

they, the executors, or the survivors, or survivor, of the executors of my will, or substituted trustee, who shall have next before died, shall be the executors, or executor, trustees, or trustee, of my will; and so back until an executor or some executor of my will or trustee, shall be obtained, if any exist, who shall have the authority and powers aforesaid, so that no vacancy in the trust may happen.

40. In testimony whereof I have hereunto set my hand and seal, this fourteenth day of November, 1873.

BRIGHAM YOUNG, Sen. [ss.]  
Signed, sealed, published, and declared by Brigham Young, Sen., to be his last Will and Testament, in our presence, and we have at his request, in his presence, and in presence of each other, subscribed our names as witnesses thereto.

JOSEPH F. SMITH,  
D. MCKENZIE,  
JAMES JACK.

It has been charged against the executors that "They have unlawfully taken and appropriated a large amount of the property and funds of the estate to their own use under pretence of compensation for their services, expenses of administration and the payment of legacies." The amount of compensation for the services of the executors, it will be perceived by the above quotations from the will, was fixed by the testator, and was not left to their discretion, nor to be determined by any person or court. The executors have been governed in this, as well as all other matters pertaining to the estate, solely by the expressed wishes of the deceased. This charge against them must then fall to the ground.

It has also been alleged against them, that they have "fraudulently allowed a false and fraudulent claim against the estate by the Trustee-in-Trust for the Church of Jesus Christ of Latter-day Saints." It is pretty well understood by the people, "Mormons" and non-"Mormons," that the late President Young held considerable property in his own name in trust for the Church. But perhaps it is not so widely known that he made provision in his will for the conveyance of this property to his successor. An examination of section 33 of the will makes this matter plain and definite. The executors are thereby fully authorized to take the course which they pursued when the valid claims of the Church were presented and established. If they had failed to make the transfer, they would not only have been derelict to their duty as honorable men, and as members of the Church, thus peculiarly interested, but also as the executors of the last will and testament of the deceased, whose wishes they were sworn to regard and carry into effect.

They were selected by the testator to attend to this important business, because they were acquainted with his affairs and the just claims of the Church, as well as the reasons which led to his personal assumption of the title to property accruing and belonging thereto. Their position as Apostles did not debar them, morally or legally, from entertaining the claims presented, neither did their duties as executors conflict with their ecclesiastical calling. The wishes of the deceased and the demands of his successor in office as Trustee-in-Trust were harmonious, and in complying with the latter they but acted in accord with the former. In this they will be sustained by fair-minded people of all sects, parties and degrees, and, we think, will be supported by the courts as well as by the law.

The charge against them is of the flimsiest character. They cannot be benefitted, pecuniarily or otherwise, by the conveyance complained of. One of them, at least, would be a loser by the transaction, supposing it to be improper. And their position, as Apostles of the Church, gives them no more actual interest in the property conveyed than the humblest member received into its fellowship. For the property of the Church is not under the private control of its officers any more than of its members. It belongs to the whole body, not to a select few. It is not subject to the personal wishes of any of its dignitaries, but is held in trust for the entire organization. Therefore there is not the faintest semblance of a shadow of collusion in this matter, but only a proper

regard for legitimate demands made by the Church, governed by the declared wishes of the testator and the real interests of the heirs and legatees.

It has been further charged that as Apostles they have claimed "authority to control and direct the acts and conduct of the members of the Church in all things," and in that capacity "to disinherit the heir, legatee and beneficiary members of the Church—refusing to submit to their commands and doings in this behalf." Now, it ought to be known, if it is not, that no dignity of our Church makes any such pretensions. This statement was a big blunder of the lawyers interested in the suit. The power of the priesthood is not extended to any such measures. The leaders of the Church make no such pretension. Popular rumor has credited them with powers, or the assumption of powers that the Church covenants do not endow them with and to which they lay no claim. The idea is absurd, the charge is utterly fallacious, and the allegation cannot be sustained in the least, either by citations of doctrine or reference to facts.

It is clear from section 37 of the will that the executors were fully authorized to wind up and close the entire trust of the estate, under certain specified conditions. These were strictly complied with. The mothers and their children over twenty-one years of age did consent to and were anxious for this settlement as appears of record in the Probate Court, and as attested by all their signatures. They gave their acquittances as provided, and these were to be in the words of the will, "a full discharge to the executors and trustees."

Now let any candid persons look into the transactions of the executors with an understanding of the intentions of the testator, and they must be convinced that even if the executors have done anything not technically in accordance with statutory law—which, however, by no means appears—they have endeavored to act in obedience to the spirit and letter of the instrument which is law to them, and that no reasonable blame can be laid at their doors. The will of the deceased is their code in official action, its provisions are their rules and its objects their aim and end. There is no need to draw a veil of secrecy over their doings nor to shrink from the closest scrutiny into all that they have accomplished. But at the same time it is a subject of general regret, that matters which only concern the Church and a few individuals, should become a topic of discussion and the object of misrepresentation in the world at large.

We hope that justice, truth and wisdom will prevail, and that the wishes of our departed chief will not be rendered things of nought by the intrigues of lawyers and the rulings of courts, while the estate he has left dwindles away in fees and expenses, and the widows and minor heirs suffer the loss and cry to heaven for redress and vengeance.

## Local and Other Matters.

FROM SATURDAY'S DAILY, JULY 5.

"Maud Irving."—The children's operetta, "Maud Irving," was presented in the 20th Ward on Thursday evening to a good-sized and appreciative audience. The little folks acquitted themselves very commendably. The piece is rather tame in construction, but contains many airs that are quite pretty. Professor Daynes presided at the piano and directed the performance, and his playing was much enjoyed. The place is nicely fitted up with stage, curtain and scenes, and makes a very convenient place for the production of minor pieces.

A Frightful Death.—The following special to the NEWS is just received per Deseret Telegraph Company:

MANTI, U. T., July 5, 1879.

Editors Deseret News:

Yesterday about 12 o'clock, at Pettyville, six miles south of this place a granary belonging to B. B. Funk, Jr., caught fire. Mrs. Funk rushed into the burning building to save her child, a boy about three years old, who it appears was asleep in the building and both perished in the flames. The bodies were almost entirely consumed. It is sup-

posed the fire originated from some ashes or a spark from a stove pipe.

Celebration Omitted.—Owing to the intense feeling of regret pervading the City of Provo, as a consequence of the sad and unexpected death of Young Albert Park, the grand celebration which was to have taken place there on the 4th inst. was entirely omitted, the general community, and especially the committee of arrangements, having no heart to proceed with the demonstration after what had occurred. Many who went on the excursion Friday were doubtless disappointed, but we trust that such will acknowledge the propriety of the suspension of proceedings, and by sensing and making allowance for the motive which caused it, agree that none can be censured for an event so entirely unforeseen.

Loose Somewhere.—Mr. John G. Smith, of Draper, called upon us to-day, and showed us a letter which he has just received, under date of June 24th, 1879, from E. B. French, second auditor of the Treasury, in reply to his letter of May 28, 1879, making inquiry respecting the three months' extra pay due veterans in the Mexican war. The auditor's letter conveys the astounding information that the pay due Mr. Smith was paid November 27th, 1852, through H. F. Mayer, attorney, on certificate No. 16,228. Mr. Smith is confident that he never signed any certificate, nor authorized any person to act as his attorney in the matter. The case will bear a strict investigation. Have the other members of the battalion also been cheated thus?

District Court.—Proceedings at the District Court on Thursday afternoon:

J. G. Geve vs. Benj. W. Morgan. Plaintiff's application for an injunction denied.

Walker Bros. vs. Chicago S. M. Co. W. W. Gee appears and is substituted for judgment creditors herein.

Joseph Broughton vs. Chicago S. M. Co. Same order.

Emeline A. Young, etc., vs. Geo. Q. Cannon et al. Louisa W. Young Ferguson, Dora Young Dunford, Murinda Hyde Conrad, Ernest Irving Young, Miriam Young Ellsworth, Vilate Decker, heirs-at-law under the will of Brigham Young, deceased, enter appearance as plaintiffs in said action, and are allowed to appear as party plaintiffs.

Adjourned till Wednesday morning, the 9th inst.

A Serious Accident.—Yesterday morning George, a 12-year old son of Mr. Stephen Taylor, of the 14th Ward, met with a serious accident. In company with some other boys, he had secured a piece of gas pipe, about 18 inches long and about one and a half inches in diameter, in one end of which they inserted a plug of lead. They then loaded their rudely made cannon, putting in a heavy charge of powder and wadding. They manufactured some kind of a fuse, and applying a light to it, ran toward an out-building near by. After getting inside, and hearing no report, young Taylor started out to see what was the matter, but he just issued from the shed when the weapon exploded and a piece of the metal struck him on the chin, cutting a deep and ugly wound. He was carried home and a surgeon immediately summoned, who extracted two small pieces of bone, and sewed up the gash. This morning the injured boy was quite comfortable, and is in a fair way for recovery.

The National Holiday.—Yesterday, the anniversary of the birth of the United States of America, as a nation, was observed in Salt Lake City in an exceedingly quiet manner. The closing of business houses was general, as it ought to be, and after the numerous excursion parties had started, the streets had a deserted and lonely appearance. A very large party went to Ogden with the 10th Ward Band excursion, and had a pleasant time; several car-loads of people went to Provo to witness the celebration in that town; the numerous and pleasant places of resort near to this city were well patronized, and in the afternoon an immense crowd witnessed the base ball match. The wind was strong and drove the dust in clouds along the streets, making everybody feel disagreeable and out of humor.

Some accidents are reported and some narrow escapes from fire occurred; but a just cause of com-

plaint seems to be the unusually large number of intoxicated persons who wandered along the sidewalks during the day and evening. Altogether, the holiday in Salt Lake City was uneventful, uninteresting and unpleasant.

FROM MONDAY'S DAILY, JULY 7.

Arrived Home.—Hon. George Q. Cannon, Utah's Delegate to Congress, arrived home Sunday evening from Washington.

Water Scarcity.—A correspondent writes from Moroni, Sanpete County, that there is considerable trouble there over scarcity of water but, notwithstanding the drouth, the crops look pretty well generally.

Home Mission.—The home missionaries, who were called at the late Quarterly Conference of this Stake, who have not been set apart are requested to meet at the Council House, on Wednesday evening, the 9th inst., at 7 o'clock, for the purpose of the required ceremony.

Tannery Burned.—A special from Glenwood, Sevier County, received last evening, states that on Saturday, the 5th inst., the county tannery caught fire and was burned to the ground, nothing being saved except a few hides. The fire is supposed to have originated by a spark from the boiler.

Two Days' Meetings.—Two days' meetings will be held at the Big Cottonwood Ward Meeting House, on Saturday and Sunday, July 12 and 13, at 10 a.m. and 2 p.m. of each day. Home missionaries will preach as usual, in all the other county wards of the Stake.

W. W. TAYLOR,  
Clerk of Stake.

Deseret Museum.—The curator of the Museum respectfully acknowledges the receipt of the Report of the Director of the Central Park Menagerie of New York. From the report it appears that 417 mammals, 616 birds and 27 reptiles, a total of 1,060 animals, are on exhibition. The monthly report for June from the Signal Service Department, by the courtesy of Sergeant Craig, U. S. A., has been placed on file. Rainfall of the month 1.34 inches, being in excess of rainfall in the corresponding month during the last four years.

The Water Case.—The Mill Creek water dispute was up again before Justice Pyper to-day, and was decided in favor of the plaintiff, the defendant being fined \$5. It appears that the latter being an old settler, claiming all the water that was necessary to irrigate his land, irrespective of the rise and fall of the stream from which it was obtained, took measures to secure what he imagined was his right by changing the gates fixed by the water-master and acting otherwise in an absolute and unwarrantable manner, contrary to the law. The matter occasioned some trouble and was brought to the city for trial. The decision rendered caused considerable feeling, but all right-minded persons will see that it is just and proper. The Judge decided that when there was an abundance of water, the defendant was entitled to all he needed, but if the summer heat or other causes reduced the stream one half, then he could not claim the same amount as before, in justice to others similarly placed, but only a fair proportion like all the rest.

Hail, Champions of the Coast!—On Saturday last the concluding and deciding game of the championship series between the Deserets and Athletics took place in the presence of a large audience, and was easily won by the Deserets, the score being 18 to 7.

The series just ended has been the most interesting ever played in this city. Large crowds have witnessed each game, and the uncertainty as to the result of the contest has maintained the excitement to the close. The comparative ease with which the Athletics secured the two first games caused some dismay to our champions, but the subsequent rally of the latter and the scientific and thorough knowledge of the mysteries of the game which they displayed, added to the reputation and prestige of their opponents, may well cause them a feeling of some pride at the result. The defeated nine, though evidently splendid players, appeared of late to lose all confidence in themselves and will return home rather dis-

couraged. They expect to leave this city to-morrow for San Francisco, and will be accompanied by Mr. A. Barker, late pitcher of the Red Stockings, whose services they have secured, and who will prove a valuable addition to their club.

The Denver Brown Stockings, who made so many friends here two years ago, will again try the metal of the Deserets on the 24th inst.

## "THERE IS REASON IN ALL THINGS"

It is reasonable to conclude, that Benson's Caprine Plaster, having received the highest and only award at the Centennial Exposition, over all other plasters, having received the universal praise of the highest medical authority in the world, must possess unusual merit. Benson's Caprine Plaster was invented to overcome the slow action of the ordinary porous plasters, the only remedy. They relieve pain at once, and cure quickly diseases which other plasters will not even relieve. They strengthen weak back, cure rheumatism, sprains and kidney affections, sciatica, lumbago, neuralgia, pains in the back, hips and sides. Persons easily affected by change of weather should wear these constantly during the winter season, as they are a sure preventive of colds. Sold everywhere. Price, 25 cts.

**FRAUD-BEWARE!** THERE ARE FRAUDULENT and Worthless imitations of Benson's Caprine Plaster in the market. Some of them contain dangerous mineral poisons. Each genuine Benson's Caprine plaster has the word Caprine cut through it. Take no other.

## BETTER THAN GOLD.

Is good health, which may be preserved by the timely use of Compound Extract Sarsaparilla, Dandelion and Iodide of Potassium. This is not a patent medicine; its formula is published with each bottle. The leading physicians endorse it. Ask your druggists about its merits. It cures Scrofula, Chronic Rheumatism, and all skin diseases, by purifying the blood and invigorating the liver. For Sale Everywhere.

**Brown's Vegetable Liver Pills** are prepared for curing Sick-headache, Constipation, Indigestion, and Torpid Liver. Now is the time to use them and prevent summer and fall sickness. They are superior to Eastern pills; a trial establishes them in every western family.

The great healer of the age is **Brown's Arnica Salve**. It is without a rival for curing Old Sores, Ulcers, Cuts, Burns, Bruises, Piles and Sore Eyes; also for galls and sores on horses; fully warranted.

**Brown's Blackberry and Ginger**, tested and tried for 14 years, has never failed to cure the worst cases of Summer Complaint, Dysentery or any derangement of the stomach or bowels. Try it.

All of **Brown's Family Remedies** for sale by Z. C. M. I. Drug Store, Godbe, Pitts & Co., & Moore, Allen & Co, Salt Lake City, Utah. d 186 tf

**Briskly Brush** your teeth night and morning with aromatic, invigorating **EOZO-DONT**. You will be perfectly astonished at the improvement in whiteness which a fortnight of this sort of treatment will cause. Begin at once, strengthen your decaying teeth. wit

## ESTRAY NOTICE.

I HAVE in my possession:  
One old black mare MULE, branded W on left shoulder, A P S on left thigh, has shoes on.  
One old dun colored mare MULE, branded F on left shoulder, A P S on left thigh, has shoes on.  
If said animals are not claimed and taken away they will be sold July 15, 1879, at the Estray Pound, Moroni, Sanpete County, at 10 a. m.

JOHN BAILEY,  
District Poundkeeper.  
Moroni, Sanpete County, July 5, 1879.

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