

25. The classes shall continue to occupy the homestead in which they shall have been left by me without charge, they paying the taxes thereon, and the repairs thereof, until the decease or marriage of their mother, and one year longer, and minors until of lawful age; but, until her death, the whole income shall be paid to the mother, to be applied in her discretion for the use of her children. Provided, that if the share of the whole estate shall have been set off to the children of a deceased or married mother, the executors shall still be the trustees of minors, and make compensation for their maintenance and education; and also for the proper maintenance of those of age who shall be incompetent to take care of themselves, at their original homestead, or at other suitable place. But in no instance is any child to have more than his or her proper equal share of income or principal, out of the joint trust estate.

26. Should any mother fail to do her duty in contributing with others, the proper proportion of her class toward the common expenses of the household in which they may be, the executors shall have power to make payment of a due share of income directly to that object; and they shall have a discretionary power to settle all differences between the members of families, and be pacificators among them, and their decision shall be final.

27. If the mother of a class shall be deceased at my death, or shall thereafter die or marry, and as often as one shall die or marry, there shall be within one year thereafter, or as soon as may be practicable, a valuation made of all my real and personal estate by the executors acting, and as many other competent persons as there may be executors to be appointed, by a majority of the mothers then living, a majority of which valuers shall make a final division and allotment of the share of the real and personal estate (or of either), which shall be set off as, and for, the proper and equal share of the children of the deceased or married mother; and such share shall be taken ratably by them for their full share of my estate; and they, as they shall be or become of lawful age and receive the possession of their respected portions thereof, shall give full releases and acquittances to the executors of all claims and demands, and of all right and title in and to my undivided estate in form to be placed on record.

28. If any child of any mother shall be dead at the time of making payment of rents and income, or of dividing the estate, leaving issue then living, such issue shall be counted as one in place of their parent in the proper class to receive ratably by representation the share their parent would have received if living; that is, a share of the rents and income if living at the homestead, and of the principal where-ever living when payable as aforesaid; but no payment of principal shall be payable to a minor during minority, but rents and income of their allotted shares may be applied to and for their maintenance and education.

29. All payments made to the mothers of the respective children, for their maintenance and education, shall be valid payments and the mothers' receipts shall be complete discharges and releases to the executors, but the mothers may appoint a receiver or treasurer for the family, if more convenient, and so many as constitute him or her their agent shall be bound by his or her receipts.

30. Should a mother, son or daughter, marry at proper age, or a son go into business after twenty-one years of age, the trustees may make a payment to such mother of a sum of One Hundred dollars, and to a son or daughter a sum of Five Hundred dollars, to be charged in the division, without interest, as follows: The payment to the mother to be charged to the whole fund of her class, and the payment to children to be charged to their respective portions thereof.

31. The homestead and its furniture, bedding and household utensils shall be the last to be sold for payment of debts or legacies, or to make division among said classes; but, if they must be sold for any of said purposes, the proceeds left shall be invested in a safe manner, on bond or mortgage, for the advantage of those entitled as aforesaid; and the executors shall have power if deemed best, to raise

money by mortgage of the real estate to pay off debts, legacies, or shares in division, and this from time to time.

32. The provisions hereby made for the mothers of my children shall be in lieu of all dower, or other legal claim upon my estate.

33. Should one or more of my acting executors die, resign, or become incapable of acting in the trust, I authorize the majority of the mothers of my children, living at the time, to appoint by writing, under their hands and seals, another, 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 appointed by this will; and he, or they, shall have all the rights and powers therein expressed; and I direct the surviving or continuing trustee and executor, or trustees and executors, to convey the estate to a third party, who shall re-convey the same to them, and the new appointees in fee jointly upon all and singular the trusts of this will, with all the powers and authority, and subject 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.)

acts of the surviving or continuing executors, or executor, shall be as valid as if this power to fill vacancies did not exist.

34. To avoid any question, the words married, or marriage, in this will, shall be taken to have become consummate between man and woman, either by ceremony before a lawful magistrate, or according to the order of the Church of Jesus Christ of Latter-day Saints, or by their cohabitation in conformity to our custom.

35. The mother, and trustees, and executors, shall have power to determine whether any child she may have, shall have right of residence in the homestead, and shall have power to remove any one, or more, for disobedience or vicious conduct, or bad habits, and the mother may appoint what would otherwise be the share of any such child, or children, or any who may be wasteful or unworthy to be held in trust for such child or children under restrictions to prevent waste, or may wholly appoint the share of such child or children to his or her issue or to said mother's other children or their issue, and her determination by writing to take effect in her life, or by will, shall be binding; but on full reformation she may revoke such writing, made to take effect during her life.

36. I appoint to be the executors and trustees under this will, George Q. Cannon, Brigham Young, Jr., and Albert Carrington, with all the authority therein contained; and I authorize them to take as their joint commission three per cent. on principal passing through their hands, to be charged but once on the same principal, and five per cent. on income; but they shall make no charge as on a rent for any homestead occupied by my legatees.

37. I authorize my executors and trustees, with the consent of the said mothers, or mother, surviving, and of all their children of the age of twenty-one years, to wind up and close the entire trust of my estate, reserving and keeping at interest the shares of all minors, until they shall respectively arrive at said lawful age; and the acquittances of said legatees shall be a full discharge to the executors and trustees; and every trust shall be closed within twenty-one years after the decease of the surviving mother of my children aforesaid.

38. I authorize my executors to settle all trusts wherein I am trustee, and to pay any debts I may owe in respect to the same, and to receive whatever claims may be due my estate therefrom; and to make conveyance and assignment to the proper party, or parties, of the trust estate, and to take proper indemnity and security as to all outstanding liabilities I may be under for such trust estate, so that my private estate shall suffer no loss by reason of my liabilities for such debts.

39. To prevent any failure of trustees, should a surviving executor, or trustee, original or substituted, die, leaving executors, or an executor, they, or he, and the survivors, or survivor, of them shall be the executors, or executor, or trustees, or trustee, to complete the trusts of this will, with all the authority and powers therein contained; and should the surviving execu-

tor, or trustee, have left no executor, or should he, or they, die before the complete execution of the trust, then 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 of 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. [L.S.]
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 the presence of each other, subscribed our names as witnesses thereto.

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

[End of the fifth page.]

First codicil to my foregoing Will:

1. I hereby annex a schedule of property, with its value attached, which I have given to the mothers of my children, and to my children and which I direct my executors to charge to each in the manner described hereafter:

2. To Mary Ann Angell Young, and her heirs and assigns of Class One in my foregoing Will, I have deeded through a deed to George A. Smith, dated July 29, 1873, Lots 7, 8 and 9, in Block 1, Plat 1, Salt Lake City Survey, being 234 feet fronting on South Temple street, and 20 rods deep, valued at \$20,000, which amount I authorize and request my executors in the division of my estate to charge to the principal of her class without interest.

3. To Lucy A. Decker Young and her heirs and assigns, of Class Two, in my foregoing Will, I have deeded through a deed to Feramorz Little, dated July 29, 1873, part of lot 1, in block 88, Plat A, Salt Lake City Survey, commencing at a point 2 rods east of the southeast corner of said lot; thence running north 16 rods; thence west 94 feet and 8 inches; thence south 16 rods; thence east 94 feet and 8 inches to the place of beginning, with the buildings thereon, valued at \$50,000. Also through a deed to George Q. Cannon, dated July 29, 1873, part of lot 3, in block 70, Plat A Salt Lake City Survey, commencing at the southwest corner of said lot; thence running east 96 and 9-12 feet to the southwest corner of Commercial street; thence 97 feet north bearing 1 1/2 degrees east on the west line of Commercial street; thence west 99 feet, more or less, to the west line of said lot 3; thence south 97 feet, to the place of beginning, valued at \$30,000. The above named two pieces of land with the buildings, are valued in the aggregate at \$80,000. This amount I authorize and request my executors in the division of my estate to charge to the principal of her class without interest.

4. To Emeline Free Young, and her heirs and assigns, of Class Three in my foregoing Will, I have deeded through a deed to James Jack, dated June 24, 1873, part of lot 7, in block 75, Plat A, Salt Lake City Survey, commencing at a point 26 feet due north from the southeast corner of said lot; thence running north 69 feet; thence west 10 rods; thence south 69 feet; thence east 10 rods to the place of beginning, with the building thereon, valued at \$20,000. Also through a deed to George Q. Cannon, dated July 29, 1873, parts of lots 5 and 6, in block 70, Plat A, Salt Lake City Survey, commencing at a point 7 1/2 feet west of the northeast corner of said lot 5; thence running south 100 feet; thence east 7 1/2 feet; thence north 2 feet; thence east 110 feet, more or less to the west line of Commercial street, thence north, bearing 1 1/2 degrees east on said west line of Commercial street 98 feet to a point 53 feet west of the northeast corner of said lot 6; thence west 119 1/2 feet, to place of beginning, valued at \$40,000. The above named two pieces of land, with the buildings thereon, are valued in the aggregate at (\$60,000.) sixty thousand

BRIGHAM YOUNG, Sr.
JOSEPH F. SMITH,
D. MCKENZIE,
JAMES JACK.

[End of the sixth page.]

dollars, this amount I authorize

and request my executors in the division of my estate to charge to the principal of her class without interest.

5. To Emily D. Partridge Young and to her heirs and assigns of Class Four in my foregoing Will, I have deeded lot 7, in block 62, Plat B Salt Lake City Survey, with the buildings thereon, valued at \$12,000, which amount I authorize and request my executors, in the division of my estate, to charge to the principal of her class without interest.

6. To Clara Decker Young, and her heirs and assigns of Class Five in my foregoing Will, I have deeded through a deed to Joseph F. Smith, dated July 29, 1873, part of lot 3, in block 70, commencing at a point 97 feet north from the southwest corner of said lot, thence running east 99 feet more or less, to the west line of Commercial Street; thence 150 and 1/2 feet north, bearing 1 1/2 degrees east; thence west 102 1/2 feet more or less to the west line of said lot 3; thence south 150 6-12 feet to the place of beginning, valued at \$30,100. Also through a deed to Feramorz Little, dated July 29, 1873, lot 13, in block 1, 10 rods by 10 rods, Plat 1 Salt Lake City Survey. Also all that certain piece or parcel of land known and described as follows, to wit: Part of lot 2, in block 14, Plat D Salt Lake City Survey, commencing at a point 5 rods west of the southeast corner of said lot 2; thence running west 7 feet; thence north 10 rods; thence east 7 feet; thence south 10 rods, to the place of beginning; which, with the above mentioned lot 13, are valued at \$5,200; the above named pieces of land are valued in the aggregate at \$35,300. This amount I authorize and request my executors, in the division of my estate, to charge to the principal of her class without interest.

7. To Zina D. Huntington Young, and her heirs and assigns of Class Nine, in my foregoing Will, I have deeded the south half of lot 4, in block 56, Plat A Salt Lake City Survey, with the buildings thereon, valued at \$16,000, which amount I authorize and request my executors in the division of my estate to charge to the principal of her class without interest.

8. To Mary Van Cott Young, and her heirs and assigns of Class Twelve in my foregoing Will, I have given through a deed to her father, Jno. Van Cott, part of lot 3, in block 76, Plat A Salt Lake City Survey, commencing at the southeast corner of said lot, thence running 63 feet west; thence 100 feet north, thence 63 feet east, thence 100 feet south to the place of beginning, 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.

9. To my son, Heber Young, I have deeded lot 1, in block 14, Plat D Salt Lake City Survey, with the buildings thereon, valued at \$15,000, from which amount I authorize 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 S. Young, I have deeded a strip of land 1 foot wide, commencing

BRIGHAM YOUNG, Sr.
JOSEPH F. SMITH,
D. MCKENZIE,
JAMES JACK.

[End of the seventh page.]

at the northeast corner of lot 5, in block 78, Plat A Salt Lake City Survey, and running south ten rods, and part of lot 6 in the aforesaid block, commencing at the northwest corner of said lot; running thence south 20 rods; thence east 73 feet, thence north 20 rods, thence west 73 feet to the place of beginning, with the buildings thereon, valued at \$15,000, from which I authorize and request my executors to deduct \$5,000, and in the division of my estate charge the balance, \$10,000, without interest, to his portion in his class.

11. To my son Ernest I. Young, I have given \$5,000 in cash, which I authorize and request my executors to charge, without interest, in the division of my estate, to his portion in his class.

12. To my daughter, Elizabeth Y. Ellsworth, I have deeded lot six, in block 74, plat A, Salt Lake City Survey, with the buildings thereon, valued at \$20,000, also part of lot 6, block 70, plat A, Salt Lake City Survey, commencing at a point 98 feet south of the northwest corner of said lot 6; thence running south 74 9-12 feet; thence east 108

feet, more or less, to the west line of Commercial street; thence 74 9-12 feet north, bearing 1 1/2 degrees east on the said west line of Commercial street to a point 98 feet south from the northwest corner of Commercial Street at its junction with South Street; thence west 110 feet, more or less, to the place of beginning, valued at \$14,950. The above named two pieces of land with the buildings, are valued in the aggregate at \$34,950. This amount I authorize and request my executors, in the division of my estate, to charge, without interest, to her portion in her class.

13. To my daughter, Vilma Decker, I have deeded lot 1, block 63, also 10 rods by 11 rods south of and adjoining the lot, being part of lot 3 in the aforesaid block, plat B Salt Lake City Survey, with the buildings thereon, valued at \$15,000; also part of lot 6, in block 70, plat A Salt Lake City Survey, commencing at a point 172 9-12 feet south of the north, west corner of said lot, thence running south 74 9-12 feet, thence east 106 feet, more or less, to the west line of Commercial street; thence 74 9-12 feet north, bearing 1 1/2 degrees east on the said west line of Commercial street, to a point 172 9-12 feet south from the northwest corner of Commercial street, at its junction with South Street, thence west 108 feet, more or less, to the place of beginning, valued at \$14,950. The above named two pieces of land with the buildings thereon, are valued in the aggregate at \$29,950. This amount I authorize and request my executors in the division of my estate to charge without interest to her portion in her class.

14. To my daughter Alice Clawson, I have deeded part of lot 7, in block 75, plat A Salt Lake City Survey, commencing at the northeast corner of said lot, thence running south 70 feet, thence west 10 rods, thence north 70 feet thence

BRIGHAM YOUNG, Sr.
JOSEPH F. SMITH,
D. MCKENZIE,
J. JACK.

[End of the eighth page.]

east 10 rods to the place of beginning, with the buildings thereon, valued at \$10,000, which amount I authorize and request my executors in the division of my estate to charge without interest to her portion in her class.

15. To my daughter Ida Thatcher and her heirs and assigns I have given through a deed to her husband, George W. Thatcher, rods fronting south, extending north, 10 rods off the west end of lot 1, in block 67; also 1 1/2 rods fronting south, extending north 10 rods off the east end of lot 2, in aforesaid block, plat A, Salt Lake City survey, with the buildings thereon, which I value at \$7,500. This amount I authorize and request my executors in the division of my estate to charge without interest to her portion in her class.

16. To my daughter Fannie Thatcher and her heirs and assigns I have deeded the east half of lot 14, plat D Salt Lake City Survey, with the building thereon, valued at \$7,500, which amount I authorize and request my executors in the division of my estate to charge without interest, to her portion in her class.

17. To my daughter, Ella Empey, and her heirs and assigns I have deeded the northeast corner of lot 8, 5 rods by 5 rods, in block 74, plat A, Salt Lake City Survey, with the building thereon, valued at \$10,000, which amount I authorize and request my executors, in the division of my estate, to charge without interest to her portion in her class.

18. To my daughter, Emily Clawson and her heirs and assigns I have deeded lot 5, in block 11, Salt Lake City Survey 112 feet front by 10 rods deep, valued at \$10,000, which amount I authorize and request my executors to charge without interest in the division of my estate to her portion in her class.

19. To my daughter, Martha Y. Conrad, and her heirs and assigns, I have deeded lot 2, in block 1, plat 1, Salt Lake City Survey, 7 rods by 10 rods, valued at \$4,000, which amount I authorize and request my executors in the division of my estate, to charge without interest to her portion in her class.

20. To my daughter, Maria Douglas, and her heirs and assigns, I have deeded part of lot 8, in block 86, plat A, Salt Lake City Survey, commencing at a point 3 rods north of the southeast corner of said lot