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and I still have a lingering hope that such may be the case. But he is now becoming aged, and how long the Lord will bless us with his presence I do not know, but this much I do know, that either he will be preserved or that some other personage will be raised to fulfill that prophecy. "Behold I say unto you, the redemption of Zion must needs come by power, therefore I will raise up unto my people a man who shall lead them like as Moses led the children of Israel, for ye are the children of Israel, and of the seed of Abraham, and ye must needs be led out of bondage by power, with an outstretched arm, and as your fathers were led at the first, even so shall the redemption of Zion be."

It seems then that this people, at some future time in their sojourn here in this land, may possibly be in bondage greater than they are at the present time. I try to hope for the best, and to think that the bondage we are in and have been in for years, in consequence of the efforts of those who are striving to take away our rights as American citizens, and to trample us down in the dust; I say I have been in hopes that that would be all the bondage that was meant here in this prophecy, but I do not know but what there may be a greater signification to these words. I do not know what the purposes of the Lord are in relation to this particular thing. It may be that we shall have our rights completely taken from us; it may be, if we do not live sufficiently faithful before the Lord, that he will yet bring us into still greater tribulation than that which we have hitherto had. It may be that we shall yet be in bondage like the Israelites in the land of Egypt; for the Lord has said that, when this man should be raised up, he would redeem his people by power out of bondage, and they should be led as their fathers were led at the first. Says the Lord—"I say not unto you as I said unto your fathers—'mine angel shall go before you, but not my presence'—but I say unto you that mine angels shall go before you, and also my presence." It was, in ancient days, a great calamity to Israel, when the Lord swore in his wrath that he would not go up in their midst, but that he would send an angel before them. Why did the Lord do this? Because of the wickedness and stiffneckedness of that people. He had redeemed them out of the land of Egypt, and they would not hearken to the words of Moses, they would not obey the voice of the Lord, but they stiffened their necks and hardened their hearts against the counsels that they received, and for this reason the Lord was under the necessity of leading them for forty years in the wilderness, considering them unworthy to go into their choice and promised land, and he swore an oath that all of that company—hundreds of thousands—who had come out of the land of Egypt, from twenty years old and upward, except Joshua and Caleb, should not enter into the Land of Promise, so great was their wickedness; and he fulfilled his word. So provoked was he on one occasion at their rebellion that he threatened to consume them in a moment, but Moses plead with the Lord to spare his people, lest the people around about should say that the Lord could not bring his people into the Promised Land. Moses said—"Remember thy covenant which thou didst make with Abraham, Isaac and Jacob, our fathers, that they and their seed should have this land for an everlasting inheritance." "No," said the Lord, "I can raise up seed unto you Moses, that you may go in and possess the land." "No," said Moses, "remember that ancient covenant, that thy people may not be deprived of their inheritance;" and the Lord finally concluded to hearken to the voice of Moses, and to let them go into the land. But said he—"My presence shall not go up with you, lest I break forth upon you in my wrath, and you be consumed in a moment, but I will send an angel with you."

In these last days, in redeeming his people from bondage, he has told us in plain words, that his angel should go before us and also his presence; and as, in the deliverance of Israel in ancient times the waters were divided and plagues sent forth upon the Egyptian nation, it would not surprise me at all if there should be similar power manifested in the redemption of Zion. There may be a few individuals go to prepare the way, to purchase a little more land and get things in order; but when that is accomplished, this people as a body will return to that land, the Lord going with them.

In ancient times, so long as the Lord did continue with Israel, he manifested his glory over their camp by a cloud by day; and whenever the cloud arose they followed it; and wherever it rested, there they pitched their tents and remained until the cloud moved again, when they again journeyed on. Now if Zion is to be redeemed after the same manner, you need not be surprised if the Lord God should let his glory, in the form of a cloud by day and the shining of a flaming fire by night, be over all the camp of Zion. This is what I look for; perhaps I am a little enthusiastic, but it is really what I look for and expect; and when the Lord says that his presence shall go with us I expect he will be in the midst of this people as he was in the midst of ancient Israel until they rejected him from their midst.

Did he converse with them in the wilderness before he left them? Yes, he talked with them out of a burning cloud in the burning mount, he spoke in their ears by the voice of a trumpet, and sounded in the ears of all the house of Israel the ten commandments, and they all, men, women and children, heard it. Do I look for similar manifestations of God's power and presence when Zion is redeemed? I do. He may not come down upon any mountains, but he will converse with this people as audibly to men, women and children, as he did in ancient times. Zion must needs be redeemed by power, with an outstretched arm, the angel of the Lord going before the camp of this people,

and they will return, and a remnant of the Lamanites with them to build up the city of Zion in Jackson County.

How about our inheritance when we get back there, our farms, &c.? We need give ourselves no uneasiness about that, there will be no speculation, no grabbing in those days; no one to say—"I am going to take up all the land round about so that I can speculate with it in selling it to my brethren." No such thing as this, not a solitary soul among all the Latter-day Saints will receive an inheritance in this way. Another person is to come for the special purpose of dividing to the Saints their inheritances. "Behold," saith the Lord God, "I will send one mighty and strong, clothed with light as with a garment, whose bowels shall be a fountain of truth, who shall utter words, eternal words, and who shall divide to the Saints their inheritances by lot."

Have you read this revelation? It was published in the fourteenth volume of the *Millennial Star*, and it has been published in other publications. Says one—"If the inheritances of the Saints are to be apportioned by lot, a good man, perhaps, will be put off with the poorest inheritance, and some not so good will get some of the best, it is all haphazard." Oh no, we find that lots cast by divine appointment in ancient times were cast upon a principle which designated the very thing which the Lord desired. How was it on a certain occasion about casting lots to discover the transgressor among all the hosts of Israel? A certain man had taken a gold wedge, and the people had been forbidden to take it. No one knew anything about it, but the transgressor, and he hid it in the earth. Lots were cast and the lot fell upon a certain tribe, it did not designate the man at first; they cast lots again, and it fell upon a certain portion of that tribe; they cast lots again, and it fell on a certain family, and finally it fell on a certain man in that family, and being called up, it proved that he was the very man among all the hundreds of thousands of Israel. Now here was a casting of lots by divine appointment, and the Lord, who orders all these things well, caused the very thing to be revealed according to his own mind. And when the lots are cast for this people to receive their inheritances, the Lord will so order it that every man will be rewarded according to his works, and that too by lot, however great the miracle may be.

Now I have told you about all I know, so far as it is revealed, concerning the redemption of Zion. There is one little thing, however, that I wish to name—that there will be quite a company of us before the redemption of Zion. Saith the Lord, in a certain revelation—"Let mine army become very great, and let it become sanctified before me, that they may be as fair as the sun, as clear as the moon, that their banners may be terrible unto all the nations of the earth." We learn from this declaration of the Lord, that before Zion is redeemed we are to be quite a numerous people; and this agrees with what is in the sixtieth chapter of Isaiah—"A little one shall become a thousand, and a small one a strong nation." That is our destiny. However much our enemies may howl, whatever may be our future tribulations, the Lord God has decreed that Zion shall become a strong nation, that the armies of Israel shall become very great, and not only very great, but they will be sanctified before him, and there will be such a power made manifest in their midst, that their banners will be terrible to all the nations of the earth. They will not be terrible because we outnumber the nations, but this terror of Zion which will be among the nations, will be because of the power of the great Jehovah that will be manifested in their midst, something that the nations will discern and understand; and when telegraphic dispatches are sent forth to the most distant parts of the earth, it will be said—"Who can stand before the armies of Zion? Behold, the Lord God is with them as a cloud by day, and as a pillar of fire by night." Fear will seize upon the nations of the earth, and the banners of Zion will be terrible.

These are some few things pertaining to the redemption of Zion. I would to the Lord that we were righteous enough to know a few more! There are great many things that I would like to know about the redemption of Zion that I do not know, and I presume that you also would like to know them. But what the Lord has revealed is very plain when connected together; and when we reflect upon it, it is astonishing to us to think that in our day the Lord has decreed to perform such a great work in the midst of the earth. It will be astonishing to us when the time comes for the Lord to gather in, from every part of this great continent, these poor, miserable, degraded Lamanites, that his servants may have power over them in order to bring them to civilization. It looks impossible to us, but remember that that is the day of the Lord's power, and that then will be fulfilled the saying in the Book of Doctrine and Covenants, that the Spirit of the Lord shall be shed forth upon the hearts of those who are ordained to that power; that every man among these remnants of Joseph will hear the gospel in his own tongue, by the power of the Holy Ghost shed forth upon those who are ordained unto this power. There is such a saying as that in the Book of Covenants, and when that day comes the Lord God will work mightily by signs, wonders and miracles in various ways that will have an influence over these remnants of Joseph to convert them and bring them to a knowledge of the truth, that the prayers of their ancient fathers, and of the prophets and elders who once dwelt on this American continent, may be fulfilled upon their heads.

I do not know that I have done justice to the subject of the redemption of Zion; if I have not it is because I do not sufficiently understand it. I do not know that I know anything in relation to the matter only what God has revealed. I have had no vision, no revelation in relation to that

particular subject; yet I know, from what has been revealed to me, that these things are true, and that, in their times and seasons, every jot and every tittle thereof will be fulfilled. Amen.

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Mar. 3, 1875.

RIGHT OF SPEEDY TRIAL.

THE Constitution of the United States expressly provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed."

In the case of Col. Thos. E. Ricks, of Logan, indicted last October, on a charge of murder, closely confined in the Penitentiary ever since, and denied privilege of bail, this speedy trial does not come, though he has asked for it and urged it, and though it is well known that he is ready and anxious for it to come off. Indeed it seems that in his case this constitutional right to a speedy trial is held in abeyance. For what reason, the public can only guess. Notwithstanding the fact that the court for the district has been in session most of the time since, and for a large part of that time almost incessantly, yet here, a respected citizen, a county official, charged with a high crime, which the defence declare themselves abundantly able to prove was not a crime, but a justifiable and indeed duty compelled act on the part of the defendant, is immured in a dungeon for between four and five months already, with even yet no satisfactory prospect of that speedy and impartial trial which the Constitution guarantees, irrespective of religious or political leanings, or party bias of any kind. During much of these four or five months, civil cases, which the constitution does not so expressly guarantee a speedy adjudication, have occupied the attention and time of the court, while criminal cases, as in this instance, which cases are guaranteed speedy trial, have been postponed.

In the Second District Court, too, not only have criminal cases been postponed, but the term of court itself has been postponed, leaving citizens indicted and in prison and in irons, not only without speedy trial, but with the prospect of being immured in a dungeon for half a year, if not more, before trial.

Meantime the public, which is interested in a speedy and impartial administration of justice according to the Constitution and constitutional law, is beginning to talk to itself upon this subject and to ask itself some pointed questions, not altogether complimentary to everybody, in something like the following style—

What is the real reason that Col. Ricks is not granted his constitutional right to a speedy and impartial trial?

If he was ready and his witnesses were ready, at great expense, yesterday (Feb. 23) for trial, why were not his accusers and their witnesses also ready?

Was the alleged sickness of one of them real or feigned?

Is it the intention of parties to the accusation to endeavor to have one or other of their witnesses always sick when this trial comes before the court, or to try in some other way to effect its repeated postponement, so that the accused shall be compelled to lie in prison a long and indefinite time without trial and without the prospect of trial?

The public will talk, and interrogatories of this nature the public is continually putting to itself, and we are only publishing the common talk of the streets when we publish this. For the honor and good name of the Territory it is to be hoped that circumstances judicial will not continue to be of a character to cause the public to believe that the indictment and arrest of citizens affiliated with certain classes of the community mean really a greatly prolonged and indefinite term of close incarceration within the cells of the common jail, with convicted

felons, and without trial, or prospect of early trial. It is difficult to see how any thing of this kind can conduce to the execution of the laws, to the administration of justice, or to the public weal.

It is the duty of the public prosecutor to prosecute, according to law, for offences against the law, and we do not intimate that this postponement is substantially any of his doing. When the Constitution provides for the accused a right to a speedy and impartial trial it naturally falls upon the bench to enforce that right, and see that it is enjoyed by the accused, and not to permit dilatory excuses, whether of sickness or anything else, to deprive the accused of his right. This conduct in the bench would agree with the Constitution and with Blackstone, according to whom it is an acknowledged declaration of the law, "that the judge shall be counsel for the prisoner, that is, shall see that the proceedings against him are legal and strictly regular."

YOUNG vs. YOUNG.

Ruling of Chief Justice McKean.

Made in the Third Judicial District Court, Salt Lake City, Feb. 25th, 1875.

TERRITORY OF UTAH, February, 1875.
THIRD DISTRICT COURT,
Ann Eliza Young, Plaintiff,
By her next friend,
vs.
Brigham Young, Defendant.

- 1.—Where the plaintiff alleges that a certain marriage took place in 1868, and the defendant denies it, "for," or because, as the latter alleges, a certain other marriage took place in 1863, such denial is bad in law, and the plaintiff's allegation is admitted.
- 2.—Where the defendant expressly admits an alleged marriage, and sets up new matter in avoidance of its validity, his admission will be taken as true, but the onus of proving the new matter is on him.
- 3.—Where the defendant both denies and admits an allegation of the plaintiff, it amounts in law to an admission thereof.
- 4.—A marriage solemnized in Utah, either according to the forms of the "Church" of which Brigham Young is the head, or according to the forms of the common law, is a lawful and valid marriage, provided the parties to the contract are, at the time of entering into it, legally competent to intermarry.
- 5.—Where a woman, married according to the forms of said "Church," sues for divorce and presents a complaint good in law, and the defendant, admitting the marriage and cohabitation, alleges that the plaintiff had another husband, and he, the defendant, had another wife living at the time of such marriage, there being no repudiation under the Practice Act of Utah, the law denies these allegations for the plaintiff, and the defendant must prove them.
- 6.—If it shall be proved that a marriage sought to be dissolved, was, to the knowledge of the parties at the time of entering into it, a polygamous or bigamous marriage, this court will not grant a decree of divorce. But the court is not permitted to presume what the proofs will be.
- 7.—This court has authority, in a proper case, without any statute provision on the subject, to grant *ad interim* alimony and sustenance.
- 8.—Where a woman sues for divorce, making all necessary averments in her complaint, and the defendant admits the marriage and cohabitation, but seeks to avoid responsibility by confessing himself guilty of a heinous felony, a clear case is presented for the exercise of such authority to grant alimony and sustenance.
- 9.—As a general rule, alimony is allowed out of the husband's income; usually one-fifth, sometimes one-fourth, and in extreme cases a still greater proportion of such income is allowed. The temporary alimony allowed in the present case, is one-twelfth of what the defendant admits his income to be, or one-eighth of what the plaintiff alleges it to be; and is to commence from the filing of the complaint.

This is an action for divorce, and the plaintiff moves for alimony and sustenance *pendente lite*.

Tilford & Hagan and John R. McBride, for the motion.
Hempstead & Kirkpatrick, Williams, Young & Sheeks, opposed.

McKean Ch. J.—In her complaint the plaintiff alleges, among other things, that she was born at Nauvoo, in the State of Illinois; that she is now and has been continuously since the year 1848, a resident of Salt Lake County, in this Territory; that on the 6th day of April, 1868, she and the defendant, Brigham Young, intermarried at that county; that ever since then she has been, and is now, the wife of the defendant; that at the time of said marriage she was in the twenty-fifth year of her age, and the mother of two children, the issue of a former marriage; that those children were aged, one four years and the other two years; that neither she nor her children had any estate or patrimony whatever, and that they were entirely depen-

dent upon her for their nurture and education; with all of which facts the defendant was well acquainted, and of which he had been informed prior to the said marriage; that said children, both of whom are boys, are still living, and from the time of her marriage to the defendant, have been continuously, and are now, under her custody, and with no means of support except such as she can provide; that for a period of about one year after his marriage, the defendant lived, and cohabited with, and acted toward the plaintiff with some degree of kindness and attention, and during that time contributed to her maintenance and the support of her two little children, not, however, in a manner proportionate to his means or to her station in life; that during all the period mentioned, and ever since then she has discharged with fidelity all the duties and obligations incumbent on her as a married woman, and uniformly treated the defendant with the utmost tenderness, ever mindful of her responsibilities as a wife; that about a year after his said marriage, for some cause or motive unknown to the plaintiff, the defendant, regardless of all his marital obligations, commenced towards her a systematic course of neglect, unkindness, cruel and inhuman treatment, ending in absolute desertion of her, and forcing upon her the conviction that the defendant no longer entertained for her the slightest feeling of affection or respect, and had altogether withdrawn from her his support and protection.

To sustain these allegations, the plaintiff states, in detail, many facts and circumstances, among others, that the defendant has failed and refused to furnish her with necessary food and medical attendance, or the means to obtain them, and prays that by the final decree of this court the defendant be ordered and decreed to support the plaintiff and her children, and that the bonds of matrimony between the plaintiff and the defendant be forever dissolved; and that during the pendency of this action the defendant be ordered and required to pay alimony to the plaintiff, for the maintenance and support of herself and children, and sustenance to her solicitors and counsel, etc.

This complaint, which is verified, contains all necessary averments, and sets forth a complete cause of action under the statute of Utah. Were its allegations all admitted, the plaintiff would be entitled to the relief prayed for as a matter of course. But the defendant has interposed an answer, under oath, admitting some and denying some of those allegations.

The defendant first qualifiedly denies, and then qualifiedly admits, the marriage of April 6th, 1868. His denial is as follows:

"Now comes the said defendant, Brigham Young, and for answer to the bill of complaint of the said Ann Eliza Young, plaintiff, denies that on the 6th day of April, 1868, at the County of Salt Lake, Utah Territory, or at any other time or place, this defendant and the said plaintiff intermarried, or that since that time, or at any time, the said plaintiff has been, or that she now is, the wife of this defendant; for this defendant, on information and belief, alleges that before that time, to wit: on the 10th day of April, 1868, at Salt Lake City, Utah Territory, the said plaintiff was married to one James L. Dee, who is still living, and that ever since the said 10th day of April, 1868, the said plaintiff has been, and, on the said 6th day of April, 1868, was, and still is, the lawful wife of the said James L. Dee, never, as this defendant is now advised and believes, having been divorced from the said James L. Dee. But this defendant further says, that on the 6th day of April, 1868, and at the time of the ceremony hereinafter referred to, he was informed, and then verily believed that the plaintiff had, prior to that time, been legally divorced from the said James L. Dee."

The defendant's admission of the marriage is as follows:

"But the defendant says that he and the said complainant were, on the said sixth day of April, 1868, members of the Church of Jesus Christ of Latter-day Saints, and that it was a doctrine and belief of said Church, that members thereof might rightfully enter into plural or celestial marriage. And the defendant admits that on the 6th day of April, 1868, at Salt Lake City,