THE RICKS TRIAL.

JUDGE EMERSON'S CHARGE TO THE JURY.

[CONCLUDED.]

If you find from the evidence that this necessity did not exist, then a crime was committed by the respondent, that is, the killing was unlawful, and you must again turn to the facts in evidence before you to determine and fix the grade of the crime. The indictment charges the crime of murder in the first degree. Now, an indictment which properly sets forth a murder in the first degree, includes murder in the second degree and one lower grade of the same kind of crime, and that is manslaughter. Now, these degrees of crime cannot be established at all except upon this full measure of proof I have spoken to you about, in all material respects. That is, if the unlawful killing has not been made out beyond a reasonable doubt, then no crime at all has been made out, and the respondent must be acquitted. If the unlawful killing is made out, it is manslaughter, and not murder at all, unless the malice aforethought is shown beyond a reasonable doubt. That is, unless it was done with a wicked mind, for the purpose of wrong doing; a wicked mind, fatally bent on mischief. The malice aforethought must be proven or else the crime is not raised above the degree of manslaughter. The taking of human life, with premeditated design and with malice, *is* murder; is about as brief a description as can be given you. Then, again, if the malice aforethought is shown, it is murder in the second degree, and not in the first degree, unless it is also shown, beyond a reasonable doubt, that the respondent wilfully, deliberately and premeditatedly attempted to and did kill the deceased. So you see that you must find, from the evidence, that the unlawful killing is made out in the first place, and that is but manslaughter, unless there is proof enough to raise the crime up to the second degree of murder, and that is the proof of malice aforethought, either express or implied—that is, expressed by threats or a malevolent feeling against the deceased, or implied by the circumstances surrounding the killing, so as to have no other conclusion but that the respondent entertained this malice against the deceased; that is, if it was done wantonly and wickedly, and with a design to do mischief and to kill, and if that *is* made out, still it is not murder in the *first* degree, unless it has been shown to have been a wilful, deliberate and premeditated design to take the life of the deceased, carried out and accomplished. I have made these classifications and distinctions in the different degrees of an unlawful killing with as little technicality as possible, and I presume you will find no difficulty in applying the facts as you shall find them to these rules of law, thus given to aid you in arriving at your verdict. You have heard witnesses on the part of the prisoner testify that they knew him as a peaceable and quiet man, and as a good citizen. "The good character of a prisoner is always a proper subject for the consideration of a jury, and is to be taken into consideration, not only in cases where doubt of guilt exists, but it may sometimes of itself generate a doubt in the mind of the jury." But, gentlemen, you will perceive at once that where a clear case of guilt is made out on the proof, evidence of good character is of comparatively little importance.

A good deal has been said to you about the importance of your duties. It is not probable that any words of mine can add anything to the feeling of your responsibility. I only caution you in this respect, so you will be careful to do your duty on account of the responsibility. This is not a government of men, but a government of law. What I say to you now is because I am required to give these instructions to you as a part of my duty, under the law of the land. What you do, you do not do as men, but as jurors under the law. We do not administer the law as we wish it was, or as we would make it, had we the making of it. With that we have nothing to do. The court has been sworn to administer it as it finds it, and you should do the same thing. You should not shrink from doing your duty manfully and carefully. Your duty to the respondent requires that. Your duty to the public requires the same thing. You should be careful to be *right*. You need fear nothing except to be wrong; if you are right you will have nothing to fear or care for. Therefore, you are to take this case and look over it with all the care of which you are possessed, and bring to it the best powers of mind and the best judgment you have, with a stern desire to do your duty in regard to it. If you come to the determination that the respondent is guilty, convict him of what the evidence shows clearly he is guilty of, and if he is not guilty, acquit him. You have probably felt this responsibility from the commencement of the trial until now. It is that you properly perform your duty that a trial here has been had. All the evidence that has been given, and everything that has been done has been done for the very purpose of enabling you to do thoroughly and carefully what you now have to do, and that is, to decide upon the guilt or innocence of the respondent. I trust that you will not allow any matter of convenience to yourselves, or to any other person, to hasten you in the examination of the case. Take the evidence and look it all over, and devote such time to it as you desire, and so much time as is necessary in order that you carefully look this whole matter over, and come to a conclusion in your own minds as to whether the respondent is guilty or not.

Gentlemen, I say to you again, discharge your duty to the prisoner and to the people, and render such a verdict upon the law and evidence as they shall be given you in open court as shall satisfy your consciences under your oaths in the years that are to come, whether they be few or many, and as will enable you in that great day when we must all stand before that Great Judge from whose decree there is no appeal, to say with truth, "I discharged my duty to myself, to the people of the United States in this Territory, and to Thomas E. Ricks."

JOHN READING,

Nurseryman, Seedsman & Florist,

Corner Second Sixth and Second East Streets, Salt Lake City,

OFFERS FOR SALE A CHOICE SELECTION OF

TREES, SEEDS,

And Greenhouse Plants,

WHOLESALE AND RETAIL.

10,000 Mulberry Trees, from 12 to 14 feet high.
2,000 Black Walnuts,

Will be sold reasonable, so as to clear the ground.

APPLES, PEARS and PLUMS, a large stock.

20,000 Greenhouse and Bedding Plants.

The finest selection ever offered for sale in this market. Plants sent by mail or express when desired. No charge for packing.

TERMS—CASH.

d94 w7

NEW ADVERTISEMENTS.

WALKER BRO'S,

Wholesale and Retail

FAMILY GROCERS.

The Choicest Teas, Coffees, Spices, Pickles, Sauces, Hams, Bacon, Cheese Lard, &c.

A FULL STOCK OF MINING SUPPLIES,

POWDER, FUSE, ROPE.

Just Received!

2,000 BOXES MEYR'S MINING CANDLES.

Walker Brothers

HAVE MADE STILL

GREATER REDUCTION

IN THEIR

DRY GOODS DEPARTMET,

To make room for the Largest Stock of Spring and Summer Goods ever brought to this market.

FEBRUARY 18th, 1875.

S. R. JONES.....President.
JOHN SHARP, Jr.....Vice-President.
J. T. LITTLE.....Treasurer.

UTAH FORWARDING COM'Y.

(Incorporated under the laws of the Territory.)

Under contract with R. R. Co. and Fast Freight Lines.

WE WILL FORWARD GOODS TO ALL points in Utah and Southern Nevada.

The handling, sampling and shipping of ORE and BULLION a specialty.

Rates of freight given and guaranteed to all points East and West.

Cash advances made on unperishable articles.

Office opposite U. C. R. R. Depot, Salt Lake City.

GEO. Y. WALLACE, Supt.

d52

FIRST SPRING GOODS

IN THE MARKET.

FULL LINE OF

SPRING STYLE OF HATS,

Fur, Wool, Felt,

PANAMA, BRAID & PALMLEAF,

At Very Low Prices.

A VERY NICE ASSORTMENT OF

SPRING & SUMMER PRINTS

FAIR PRICES.

Brown and Bleached Muslin

DIRECT FROM THE MANUFACTORY.

SHAWLS, CORSETS,

Hosiery, Notions, Etc.

Have cleared out our Winter stock and have filled up with Summer Goods.

H. E. PHELPS.

d35.

NOTICE.

THE ANNUAL MEETING OF THE Stockholders of the Salt Lake City Railroad Company will be held at the office of President Brigham Young, Salt Lake City, Utah Territory, at 11 o'clock a.m., on Monday, April 5th, 1875, for the election of officers for the ensuing year.

R. R. ANDERSON, Secretary.

Salt Lake City, March 10th, 1875. d66

WARRANTEE DEEDS—most approved form, Quit Claim Deeds Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks. For sale at the News Office.

NOTICE TO THE TRADE.

THE UNDERSIGNED NOTIFIES THE TRADE THAT he has been exclusively engaged in the Hat, Cap, Boot and Shoe business for the last twenty-five years, and he wishes to call your attention to the fact, that in order to serve the trade this season, he has made very large purchases in the above lines, and will keep the stock full through the season. Any orders that the trade may favor him with will have prompt and careful attention, and at the very lowest prices. He hopes, by strict attention in above specialties, and not interfering in his neighbors' business, to merit a portion of the patronage of the trade.

Respectfully,

GEORGE DUNFORD.

THE

UNITED ORDER OF TAILORS

KEEP ON HAND

THE BEST ASSORTMENT

OF

HOME-MADE CLOTHS!

Which they offer by the Yard, or

Will Make Up in Suits to Order in the Best Styles

AT LOWEST RATES.

TO MEET THE DEMANDS OF THE PUBLIC, they have also on hand a

FINE ASSORTMENT OF

BROADCLOTH, BEAVERS, DOESKINS, &c.

Of Foreign Manufacture.

☞ THE PUBLIC, ARE INVITED TO EXAMINE THE QUALITY AND PRICES OF GOODS BEFORE PURCHASING ELSEWHERE.

F. GOSS, Supt.,

United Order of Tailors.

CONSTITUTION BUILDING.

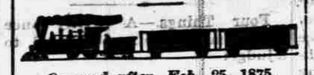
d35

HAYNES & SON, CHAIN & BOILER MAKERS.

☞ *All kinds of Smith Work done. Copper or Iron Fire Boxes made and repaired, and all kinds of Boiler Work on the most Reasonable terms. All work guaranteed, as the best iron only is used.*

Address, HAYNES & SON,
d90 P. O. Box 525, Salt Lake City.

UTAH SOUTHERN RAILROAD



On and after Feb. 25, 1875.

Going South.

Name of Station.	No. 1 Passenger.	No. 3. Freight.	No. 5 Freight.	Fare.
	A.M.	A.M.	P.M.	
Trains leave Salt Lake	7 00	8 10	2 00	....
Little Cottonwood	7 28	8 55	3 15	50
Junction	7 48	9 20	3 50	75
Arrive at Sandy	7 53	9 40	4 00	1 00
Leave	mxd			
Sandy	8 05			....
Draper	8 18			1 25
Lehi	9 05			1 75
American Fork	9 20			2 00
Pleasant Grove	9 32			2 50
Provo	10 15			2 50
Springville	10 35			2 75
Spanish Fork	10 51			3 00
Payson	11 23			3 50
Santaquin	11 43			4 00
Arrive at Terminus	P.M. 12 00			4 00

Going North.

	No. 2 Passenger.	No. 4. Passenger.	No. 6 Freight.	Fare.
Trains leave Terminus	P.M. 12 20	A.M.	P.M.	....
Santaquin	12 37			25
Payson	1 17			50
Spanish Fork	1 49			1 00
Springville	2 05			1 25
Provo	2 25			1 50
Pleasant Grove	3 05			2 00
American Fork	3 20			2 10
Lehi	3 32			2 25
Draper	4 22			2 75
Arrive at Sandy	4 37			....
Leave				
Sandy	4 47	2 30	5 00	3 00
Junction	4 51	2 40	5 10	3 25
Little Cottonw'd	5 11	10 15	5 40	3 50
Arrive at Salt Lake	5 40	11 00	6 15	4 00

Nos. 1 and 2 will be run daily.

Nos. 3, 4, 5 and 6 will be run daily, Sundays excepted.

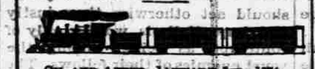
☞ For all information concerning Freight or Passage, apply to

F. LITTLE,
General Superintendent.

JAMES SHARP,
General Freight and Ticket Agent.

UTAH CENTRAL RAILROAD.

Pioneer Line of Utah.



ON AND AFTER JANUARY 1ST, 1874,

Daily Trains

Name of Station.	No. 1. Pass'r.	No. 3. Pass'r.	Fare.
Trains leave Salt Lake.	6 00 AM	3 40 PM	
Woods Cross.	6 28 "	4 08 "	.50
Centreville	6 33 "	4 18 "	.75
Farmington.	6 50 "	4 33 "	1.00
Kaysville.	7 07 "	4 53 "	1.35
Arrive at Ogden.	7 50 "	5 40 "	2.00

	No. 2. Pass'r.	No. 4. Pass'r.	
Trains leave Ogden.	8 40 AM	6 20 PM	
Kaysville.	9 31 "	7 10 "	1.00
Farmington	9 53 "	7 31 "	1.35
Centrevi.'e	10 04 "	7 44 "	1.60
Woods Cross.	10 12 "	7 53 "	1.75
Arrive at Salt Lake.	10 40 "	8 20 "	2.00

MIXED TRAINS

WILL RUN DAILY, Sundays Excepted.

Leaving Salt Lake City at 8.30 a.m. and 5.05 p.m., and Ogden at 8 a.m. and 3.30 p.m.

For all information concerning freight or passage apply to

JAMES SHARP,
Gen. Freight and Ticket Agent.

JOHN SHARP,
GEN. SUPERINTENDENT.

d11-tf

UTAH WESTERN RAILWAY,

ON AND AFTER MONDAY, March 22, 1875, and until further notice, the

Utah Western Railway Co

Will run daily trains for passengers and freight, between

SALT LAKE CITY AND CLINTON.

Leave Salt Lake City at 7.00 a.m.
Arrive at Clinton's at 9.15 a.m.
Leave Clinton's at 2.45 p.m.
Arrive at Salt Lake City at 4.30 p.m.

The stages of the Western Stage Co. connect with trains at Clinton for Tooele, Stockton, Ophir and Dry Canyon, and stage cars at Salt Lake City.

Through tickets can be procured on the train.

☞ All freight for the West must be at the U.C. Depot not later than 4 o'clock p.m.

H. P. KIMBALL, Supt.

Salt Lake City, March 22, 1875. d16

UTAH NORTHERN RAILROAD.

Trains leave Ogden daily at 8.30 a.m.
" " Franklin, " " 3.30 "
" " Logan, " " 11.00 "

CHAS. NIBLEY,
Gen'l Freight and Ticket Agent.
MOSES THATCHER,
Gen'l Supt.

d87

THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD

THIS GREAT OVERLAND ROUTE, connecting the East and West, with its connections East and West, is the

Shortest, Quickest and Best Route between the

PACIFIC & ATLANTIC

Points, traversing Iowa, Nebraska, Kansas, Colorado, Utah, Nevada, Idaho and California, and passing the following cities in Iowa, Rock Island, Davenport, Iowa City, Des Moines, Winterset, Council Bluffs, Atlantic, Anita, Stuart, Adair, Granger, Minden, Kiron, Denison, Vail, Arcadia, Botna, Manning, Harlan, Audubon, Exeter, Bagley, Panora, Yale, Guthrie, Logan, Missouri Valley, Blair, Tekamah, Herman, Oakland, Craig, Decatur, Lyons, Fremont, North Bend, Schuyler, Crete, Dorchester, Western, Wilbur, Exeter, Milligan, Friend, Strang, Fairmont, Geneva, Glenville, Sutton, Clay Center, Oak, Harvard, Edgar, Fairfield, Ong, Hastings, Doniphan, Grand Island, Wood River, Kearney, Gibbon, Shelton, Elm Creek, Overton, Lexington, Cozad, Dickens, Sarcoxie, Maxwell, North Platte, Cheyenne, Sidney, Julesburg, Big Spring, Lodge Pole, Ft. Sedgwick, Ft. Morgan, Latham, Hillrose, Merino, Leroy, Atwood, Sterling, Iliff, Crook, Galeton, Pleasant Valley, Greeley, Evans, Colorado, Denver, Golden, Ralston, Morrison, Marshall, Boulder, Valmont, Longmont, Lyons, Julesburg, Larimer, Wyoming, Laramie, Hermosa, Dale Creek, Sherman, Cheyenne, Pine Bluffs, Hillsdale, Ft. Russell, Albany, Tarryall, Kit Carson, Russell, Bitter Creek, Point of Rocks, Bridgeport, Carlin, Elko, Halleck, Ruby, Corinne, Brigham, Salt Lake, Ogden, Echo, Coalville, Wanship, Park City, Kamas, Silver Creek, Peoa, Henefer, Hoytsville, Chalk Creek, Morgan, Devil's Slide, Uinta, Carbon, Castle Rock, Peoria, Wallacher, Lake Point, Stockton, Ophir, Tooele, Rush Valley, Timpie, Clifton, Malta, Albion, Burley, Declo, Oakley, Kelton, Terrace, Corrine, Deep Creek, Locomotive Springs, Wahsatch, Evanston, Aspen, Bear River, Carter, Fort Bridger, Green River, Church Buttes, Ft. Bridger, Granger, Opal, Ft. Hallock, Ft. Steele, Rawlins, Creston, Rock Creek, Benton, Cheyenne, Sherman, Dale Creek, Lookout, Laramie, Hermosa, Red Buttes, Pine Bluffs, Ft. Sanders, Dale Creek, Ft. Halleck, Ft. Fetterman, Ft. Laramie, Ft. Reno, Ft. Kearney, Ft. Riley, Ft. Leavenworth, Ft. Scott, Ft. Gibson, Ft. Smith, Ft. Worth, Ft. Clark, Ft. Hancock, Ft. Quitman, Ft. Davis, Ft. Bliss, Ft. Selkirk, Ft. Yuma, Ft. Tejon, Ft. Mojave, Ft. Wingate, Ft. Garland, Ft. Lyon, Ft. Lamed, Ft. Dodge, Ft. Riley, Ft. Harker, Ft. Ellsworth, Ft. Zarah, Ft. Larned, Ft. Wallace, Ft. Dodge, Ft. Union, Ft. Bascom, Ft. Craig, Ft. Garland, Ft. Lyon, Ft. Massachusetts, Ft. Garland, Ft. Lyon, Ft. Massachusetts, Ft. Garland, Ft. Lyon, Ft. Massachusetts