in anywise ap-31. To my daughter, Louiss W. Y. Ferguson, and her heirs and as-signs, I have deeded the south half of lot 4, in block 73, plat A, Sait Lake City survey, with the build-some and daughters by her, to wit: Lake City survey, with the build-ther build during and Charlette Talula some and daughters by her, to wit: Lake City survey, with the build-ther build during and charlette Talula some and daughters by her, to wit: there by build during the build during the

35. Tomy daughter Ruth Young also to my other wives who have

ber class. 35. To my daughter Ruth Young and her heirs and assigns, I have deeded lot 2, in block 4, plat I Salt Lake City survey, valued at \$5,000, which amount I authorize and re-quest my executors, in the division of parcel of land for a burial place for themselves, their names to with the before described place for themselves, their names to with the before described place for themselves, their names to with the before described place for themselves, their names to with the before described place for themselves, their names quest my executors, in the division of my estate, to charge without in-terest to her portion in her class. 26. To my daughter Charlotte Talula Young and her heirs and Martha Bowker and Harriet Tatula Young and her heirs and Martha Bowker and Harriet Richards Young Scell, and Nabby Howe Richards Young Clawson, of Sall Lake City, Sall block 2 plat I Sait Lake City sur-named persons as my children and vey, valued at \$5,000, which amount to their descendants and to my chil-I authorize and request my execu-tors, in the division of my estate, named, and to my other wives who to chargs without interest to her have been sealed to me (butwhohave being Johnson, Jona P. Young Williams, Orcar

the principal of her class, without in the division of my estate, to 5. To Emily D. Partridge Young and to her heirs and assigns of 17. To my daughter, Ella E. Y. City, the mother of my following named children, to-wit: Joseph Angell Young, now aged 70 son, now aged 35 years; Alice Young Claw-son, now aged 36 years; Alice Young Thatcher, now aged 31 years; John Wilard Young, now aged 25 years; John Wilard Young, now aged 26 years; John Wilard Young, now athall be in properion to the amounts paid to other individual All Wear and request my executors, in the amounts paid to other individual have a shall have aright of residence amounts paid to other individual have a shall have a right of residence have deeded he to the principal of her class that the division of my estate, to her protion in her class. Joon witch amount I authorize the decided her the the principal of her class that the the principal of her class. Joba witch amount I authoriz 39 years; Brigham Young, jr., now pay, during the term of her natural lawful magistrate, or according to have deeded lot 7, in block 62, Plat have deeded lot 7 of Salt Lake City, Salt Lake County, all of the Territory of Utab, with the exce of the Territory of Utah, with the excep-lion of Emeline A. Young, who is of the State of California, and others whose names are undersigned heirs-at-law of the late Brigham Young, deceased, do heraby each for himself or herablf, and his or her legal representatives, heirs, executors, administrators and assigns, remise, re-lease, and absolutely and forever discharge and quit claim to the said John Taylor as Trustee-in-Trest as aforesaid, and to his u to see my hand and real thi eighth day of February, 1010 (Feb. 8th, 1875) BRIGHAM YOUNG, The foregoing instrument, consisting of one sheet, was signed, sealed, published and deciared by Brigham Young to be his last Trustee-in-Trest as aforesaid, and to his uccessors in offlee all of the following described property, to wit: The east half (56) of lots'x (6) in block seventy-five (75) Flat A salt Lake City survey, containing 100 square rods of ground, known as the "Gardo" House lot, \$1

Marinda Hyde Young Conrad, rum Smith Young of Salt Lake City, Salt Lake County, and Emelli Young, of the state of California Louise W. Young Ferguson, and Lorenze D. Young, of Salt Lake City, Salt Lake Ceunly, and Emily Augusta Young Claw-son, Caroline Young Croxall, Joseph Don Carlos Young, Miriam Young, Joseph Don Carlos Young, Miriam Young, Joseph Don Brigham Morris Young, Zina P. Young Williams, Oscar Brigham Young, Julia Young Burton, Mark Croxall for Mary E. Young Croxall, deceased, Maria Young Dougall, Willard Young, Phebe Young Beatic, Evalue L. Young, and Mahouri Moriancumer Young, of Salt Lake City, Salt Lake County, all of the Territory of Utah, with the exception of Emeline A: Young who is of the State of California, Young who is of the State of California, and others whose names are undersigned, heirs at-law of the late Brigham Young, deceased, of the other part, witnessath: That whereas, on the tenth day of April, A. D. 1878, George Q. Cannon and Brigham Young of the executors of the last Will of Brigham Young, deceased, conveyed, assigned and delivered to the said John Taylor, Trustee-in-Trust as aforemaid, the property, real and personal, hereinafter described, for and in liquidation and pay-ment of sundry claims held by said Church of Jeans Christ of Latter-day ment of sundry claims held by said Church of Jesus Christ of Latter-day Saints against the estate of said decease and in coslderation whereof the said Jo at the date thereof, and does hereby fo himself and his successors in offic lease and absolutely and forever discharge the executors aforesaid and the said estate

of and from said claims and demands. Now, therefore, in consideration of the premises and of the sum of one dollar to sach of them in hand paid by the said John Taylor, Trustee-In-Trust as afore-said, the receipt whereof is hereby ac-Ross, deceased, io wilt: Willard young, Law Ann Angell Young, Sharowan Young, Sharowan Angell Young, Sharowan Young, Sharowan Angell Young, Sharowan You knowledged, the said Mary Ann Angell Young, Lucy Ann Decker Young, Emily Young Ferguson, Lorenzo D. Young, Emily Augusta Young Clawson, Caroline Young Croxall, Joseph Don Carlos Young, Miriam Young, Josephine Young, Jennette Richards Young Snell, and Nabby Howe Young Clawson, Carbo Janette Young, Zins P. Young Williams, Orear Brigham Young, Julia Young Burton, Mark Croxall for Mary E. Young Croxall, deceased, Maria Young Dougall, Willard Young, Phebe Young Beatle, Evalue L. and Mahonri Moria

\$120,000 00

17 4:8 97

BRIGHAM YOUNG, Sr. [End of the eighth page.]

ning, with the buildings thereo. valued at \$10,000, which amount authorize and request my executors in the division of my estate to charge without interest to her portion 15. To my daughter Luna

Thatcher and her heirs and assign Lhave given through a deed to her husband, George W. Thatcher, 6 rods fronting south, extending north, 10 rods off the west end of lot 1, in block 67; also 1} rods front-

ing south, extending north 10 rods, off the east end of lot 2, in the aforesaid block, plat A, Balt Lake City survey, with the buildings thereon, which I value at \$7,509. This amount I authorize and request my executors in the division of my estate to charge without in terest to her portion in her class.

City, the mother of my following named children, to-wil: Ella Elizabeth Young Empy, and income, and the indicated for the formation she in her life, or by will, shall be bind-ing; but on full reformation she ing; but on full refor

Ella Elizabeth Foung Empy, now aged 25 years; Marinda Hyde Young Conrad, now aged 24 years; Hyrum Smith Young, new aged, 22 years; Emeline A. Young McIntosh; now aged 20 years; Louisa W. Young Ferguson, now aged 19 years; Louisa W. Young Ferguson, now aged 19 years; Louisa W. Young McIntosh; Hyrum Smith Young, new aged 19 years; Louisa W. Young Ferguson, now aged 19 years; Louisa W. Young Ferguson, now aged 19 years; Louisa W. Young McIntosh; Hyrum Smith Young, new aged 19 years; Louisa W. Young Ferguson, now aged 19 years; Louisa W. Young Ferguson, now aged 17 years; McIntosh; Hyrum Smith Young, new aged 17 years; Herest to her portion in her class; All that certain piece or parcel of lawful age, who shall contribute rateably to the common support; otherwise they shall cease to have a right to Alonzo Young, now aged 15 years; reside in the homestead and to share the income. Ruth Young, now aged 12 years; BRICHAM YOUNG, SE.

JOSEPH F. SMITH,

[End of the third page.]

D. MOKENZIE,

JAMES JACK.

Adela Elvira Young, now aged 9 years. BRIGHAM YOUNG, Br. JOSEPH F. SMITH, D. MCKENZIE, JAMES JACK.

## [End of the first page.]

Class four shall be: Emily D. Partridge Young, (daughter of Ed-ward Partridge, late of Ohio, de-ceased, and Lydia Partridge, of Salt Lake City), now residing at Salt

13 years.

13 years. 9. Class five shall be Clara Decker Young, (daughter of Isaac and Harrist Decker, late of Salt Lake City, deceased), now realding of age who shall be incompetent to at Salt Lake City, the mother of my following named children, original homestead, or at other to-with

Jennette Blohards Young Snell, now aged 25 years; Nabby Howe Young, now aged, 21 years; Char-lotte Talula Young, now aged 12

10. Class six shall be: Lucy her-duty in contributing with Bigelow Young (daughter of Na-hum Bigelow, late of Davis Gounty, class toward the common expenses of the household in which ed, and Mary Gibbs Bigelow, of St. George), now residing at St. George, Utah Territory, the mother of my following named children, to-wit:

Dora Young Dunford, now age 21 years; Susa Young Dunford, now aged 17 years; Rhods Mabel Young, new aged 10 years.

11. Class seven shall be: Eliz final Burgess Young, (daughter of James and Batty Burgess, deceased,) now residing at Provo City, Utah Terri-tory, the mother of my following named child, to wit: and Betty Burgess, deceased,) now

tory, the mother of my following named child, to-wit: Alfales Young, now aged 20 years. 12. Class Eight shall be: Marga-ret Peirce Young, (daughter of Robert Peirce, df Salt Lake City, and Hannah Pierce, deceased), now residing at Salt Lake City, the

stead occupied by my legatees.

25. The classes shall continue to occupy the homestead in which and of all their children of the sge of twenty-one years, to wind up and close the entire trust of my and her heirs and assigns of Class and her heirs and assigns of Class which amount I authorize and To which amount I authorize and To and her heirs and assigns of Class they shall have been left by me without charge, they paying the taxes thereon, and the repairs thereof, until the decease or marterest the shares of all minors, unriage of their mother, and one year longer, and minors until of lawful til they shall respectively arrive at Lake City, now restring at Stit Lake City, the mother of my fol-lowing named children, to-wit: Emily Augusta Young Clawson, now aged 22 years; Joseph Don Carlos Young, now aged 18 years; Miriam Young, now aged 16 38. I authorize my executors to settle all trusts wherein I am trus-Twelve in my foregoing Will, I JOSEPH F. SMITH, mother, the executors shall still be the tes, and to pay any debta I may now in respect to the same, and to receive whatever claims may be to due my estate therefrom; and to make conveyance and assignment er to the proper party, or raties, of the trust estate, and to take proper indemnity and security as to all outstanding habilities I may be int under for such trust estate, so that my private estate shall suffer no loss by reason of my liabilities for take care of themselves, at their auitable place. But in no instance

26. Should any mother fail to do anch de

39. To prevent any failure of trustees, should a surviving execu-tor, or trustee, original or substitut-9. To my son, Heber Young, I have deeded lot 1, in block 14, Piat D Mait Lake City Burvey, with the buildings thereon, valued at \$15,-000, from which amount I authored, die, leaving executors, or an executor, they, or he, and the surmay be, the executors shall have power to make payment of a due ahare of income directly to that ob-ject: and they shall have a discre-tionary power to settle all differen-ces between the members of fami-lies, and be pacificators among them, and their decision shall be ize and request my executors to deduct \$5,000, and in the division of my estate to charge the balance, \$10,000, without interest to his portion in his class. 10, To my son, Hyrum & Young, I have deeded a strip 27. If the mother of a class shall

ed; and should the latt no executor, or should he, or they, die before the complete execution of the trust, then the executors, or the survivof land 1 foot wide, commencing JOSEPH F. SMITH, D. MCKENZIE. JAMES JACK.

at the northeast corner of lot 5, in block 78, Plat A Salt Lake City

[End of the sixth page.]

JAMES JACK.

24. The division of such shares in the homestead, and shall have for the homestead, and the mother may foregoing Will, there even the hole homestead, and the mother may foregoing Will, there even the hole hole is for the homestead, and the mother may foregoing Will, there even the hole hole is for the homestead, and the mother may foregoing Will, there even the hole hole is for the homestead, and the holes for the have for the hole have for the hole hole is for the homestead, and the holes for the hole hole is for the homestead, and the holes for the hole hole is for the hole i

take effect during her lite. 36. I appoint to be the executors and trustees under this will, George O Cannon, Brigham Young, Jr., and

authorize them to take as then joint commission three per cent, on prin-cipal passing through their hands, to be charged but once on the same principal, and five per cent, on in-principal, and five per cent, on income; but they shall make no at \$5,200; the above named pieces executors, in the division of my es charge as on a rent for any home- of land are valued in the aggregate tate, to charge without interest to

stead occupied by my legatees. 37. I authorize my executors and truatees, with the consent of the said mothers, or mother, surviving, and of all their children of the age

Nine, in my foregoing Will, I have quest my executors in the division deeded the south half of lot 4, in of my estate to charge without inblock 56, Plat A Salt Lake City terest to her portien in her class.

BRIGHAM YOUNG, Sr.

of my estate to charge without interest to her portion in her class. 23. To my daughter Evaline Y. Davis and her heirs and assigns, I have deeded lot 1, in block 2, plat ning, valued at \$18,900, which amount I authorize and request my executors in the division of my estate to charge to the principal of her class without interest. I, Balt Lake City survey, valued at \$5,000, which amount I authorize and request my executors in the division of my estate to charge with.

> 24. To my daughter Careline Y. Croxali and her heirs and assigns, I have deeded 5 rods front by 10 rods deep, being the northe corner of lot 7, in block 74, 1 A, Salt Lake City survey, valued at \$3,000; also I have given her a note of hand given me by her hus-band, Mark Croxall, for money loaned by me to him, amounting to \$3,133.91, which amounts being in

revoke, annul and make void my former will executed by me on the seventeenth day of August, A. D.

to be paid them by the executors of the estate of Brigham Young, decoased, in consideration of the entire reliaquishment of their life

r, A.D. 1877.

D. BOCKHOLT,

Attest:

E. SMITH, Probate Judge.

Clerk Probate Court.

lease in the "Gardo" House. Parts of lots one (1) and eight (8) in block seventy-five (75) plat A Sait Late City survey, com-mencing at the S E corner of said lot (1), and thence running west 105 fect, thence north 11 rods 9% freet, thence cast 105 feet, thence south 11 rods 9% feet, to place of beginning, known as the "Thea-tre lot. Certificate of proof of will and facts found.

I, Elias Smith, Probate Judge for said county, do hereby certify that on the 19th day of September, A. D. 1877, the annexed instruments were tre lot. Part of lot 4 in in block 74, con executors in the division of my es. the 1stn day of September, A. D. mencing at the N W certer of said iot, thence at the N W certer of said iot, thence at the N W certer of said iot, thence at the new set in the set of the said iot, thence at the set of the said iot, thence we the roles. and testament of said Brigham Young, deceased, and codicils thereto, and from the proofs taken and the examination had therein

to phase of beginning, containing II,880 feet of grouns, siso part of lot 5 in block 74, commencing at the 8 w corner of said lot, thence running north 2214 feet, these

\$20,000 of the foregoing sum t) be applied as follows: \$10,000 to Mary Angeli Young, and \$10,000 to Harriett Amelia Folson Young.

ase in the "Gardo" Ho

may will, and injustice will thereby be done to any of the classes, then my executors are hereby author-liged to revalue the same in the man-ner provided in paragraph 27 of my foregoing will, and to charge the amount at which it is newly valued is atter on the Sth day of Febru-try, A. D. 1375, at the City of St. de 40 es. 8 130-r. Thence N 80 de 8. 8 130-r. There N 80 de 9. 8 1 30-r. St. No charge thal fight and the in-mand in the presence of each other, there N 80 de 9. 8 1 30-r. There N 80 de 9. 8 1 30-r. There N 80 de 9. 8 1 30-r. St. No charge thal like made against any of my children, or the and in the presence of each other. The states of the same to be principal of the class of the same to be a coulcil to his last will and look states of the same their full share of my estate, and in the presence, and the said wit-presence of each of the same their for subject states and the same at his re-sent for all class and the same of all class and acquittances to severely years, was of sound mind. The my children, or the same and not under any restraint, undue and not under any restraint, undue the same s the same s of fraudulent misrepre-als, dass & M Broe, Messe N and not under any restraint, undue the sect of the same N for the same and the same of all class and the mand act are sold by the same the same of all class and the mand to my undivided eatate in form to be prised of record. \*25 dess W B 10-d and sound e same to be and the same of th

rid , itei os S da i egs W a rids, thence S 14 rods to place of besinthence S 14 rods to pines of bea ning, containing 2 3; 100 acres Also a tract of land comme signed this certificate, and caused the same to be at- ing at [SEAL] tested by the Clerk of said 1, N it 1 E, thence S 160 rids, 1

Court, under the real there-of, this 19th day of Septem-taining 30 acres. taining 30 acres. Also the W 35 of the SE 14 and the B 35 of the N B 4 of Section 30. T 1. N of s 1 B, c attaining 180

foregoing irsels of land known as the "Empire Mill" lands.

"End of the ninth page.]

out interest to her portion in her

\$3,133.91, which amounts being in all \$6,133.91, I authorize and request my executors in the division of my estate to charge without interest to her portion in her class. 25. To my daughter Nabby Howe Young and her heirs and assigns, I have deeded lot 11, in block 1, plat L. Sait Lake City survey, valued at 43. I furthermore countermand

BRIGHAM YOUNG, SEN, JOSEPH F. EMITH, D. MCKENZIE,

assigns, I have deeded lots [3 and 4, in block 3 plat I, Salt Lake City

Survey, valued at \$5,000, which

amount I authorize and request my executors in the division of my es-

and the examination had therein the Sw corner of said lot, thence in the Sw

43. No charge shall be made competent against any of my children, or the mothers of my children, for any gifts which I have given them pre-sig In witness whereof I have deus to the date of this my will which are not mentioned in this will and schedule.



BRIGHAM YOUNG, Sr.

[End of the seventh page.]