

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - Mar. 31, 1875.

THE RICKS CASE.

WHATEVER may be the opinion of high moralists concerning the publication of the details of trials of public interest, the public generally will read that kind of literature. The mass of readers have a powerful penchant for it, and many people devour it as if it were a soul-absorbing romance. There is probably not one person in a hundred of all the newspaper readers in the community who has not read the details of the late trial of Colonel Thomas E. Ricks, of Cache county, on the charge of murdering Elisha David Skeene, at Logan, on the night of July 3rd or the morning of July 4th, 1860, the former being sheriff of the county, and the latter a prisoner in his custody, on a charge of horse stealing. Skeene was also an escaped prisoner from Utah county, on several serious indictments. Perhaps not one in ten thousand of the readers of the trial, if so many as that, has come to any other conclusion than that the verdict of acquittal was a proper one, the only one that could have been come to from the evidence by rational beings.

We may go still farther than this and say that, among the people of Cache county generally and others acquainted with the circumstances, there is a deep and abiding conviction that the case was gotten up, trumped up, or at the very least instigated, from malicious motives, as a part of the general ring crusade, and not in the least degree, so far as certain officious individuals were concerned, in the interests of either justice or law. However, thanks to an overruling Providence, so far as any design or attempt of this kind was concerned, it has proved a signal failure, and Col. Ricks, tried under a ring law, and by a jury impeached under a ring law, has been most abundantly vindicated by the same from the foul charge. He returns to his home a free man, justified in the eyes of law and justice, the malice of his enemies to the contrary notwithstanding.

We may ask a question on one point in regard to the trial—Was there not sufficient elucidated in the evidence to fasten the crime of perjury on a principal witness for the prosecution, and, if so, should that witness be permitted to go at large, unpunished and untried for that crime?

Col. Ricks lay in prison, vainly awaiting his trial, nearly six months, during which long incarceration he absolutely refused to join two successful escape parties. But as soon as Judge Emerson came to the bench in this district, the trial was definitively commenced, and within five days was concluded with an acquittal of the prisoner and his full restoration to freedom and family and friends.

Why was his incarceration so unreasonably prolonged? Who pays the damages? Who reimburses him for his lost time, for the damage to his private material interests, for the privation to which he has been subjected, for the privations to which his family have been subjected during this time, and for his heavy expenses in defending himself against a false charge and vindicating himself therefrom? Who pays the weighty expense incurred by this trial to the public? If absolute justice is ever done, those individuals who instigate, aid, and abet malicious prosecutions on unjust and false charges, must foot the bill. Those creatures who instigate and encourage needless litigation are among the worst enemies of the community.

THE UTAH DELEGATE.—"Olivia," in the Philadelphia Times, writing from Washington, March 4, and describing the last minutes of the last Congress, says—

"Another man attracts attention. He has given his seat to a distin-

guished stranger, and stands modestly in the distant background. It is the ruddy-cheeked, blue-eyed, chestnut-haired disciple of Mormonism, in whose person the ways of Abraham, Isaac, and Jacob are revived. Apostle Cannon would go to the stake in defense of his religious opinions, and the purity of his life at the capital is a lesson to Congress. 'God is working for his chosen people,' says Delegate Cannon. 'Not a man remains in the House who has been persecuting us. They have all been swept away by the political whirlwind.'"

Correspondence.

Finale of the Tokerville Tragedy.

TOKERVILLE, Kane Co.,
March 18th, 1875.

Editor Deseret News:

We ask farther indulgence to chronicle the end of the horrid tragedy of the 16th inst.

Yesterday Thomas W. Batty, who received two balls through his head, expired at half-past one o'clock p.m., in most fearful agony. Deceased was born January 7th, 1848, in Pilley, near Barnsley, Yorkshire, England, and leaves a wife and one child.

The Coroner of Kane County, immediately upon being notified of the fact, held an inquest, a copy of which is herewith enclosed.

Richard Fryer, the slayer, was buried in the evening of the 17th inst., respectfully, by order of the County Coroner.

About twenty minutes past five o'clock this morning the infant child, Joseph Fryer, breathed its last, after having suffered untold agony. The Coroner, on being notified, repaired to the spot and held an inquest, a copy of which we enclose.

The funeral of the deceased took place about four o'clock this p.m., and was attended by a numerous company of mourning friends and neighbors. The murdered mother and child were both interred in one coffin. The murdered man and woman were good and virtuous citizens, and held in high esteem by the community.

Respectfully,
WILLIAM W. HAMMOND.

Inquest on the Body of Thomas W. Batty.

Territory of Utah, Toquerville Precinct, Kane Co.

An inquisition holden in Toquerville Precinct, Kane County, on the 17th day of March, A. D. 1875, before James Jepson, coroner of said county, upon the body of Thomas W. Batty, there lying dead, by the jurors whose names are hereto subscribed. The said jurors upon their oaths do say from the evidence given, that the deceased came to his death by two pistol shot wounds in his head, the same pistol shots being fired from a pistol, in the hand of Richard Fryer, at or about 7 o'clock a.m. March 16th, A. D. 1875, the same being done at the residence of said Thomas W. Batty, since deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

JOHN PARKER, } Jurors.
LEROY W. BEEBE, }
JAMES BALLARD, }
Attest—JAMES JEPSON,
Coroner Kane County.

Inquest on the Body of Joseph Fryer, Infant.

Territory of Utah, Toquerville Precinct, Kane County.

An inquisition holden in Toquerville Precinct, Kane County, on the 18th day of March, A. D. 1875, before James Jepson, coroner of said county, upon the body of Joseph Fryer, infant child, there lying dead, by the jurors whose names are hereto subscribed. The said jurors, upon their oaths, do say that the deceased came to his death by a pistol shot wound in the head, the aforesaid pistol shot having been fired from a pistol in and at the hand of Richard Fryer, since deceased, said pistol shot having been fired at or about 7 o'clock a.m., March 16th, A. D. 1875, at the residence of Thomas W. Batty, since deceased.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

DANIEL BAGLEY, } Jurors.
LEROY W. BEEBE, }
T. E. FLANNIGAN, }
Attest—JAMES JEPSON,
Coroner Kane County.

Local and Other Matters.

FROM WEDNESDAY'S DAILY, MAR. 24.

Balmy.—A soft, balmy, beautiful Spring day to-day, and the snow almost disappeared from the valley.

Jurors Dismissed.—The petit jurors of the Third District Court were dismissed this afternoon until Tuesday.

Spring Time.—The atmosphere is getting exceedingly springlike, the mercury running up to 65 degrees this afternoon.

From Nephi.—We had a pleasant visit this morning, from Mr. Gustav Henriod, of Nephi, accompanied by Mr. Fred. Anderson, of this city.

Home Again.—Deputy Sheriff Martin Florida returned last night from a six weeks' visit to the eastern States on business. He visited a number of the leading cities of the country and accomplished the object of his trip.

Wanted It Back.—The limber-jointed * * of Oregon notoriety, ex-Governor Woods, is said to have instigated the war on Governor Axtell of Utah, in the hope that he might be re-instated in that position himself. — *Omaha Herald*.

Met and Adjourned.—The Third District Court met at ten o'clock this morning, and soon after adjourned till two o'clock, at which time it is expected that the U. S. District Attorney will be in a position to tell when he will be ready to move some of the causes on the criminal calendar.

Concert at Tooele.—"Rural," writing from Tooele under date of the 23d inst., says that on the evening previous Miss Clara Hill, of that city, with a talented company, gave a vocal and instrumental concert, in the Court House; the selections were from fine authors, and the affair was quite a success.

Information Wanted.—Information is wanted of William Simonds, about 40 years of age. He left Danson Co., Georgia, in 1858, with the intention of going to California. He is now supposed to be in Utah or California. If he will communicate with William Moultrie, Tooele City, Tooele Co., U. T., he will learn of something to his interest.

Called.—Elder Jorgensen, of Huntsville, who has recently returned from a mission to the eastern States, called this morning. He left this Territory last October, and labored principally among the Scandinavians of Minnesota, quite a number of whom received the gospel under his ministrations, thus rendering his mission satisfactory and enjoyable.

Honesty and Generosity.—Yesterday, a miner, from Bingham, while walking on First South street, lost his purse, containing something over \$180, which was picked up by Mr. Wright, barber. The owner of the money came along shortly after, hunting for his money, and luckily for him, he fell in with Mr. Wright, who restored the lost property to its owner, for which the latter made him a present of \$20.

The Kate Flint Case.—In the District Court this afternoon Mr. McBride desired that the case of Kate Flint vs. Jeter Clinton et al., in which the jury who tried it failed to agree on a verdict, be tried again as soon as practicable. Owing to so many jurors having been drawn for the case when it was tried, and the probability of others being in the Court room during the trial, the Court was of opinion that it had better go over for the term, and it has gone over.

Street Repairing.—The street supervisor is again turning his attention to the grading of South Temple Street, and is leveling it up on the south side of the railroad track, from the corner of First East Street to the 20th Ward store, that being the portion that has been surveyed. Another of those excellent plank walks has been laid across Second South Street, one block west of Walker Bros. corner, and considerable graveling is also being done in that locality.

Good Friday.—Day after to-morrow will be Good Friday, a day observed in England by the consumption of "hot cross buns," and other customs. John Hagell, of First South Street, is preparing to enable the English residents and all others

so inclined to keep up the time-honored custom, by providing an ample supply of the delicacy named.

Good Friday is a religious and social festival in remembrance of the crucifixion of the Savior.

Of course Sunday next will be Easter Sunday, a festival in honor of the resurrection of the Savior.

Judge McKean Admitted to the Bar.—This morning, in the Third District Court, P. H. Emerson, A. J., presiding, James B. McKean, late chief justice of the supreme court of the Territory, was, on his own motion, admitted to practise at the bar. Being a member of the bar of the Supreme Court of the United States, he said he believed it was not technically necessary for him to take the oath, &c., but he preferred doing so.

The Court said the precise form of the oath did not then occur to it, when Judge McKean said it was substantially as follows, holding up his right hand in the usual way:

"I do solemnly swear that I will sustain the Constitution of the United States, and well and faithfully perform the duties of attorney, counsellor-at-law and solicitor in this court."

Millard Co.—Wm. Probert, sen., writes from Holden, Millard Co., March 18, as follows:

"I am thankful to be able to say that we have no cause to complain of the mail carrier, as some do, for we receive our papers regularly, on Sunday and Wednesday mornings."

"We have had much sickness among the children for the last three weeks, and some have died with the disease that is so prevalent among the children in the settlements, but I am thankful to say that it is subsiding a little now."

"The weather is fine, no snow, the ground clear, and the teams and ploughs are running in the field. Our day and Sunday schools are doing well."

Dropped Dead.—About half past eleven o'clock to-day Sister Openshaw, wife of Brother George Openshaw, who resides at the mouth of City Creek Canyon, some distance north of the Eagle Gate, was in President B. Young's store, at the rear of the Bee-Hive House, and appeared to be in her usual health and spirits. Brother William Rosister dropped in about the same time and bade her good morning. She turned around to reply to his salutation, but before she had finished the sentence, she fell backwards against the counter, only being saved from falling on the floor by Brother John Haslem, who has charge of the store, and who darted forward and caught her. Dr. S. B. Young was immediately sent for and he arrived in a few minutes, but Sister Openshaw exhibited not the slightest signs of life after she was first taken. The Doctor opened an artery in her arm, but it was bloodless. The cause of the lady's sudden and unexpected demise is supposed to be "fatty degeneration of the heart." Deceased was probably approaching sixty years of age, and inclined to fullness of habit. Besides her husband, she leaves a number of children, most of whom are grown up.

We understand an inquest will be held over the body, by Coroner Taylor.

City Council.—Regular meeting of the City Council was held last evening, Alderman A. H. Raleigh presiding.

Bill of A. S. Patterson, stenographer, \$187.50, for reporting and transcribing the testimony of Kate Flint vs. Jeter Clinton et al.; referred to committee on claims.

The committee on claims reported on the quarterly report of the street supervisor. They found it correct and recommended that the amount, \$3,001.65, expended by him during the three months, be appropriated. Report adopted.

Committee on improvements reported a bill for a resolution in regard to the planting of shade trees and shrubbery in the middle of the streets of the city; passed and became a law. The same committee recommends that the fire alarm bell be placed in a more elevated position; and that the town clock be improved, as petitioned for by Andrew Harvey.

Mechanical Drawing and Calculations School.—The following are the minutes of a meeting held in Salt Lake Iron Works, Salt Lake City, on Monday evening, March

22d, for the purpose of organizing a school for Mechanical Drawing and Mechanical Calculations under the supervision of Wm. J. Silver, Esq., superintendent of said works.

Moved by Wm. J. Silver, seconded and carried, that John McLean act as secretary of the meeting.

Moved by Wm. J. Silver, seconded by Daniel Davis and carried, that a committee be appointed for said school.

Moved by Wm. J. Silver and carried that the committee consist of president, vice-president, secretary and treasurer, which offices be filled as follows—Daniel Davis, president; James Barton, vice-president; John McLean, secretary; Edwin Rawlings, treasurer.

Moved by James Barton and carried that the school be commenced on Monday evening, March 29th, 1875, at half past six o'clock and continued every Monday and Wednesday evenings following at half past six o'clock, until further notice.

Moved by Wm. J. Silver, seconded by Daniel Davis, and carried, that the object of this meeting be published in some of the daily papers of this city.

Boys wishing to attend the school can call on the committee and ascertain terms, which will be very reasonable.

The Best Potatoe.—In conversation with Elder Wilford Woodruff, one of Utah's best farmers, we learned from him that he had experimented considerably in the matter of raising potatoes, and, after having tried nearly all of the kinds acknowledged to be the best, including the Neshannoc, Royal Ash-leaved kidney, Willard, Peerless and Compton's Surprise, he concludes that in every respect the last named is the best, being not only very prolific, producing nearly double to what the Neshannoc does, but is also superior in quality, which is a verification of what James I. Steele, of Pine Canyon, has said through the NEWS about that potatoe, and also what has been published in the NEWS aside from his statements and based on practical tests. The Compton's Surprise is not raised to any extent in this Territory at present, but there is every reason for believing that, as its excellences become more widely known hereabout, its cultivation will become more general and it will probably supersede most other kinds.

According to Elder Woodruff, the Peerless is next in quality to the Compton's Surprise, and is the kind now almost exclusively raised by him his cultivation of the latter kind, having been as yet but limited.

The Ricks Trial Concluded.—On the re-assembling of the Third District Court yesterday afternoon, after recess, Judge Bates, resumed his argument on the part of the defense, making many clear and telling points in favor of his client. He was followed by Mr. R. N. Baskin, on the part of the prosecution, who occupied over two hours, showing considerable ingenuity in his attempts to explain away the stronger points in the evidence for the defense.

The Court then instructed the jury on the various points of law involved in the case, and the charge as will be seen by the document itself, a portion of which appears in another part of the NEWS, is remarkable for its freedom from obtuseness and useless technicality, being simply an explicit exposition of legal propositions and principles.

The jury were then conducted to their room in charge of an officer.

At half-past seven o'clock in the evening the jury appeared in court and rendered a verdict of acquittal, and it is now understood that that was the first conclusion of the jury, the vote being unanimous, and consequently cast but once.

A report of the proceedings of the case, as it has progressed, from day to day, has appeared in the NEWS, and therefore to give a history of the same now would be merely a recapitulation of what the public have already been made acquainted with, but we have no hesitancy in saying that no one, basing his individual conclusions on the facts as evinced by the evidence, could have reasonably expected any other result from the deliberations of twelve honest, honorable and intelligent men than a verdict of acquittal.

The jury was composed of men capable of analyzing and weighing the evidence and drawing correct