

or pretence of consideration, for the sole purpose of releasing any semblance of title in them as such executors, and that the trust assumed by their testator in respect to said properties might be faithfully and honestly executed.

The following is a description of parcels so as aforesaid conveyed, and which in the complaint are alleged to have been conveyed in payment of the claim in favor of said John Taylor therein set forth:

Block 87, Plat A, Salt Lake City survey, known as Temple Block.

Lots 3 and 4 in Block 88, Plat A, in said survey.

The part of Lot 8, in Block 76, Plat A aforesaid, described in complaint.

And the defendants, further answering, allege that other parcels of real estate described in the complaint, and therein alleged to have been conveyed to said John Taylor, were claimed by the Trustee-in-Trust of said Church and alleged to be and in fact were property held in trust by said testator for said Church, though said property is included in the valuation of the property hereinbefore fixed at the sum of \$1,628,510.08, said property being described as follows, to wit: 21 3/4 100 acres, and 272-100 acres in section 20, township 1 south, range 1 east of the Salt Lake meridian, U. S. survey described in complaint.

Lots 2, 3 and 4 and south 1/2 of lots 5, 6, 7 and 8, block 150, plat A, Salt Lake City survey; also commencing at the south east corner of lot 1, block 150, plat A, Salt Lake City survey, thence south 2 rods, thence west 40 rods, thence north 2 rods, thence east 40 rods to place of beginning.

The south 1/2 of lots 5 and 6, block 88 plat A, Salt Lake City survey (Brigham Young, Sen., only had title to half of one lot.)

Lots 3 and 4, section 17 and lot 1, section 18, and the northwest 1/4 of the northwest 1/4 of section 20, township 1 south, range 3 west of the Salt Lake meridian, U. S. survey, 162 acres.

Also the east 1/2 of the northwest 1/4 and the north 1/2 of the northeast 1/4 of said section 20

Lots 1, 2, 3 and 4 and the southwest 1/4 of northeast 1/4 of section 19 in said township. Also the south 1/2 of the southeast 1/4 and lot 2 of section 17, township 1, south, etc., all described in complaint

Part of lot 4, block 45, plat B, Salt Lake City survey, as described in complaint.

Part of lot 4, block 59, plat B, in said survey described in complaint, lot 3, block 7, plat D, Salt Lake City survey. Also, that at the time of the death of said testator there existed between him, as Trustee as aforesaid, and said Church, an open, current and unsettled mutual account of long standing, wherein the said testator was charged, and, as these defendants are informed and believe, was chargeable, with the rents and income received by him from property of said Church by him held in trust, and with various matters of account pertaining to the execution of said trust, to a large amount, and that no accounting or settlement of or concerning said account, or any matters pertaining to the execution of said trust by the testator, had ever been demanded by either party, or made between said Trustee and said Church.

That after the decease of said testator, the said John Taylor was duly elected and appointed the Trustee-in-Trust of said Church corporation, and acted as such in all the transactions alleged in the complaint, between him and these defendants.

That as such Trustee and in behalf of said Church he demanded of these defendants a conveyance of all the property held by the testator in trust and also presented or allowance the claims set forth in the complaint verified in due form. That the defendants, believing said claim to be just, allowed the same, and as they are informed and believe the same was afterwards presented to the Judge of the Probate Court of said county, for allowance, and by him duly allowed; and thereupon these defendants, deeming it their duty, under the directions and authority of the will of the testator and by virtue of their office as executors, to settle and discharge said claim and all claims and demands against the estate of the testator, arising out of or connected with his said trust, negotiated a settlement of the same with said Taylor, as Trustee, and after procuring a credit of \$300,000 to the estate of said testator for his services, settled the said claim and

all claims arising out of said trust, by conveying and transferring to said John Taylor, as such Trustee, in full discharge of all claims of said Church either on matters of account or for property claimed to be held in trust for said Church (excepting only the property hereinabove described, held in trust) the following real and personal property, and no other.

The part of lot 1 block 75, plat A, Salt Lake City survey as described in the complaint.

The part of lot 8, block 75, plat A, Salt Lake City survey described in complaint.

The part of lot 8 block 76, plat A, Salt Lake City survey as described in complaint.

The part of lot 6, block 76, plat A, Salt Lake City survey as described in complaint.

The east 1/2 of lot 6, block 75, plat A, Salt Lake City survey as described in complaint.

The part of lot 4, block 74, plat A, Salt Lake City survey as described in complaint, also part of lot 5, in said block.

The part of lot 1, block 88, plat A, Salt Lake City survey as described in complaint.

The west 1/2 of the south-east 1/4 of section 30, in township 1, north range 1, east of Salt Lake Meridian U. S. survey, also the east 1/2 of the north east 1/4 of said section 30 30 acres in section 39, township 1, north range 1, west should be section 30, township 1, north range 1 east.

1180 shares, Zions Co-operative Mercantile Institution stock.

893 shares Provo Factory stock.

20 Utah Southern Railroad Bonds.

2165 shares Salt Lake City Railroad stock.

800 shares Salt Lake City Gas stock.

8 Washington Factory Notes for \$44,000 00 and interest.

1 Promissory note against Erastus Snow for \$9,000.00 and interest.

That a large portion of said property so conveyed and transferred, as aforesaid in settlement of said claim, was in reality held by said testator in trust for the use and benefit of said Church as herein before alleged and shown.

And these defendants on their information and belief allege, that the value of the real and personal property conveyed and transferred as last aforesaid, was not more than the sum of \$300,000 00 and allege that all the acts of these defendants in allowing and settling the claims of said Church were done in good faith, and in the belief that said Church had good, valid and just claims against said estate, and that they were under legal obligations to pay the same, and that the settlement was a beneficial one for said estate and the heirs thereof.

And these defendants deny that the property so conveyed and transferred in satisfaction of said claims was or is the most valuable or productive property of said estate, or that with proper attention and judicious management, it yields or would yield, an income of \$100,000 per annum, but on the contrary, they allege said property was of less than the average productive ness of said estate, and the income thereof, with good care and management, not more than \$18,000 per annum. And these defendants deny that, at the time said conveyances were made, they were Trustees or Assistant Trustees of said Church, or both, grantors and grantees, in fact in said transaction.

And as to the validity and legality of all their aforesaid transactions in regard to said claims, and whether the alleged indebtedness in favor of said Church existed, or was illegal, or void, or barred by the statute of limitations, or the claimant not capable of having or owning such property or assets, or whether acts by these defendants in the recognition of said claims were or are prohibited or void or the estate of the testator thereby improperly diminished, these defendants having acted therein in good faith, and having no knowledge or belief that their said acts are not lawful and valid, submit the interests of the estate in respect thereto to the judgment of the Court, upon the facts herein stated, the will of said testator, and such facts as may appear at the hearing.

And these defendants deny that as members of the Apostles' Quorum, they claimed authority to control or direct the acts or conduct of the members of the said Church in all things, or that as such they fraudulently or in any wise pretended or claimed they

had the right or authority to disinherit, or deprive of a share in the estate any heir, legatee, or beneficiary who should refuse to submit to their commands or doings, or to dispose of any of the property of said estate, or that the defendants, by reason of the alleged spiritual claim of authority, or in any way have wasted or converted any property of said estate, or that they have illegally or without authority demanded or exacted as a condition of the delivery to the beneficiaries the shares allotted to them, any release or releases whatever; or that the defendants have compelled each or any of said beneficiaries to make, or deliver real estate, or that they in the manner alleged or otherwise attempted fraudulently, corruptly, or at all to deprive the persons, or any person entitled, of the power to assert their just or any rights to any interest in said estate, or that any release demanded or received by these defendants from any beneficiary under the said will was void, or procured by the means or with the interest alleged in said complaint.

Deny that no report of the sale or transfer thereof has ever been made or filed in said Probate Court, or that guardians were not appointed for the minor heirs as by law required. But on the contrary allege that all the doings and proceedings of said defendants were duly presented to the said Probate Court, and guardians appointed for the minor heirs as by law required. Deny that the distribution made by said executors was unfair, unequal, fraudulent or not in accordance with the will of the deceased, and the law in any respect whatever, or that \$100,000.00 or any amount whatever was used to pay the personal or private debts of John Willard Young.

Deny that in the distribution of the real estate the division was wholly or at all arbitrary or unequal, or largely or at all controlled by favoritism to some or any of the beneficiaries or that invidious or any distinctions were made against any. Deny that said plaintiff has not received more than one-half part in value of the estate which has been distributed, to which on a fair distribution she would have been entitled. But on the contrary allege that she did receive her full, fair, and equal share of all the property distributed.

Deny that these defendants are not pecuniarily responsible to answer any and all claims which may be established against them by this plaintiff and all those whom she actually represents in said suit.

Deny that without some action of like kind with this of plaintiffs, said estate will be defrauded or the heirs or legatees lose their just or any rights.

Further answering, these defendants say, That as required by said will and at the request of all the mothers mentioned in the will and of the legatees thereunder that were at the time of age, a valuation was made by these defendants and three competent persons appointed for that purpose by the said mothers of all the real and personal estate of the said testator, and a final division and allotment of the share of the real and personal estate made and a proper and equal share of the same was set off to each of the children of such of the mothers as were then deceased. That the mother of said plaintiff was then deceased and the said plaintiff of lawful age.

That such equal share of each of the children of such deceased mothers including the plaintiff valued at \$21,000.00 was so set off and allotted, and the possession of their respective portions delivered to and received by them, with full knowledge of all the acts and doings of these defendants in the administration of said estate, whereupon and in consideration thereof, each of said children including the plaintiff voluntarily gave, and these defendants took and received releases and acquittances under seal of all claims and demands and of all right and title in or to the estate the remaining or undivided part thereof. That at the same time and upon like appraisal, division, and allotment, the children whose mothers were still living, at their own request, received from these defendants as such executors, an advancement of property valued at \$18,000 each and gave a release and receipt therefor, and of all interest in said estate, reserving however, their several interests in the reversion of that portion of said estate retained by defendants to support the mothers and widows mentioned

in said will during life, or widowhood, and property retained to pay debts and liabilities, and the value of such reversionary interests was estimated and appraised at the difference between \$18,000 and \$21,000, and the releases aforesaid are the same mentioned in the complaint and therein alleged to have been unlawfully exacted.

Wherefore these defendants ask to be dismissed hence, with their costs in this behalf expended.

BENNETT AND HARKNESS, and SHEEKS AND RAWLINS, Attorneys for defendants, George Q. Cannon, Brigham Young and Albert Carrington.

TERRITORY OF UTAH, County of Salt Lake. } s.s.

Brigham Young and Albert Carrington, of the above named defendants, being first duly sworn, each on his oath saith that he has heard the foregoing answer read and knows the contents thereof, and that the same is true of his own knowledge, excepting the matters therein stated on information and belief, and that as to such matters he believes it to be true.

BRIGHAM YOUNG, ALBERT CARRINGTON

Subscribed and sworn to before me, this 30th day of June, A. D. 1879.

[L.S.] JAMES JACK, Notary Public for Salt Lake County, Utah.

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NOTICE.

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EDWARD PARTRIDGE, County Clerk Millard County, U. T. w3t

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NOTICE FOR PUBLICATION.

NO. 8.

LAND OFFICE, Salt Lake City, U. T. June 12th, 1879.

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and secure final entry thereof at the expiration of thirty days from the date of this notice to wit:

Heber Goff, of Salt Lake Co., U. T., for the E 1/4, S 1/4 Sec. 1, and N 1/4, NE 1/4 Sec. 12, T. 3 S. R. 1 W., and names the following as his witnesses viz: Hyrum Lancaster, of Salt Lake Co., U. T. and James C. Brown, of Salt Lake Co., U. T.

JNO. B. NEIL, Register. CHAS. W. STAYNER, Attorney for applicant.

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These Chains are a sure remedy against all kinds of disorders that increase at the approach of stormy weather, and, as they are a real and natural remedy for a multitude of maladies, and can be used at all ages of life, this Hydro-electrical Chains ought soon find their way into every home.

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FULL ADDRESS, J. A. PETERSEN, ELECTRICIAN, P. O. BOX 320, Salt Lake City, Utah.