

the execution of said warrant and inflict great bodily injury upon the defendant or any of the persons living under his authority. If you find from the testimony that Mrs. Bowman was unintentionally killed by the defendant, directly or indirectly, in the act of killing Joseph Morris, and that if Morris had been killed by that act it would have been justifiable homicide, you could acquit, unless you believe from the testimony that the killing of Mrs. Bowman showed a wanton disregard of human life on the part of the defendant. In criminal cases you should not convict on a mere preponderance of the testimony; a verdict of guilty should not be rendered unless the evidence is so convincing as to exclude every reasonable doubt of the defendant's guilt. Before you are warranted in convicting, you must be satisfied from the evidence, to a moral certainty, that the charge is true. Any reasonable doubt whether the killing was justifiable or excusable or not will require the acquittal of the defendant. Among the acts done by omission of the law for the advancement of public justice, are those of officers, who, in the execution of their offices, either in a civil or criminal case, kill a person who resists them. The reluctance may justify an officer in proceeding to the last extremity—that in all cases, whether civil or criminal, where officers having authority to arrest and imprison, and choosing the proper means for that purpose, are restricted in so doing, they may repel force with force, and need not give back, and the party making resistance is unavoidably killed in the struggle, his homicide is justifiable. Ministers of justice, marshals, sheriffs, constables and their deputies, while in the execution of their offices, are under the peculiar protection of the laws—a protection founded on wisdom and justice, for without it the public peace and tranquility cannot possibly be maintained, or private property secured, or would, ordinarily, offenders be brought to justice. For these reasons, the killing of officers when so employed, is deemed murder of malice aforethought as being an outrage wilfully committed in defiance of justice; but it behooves officers to take care that they do not misconduct themselves in the discharge of their duties on pain of forfeiting the protection which the law affords to them. Thus, though civil and criminal cases the officer may repel force by force when authority to arrest or imprison is resisted and will be justified in so doing if death should be the consequence; yet he ought not to come to extremities upon every slight interruption nor without a reasonable necessity; and if he should kill where no resistance is made or reasonably feared, it would be murder, and if he should kill a person after a resistance is over, and the apparent necessity has clearly ceased, and sufficient time has elapsed for the blood to cool, and there is no apparent attempt of a renewed resistance, it would be murder. In order to convict the defendant you must believe, from the evidence, beyond a reasonable doubt: first, that Mr. Bowman was killed; second, that her death was caused by shot-shot wounds, substantially as charged in the indictment; third, that her death was unlawfully caused; fourth, that the defendant, either alone or with another or others, directly caused her death, that he was present and aided or encouraged the killing, or that he advised, aided and abetted an unlawful act which caused her death, that the defendant shot at Morris or someone else under circumstances which would have made him guilty of an unlawful homicide if the shot had killed the person aimed at, and that such shot killed Mrs. Bowman, although not intended for her, "you are the sole judges of the credibility of the witnesses, of the weight of the evidence and of the facts. When different witnesses make contradictory statements in regard to any material point, you should harmonize them so as to give such credit to each as you think it entitled to, you can. But if, in your judgment, such various statements cannot be harmonized, you must then determine which is entitled to credit and in doing so you should take no consideration of the witnesses, appearance or the witness stand, or their means of information, their parent truthfulness or otherwise, or the probabilities of their statements in connection with the other facts and circumstances in proof.

"The defendant is presumed to be innocent until the contrary is proved." And in case of reasonable doubt, whether his guilt is satisfactorily shown, he is entitled to acquittal. What then is a reasonable doubt and what is meant by proof beyond a reasonable doubt? A reasonable doubt is such a frame of mind as will cause you, as reasonable men, to feel after a careful and conscientious consideration of all the facts and circumstances in proof that you are not satisfied that the defendant is guilty. Proof beyond a reasonable doubt is such as will remove or exclude all such reasonable doubts and such as will produce an abiding conviction in your minds to a moral certainty that the facts necessary to be proven actually exist. A mere balance of proof is not sufficient. A balance of proof is that which you would think is most likely to be the fact, i. e., it is the way your minds preponderate upon the question of fact. That will not answer in a criminal case. There must not only be a balance of proof but there must be such a measure or weight of proof that will remove all reasonable doubts and produce an abiding conviction to a moral certainty that all the material facts necessary to a conviction actually exist. Proof beyond a possibility of doubt is not required, because that is impossible. It is not necessary to show that it is utterly impossible that the defendant is innocent, nor that he is guilty beyond all possibility; but it is required of the prosecution to produce such evidence that when you have carefully considered it no reasonable doubt remains in your minds as to any material fact necessary to constitute the guilt of the defendant; otherwise you should acquit. Now, gentlemen, take the law and the evidence as they have been given you in open court, carefully consider them, fearlessly discharge the responsibilities that rest upon you, let your verdict be in accordance with the law and the testimony received by you, for thus only can the best interests of this community be promoted and you yourselves stand justified before your fellow men and your God.

THE BOOK OF ABRAHAM.

Its Genuineness Established.

BY ELDER GEORGE REYNOLDS.

CHAP. XIV.—Samples of Ancient Languages in the Book of Abraham—Word Roots—Lack of Chronologic Sequence—Conclusion.

Exceptions are taken by M. Deveria to some of the proper names that appear in the Book of Abraham and which our martyred prophet informs us were Egyptian. Messrs. Remy and Brechly apply the word gibberish to certain portions of the book, which we suppose must relate to such words, as the English portion is plain enough and gibberish means senseless or unmeaning talk or gabble. To enter into a detailed account of the root of each Egyptian or Chaldean word given in the book would be very tedious to the most of our readers, we shall therefore simply summarize by saying, that so far as we have been able to trace through the authorities at our disposal, which are very meagre, three things are evident.

1st. That the words given by Joseph have true roots.

2nd. That these roots are from the languages of the countries known to Abraham.

3rd. That the meanings of these roots are consistent with the meanings of the words as translated by Joseph Smith.

All of which proves that they are not gibberish.

As an instance of how far M. D. goes out of his way to attack these words, he remarks on the statement of Abraham that this earth was by the Egyptians called Jah-oh-eh, that "the word Jah-oh-eh has nothing Egyptian in it, it resembles the Hebrew word Jehovah badly translated." If it has nothing Egyptian in it how does it happen that the word Jehovah itself has been claimed by many to be an Egyptian and not a Hebrew word? With regard to which see Dr. Smith's Dictionary of the Bible. It is also positive that this sacred word was known to other nations as well as the covenant people of God, as it is to be found, in its exact form,

and applied to the God of the Hebrews, on line 18 of the Moabite stone, lately translated by Sir Henry Rawlinson.

There are other words that are objected to as not being Egyptian. In reply, we ask how can M. Deveria or any one else, at the present stage of Egyptology, tell whether a word was Egyptian or not? Joseph has undoubtedly written the word in the English characters that best represented the actual sound of the word in ancient Egyptian. Scientists know nothing positive of those sounds; they know that certain hieroglyphics form certain words with a certain supposed meaning, but for the sounds they have to rely on the language of the modern Copts, basing their theory on the slender foundation that the sounds of words in Egypt are the same to-day as they were four thousand years ago. We well know that customs, habits, &c. change but little in the stagnant lives of the inhabitants of Egypt, Canaan and kindred nations, but it is almost too great a stretch on our credulity to ask us to accept as definite the assumed sound of a word in Abraham's day, because it is pronounced in that way now. For instance, who can, with certainty, assert how the ancient Egyptians pronounced the name of their own country, was it Kham-to? or Gyp-to? or Egyptos? or indeed Ghubsit?

There are certainly some words in the record that are evidently Egyptian. Such as Kli-fos-is-es, the name of one of the stars. All Egyptologists admit that Isser relates to the moon. But it may be urged that Joseph Smith obtained these words from some Egyptian work. Not so, for the first grammar and dictionary of ancient Egyptian published in modern times, (between 1836 and 1844)—those of M. Champellion—were not published until after the translation of the papyrus by the Prophet Joseph. So that objection falls to the ground.

In the word Kolob we have another instance of a word whose roots are to be frequently found in the languages of Phoenician and neighboring nations, and the word itself appears in the languages of some of the descendants of Abraham (certain tribes of the American Indians) at the present time. But probably this is enough on the subject of language.

There are two other points to which we will allude that are strong, internal evidence of the genuineness of the Book of Abraham. One is, that in its historical portion no reference is made, however slight, to events that occurred after its assumed date of composition. Had Joseph Smith been its author, the probabilities are strongly in favor of circumstances being mentioned therein that did not take place until after the time that the book claims to have been written. Had Joseph been a man well versed in the history of the world in Abraham's day, the probabilities would not have been so great, but ignorant as he was, so far as book-learning is concerned, of ancient history, this simple circumstance alone is strong evidence in favor of its authenticity.

The other point to which we wish to draw attention is the lack of chronological sequence in the historical portions of the book, a trait manifested in the writings of many of the Patriarch's descendants, and which we believe to have been general with the writers living in the early ages of the world. Chronologic accuracy, in the writers of personal or historical narratives appears to have been the outgrowth of a later age.

The concluding portion of the Book of Abraham are mainly historical, and relate to circumstances that occurred in the heavens in man's pre-existent state, and at the creation of the world. These subjects have been so ably handled by others that we shall not attempt to treat upon them here. Besides, they are somewhat foreign to our subject, and directly have no bearing on the truth of the Abrahamic record, having been made plain in other revelations of God's word. We shall therefore with this chapter conclude our review of the Book of Abraham, but before doing so must acknowledge the aid we have received from many wise suggestions and valuable information afforded us by President John Taylor, Elders Franklin D. Richards, Jos. L. Barfoot, John R. Howard, David McKenzie and others.

In conclusion we would say, that we believe that those who have carefully followed us through this

inquiry must be satisfied that the Abrahamic record is genuine. We have appealed to ancient historians and modern scientists, and they have not failed us; we have called to our aid the monuments of ancient Egypt, and they have borne unequivocal testimony; we have examined the glorious system of astronomy advanced in its pages, and find it being substantiated by modern research; internally we have found its unities well preserved, nor have we discovered a contradiction within its pages. It is a matter of secondary moment, in this consideration, whether Abraham himself or some other divinely inspired man, was the actual architect of the Great Pyramid; it is sufficient to know, which it itself testifies, that whoever that builder was, he was acquainted with the same grand astronomical truths that the Book of Abraham states the Lord revealed to that patriarch, and which, at the time Joseph Smith translated the papyrus, were unknown to modern scientists. As with the Book of Mormon, so with the Book of Abraham, we feel fully assured, that every day as it passes, every new discovery that has a bearing on its statements, will increasingly vindicate its truthfulness and bear united testimony that Joseph Smith was indeed and of a truth a prophet, seer and revelator inspired by the spirit of Jehovah, the mighty God of Jacob.

Gleaming 'twixt your parted lips,
Teeth, that Orient pearls eclipse,
You'll behold, if every day
SOZODON'ts brought into play.
When 'tis used the breath soon
grows

Sweet as perfume of the rose.

MERCHANTS, Travelers, Visitors to New York, don't fail to remember, that in order to accommodate and save your money, and make war on prices, and to fill the largest hotel in New York, the Mammoth Grand Central, on Broadway, will hereafter be kept on the American and European plans. The American plan, including meals and lodging, \$2.50 or \$3.00 per day, and the European plan \$1.00 and upwards per day. An elegant Restaurant, at moderate prices, is conducted by the Hotel.

Solid Merit will Tell.

For all the bitter opposition of jealous rivals, no better illustration could be had of this fact than the immense sale already attained by the great Throat and Lung Remedy, Dr. Aug. Kaiser's German Elixir. For the cure of Coughs and Bronchial Affections, it is truly wonderful, even those suffering from Consumption in advanced stages find great relief, and numbers of patients have found, to their delight, not only relief but cure. It being perfectly harmless, makes it at once popular with mothers, who of all others have felt the necessity of such a medicine. The genuine bears the Prussian Coat of Arms, the fac-simile signature of Dr. Aug. Kaiser, and has his name blown on every 75 cent bottle. A trial size may be had for 25 cents.

For sale, wholesale and retail, by the Z. C. M. I. Drug Department and Moore Allen & Co., Salt Lake City. d226 w29

A Decided Hit.

How often we see and hear of persons who have splendid chances for investments and let the opportunity pass; while on the other hand, others seem to foresee and know exactly where to put their surplus funds where they tell. The latter seems to be the case with our friend CRITTENTON, of No. 7 Sixth Avenue, who we understand has purchased at a large expense, that popular article known as

"HALE'S HONEY OF HOREHOUND AND TAR."

For Coughs, Colds, Influenza, and Lung Complaints, etc., and is selling very large quantities of the same, and sales constantly increasing. All druggists sell it at 50 cents and \$1, the large size being the most economical. Depot, Crittenton's, 7 Sixth Avenue, New York City. Pike's Toothache Drops cure in one minute.

SWORN EVIDENCE.

The following Cure is probably the most remarkable ever effected by any medical preparation for the treatment of Catarrh:

Gentlemen.—I hereby certify that I have had Catarrh for ten years, and for the last six years have been a terrible sufferer. I was rendered partially deaf, had buzzing in the head, pains across the temple, dizzy spells, weak and painful eyes, swollen and ulcerated tonsils, hard and constant cough, severe pain across the chest, and every indication of consumption. My head ached all the time. The matter accumulated so rapidly in my head and throat that I could not keep them free. Frequently at night I would spring out of bed, it seemed to me, at the point of suffocation. I would then have recourse to every means in my power to dislodge the mucus from my throat and head before being able to sleep again. For a period of six years my tonsils were ulcerated and so much inflamed that I could not swallow. I finally consulted an eminent surgeon in regard to an operation on them, but at his request postponed it. The constant inflammation and ulceration in my throat caused by the poisonous matter dropping down from my head had so irritated and inflamed my lungs that I coughed incessantly—a deep, hard cough. Meanwhile my system began to show the effects of this disease, so that I lost flesh, grew pale, and showed every symptom of an early death by consumption. When matters had reached this stage, or about six months ago, I began the use of SANFORD'S RADICAL CURE FOR CATARRH. After using the first bottle I began to improve rapidly. The first dose seemed to clear my head as I had not known it to be for years. It seemed gradually to arrest the discharges. It stopped my cough in three days. By using it as a gargle soon reduced the inflammation and swelling of my tonsils, so that they soon ceased to trouble me. The soreness across my chest disappeared, the buzzing noises in my head ceased, my senses of feeling and of hearing were completely restored, and every symptom of disease that had reduced me to the verge of the grave disappeared by the use of SANFORD'S RADICAL CURE FOR CATARRH. I have been thus explicit because, as a druggist, I have seen a great deal of suffering from Catarrh, and hope to convince many that this is a great remedy.

I am familiar with the treatment of Catarrh as practised by the best physicians, and have consulted the most eminent about my case. I have used every kind of remedy and apparatus that have appeared during a period of six years past, and have, following their use, taken great care of my general health, but obtained no relief or encouragement from any of them.

Boston, Feb. 23 1875. GEO. F. DINSMORE.

SEATTLE, WA., Feb. 23, 1875. Then personally appeared the said George F. Dinsmore, and made oath that the foregoing statement by him subscribed is true. Before me, SETH J. THOMAS, Justice of the Peace.

Each package contains Dr. Sanford's Improved Inhalant Tube, with full directions for use in all cases. Price, \$1.00. For sale by all Wholesale and Retail Druggists throughout the United States. WEEKS & POTTER, General Agents and Wholesale Druggists, Boston, Mass.

COLLINS' VOLTAIC PLASTER

Affords the most grateful relief in all Affections of the Chest and Lungs.

CHRONIC PLEURISY CURED.

Messrs. WEEKS & POTTER: Gentlemen.—Having for many months past suffered with a very lame chest, called by my physician Chronic Pleurisy, caused by a former injury and inflammation, for which I used many prescriptions and liniments, as well as the so-called rheumatic cures, without the least benefit, my physician recommended one of your COLLINS' VOLTAIC PLASTERS, which, to my great relief, relieved the pain and soreness almost immediately, and I have been able to attend to my household affairs ever since with perfect ease and comfort, whereas, before the application of your invaluable Plaster, I was scarcely able to do anything. I consider them inestimable, and shall with pleasure recommend them to the afflicted. Yours respectfully, Mrs. FRANCES HARRISMAN. OELAND, Mo., April 21, 1875.

There is no medical or protective appliance that will prove so grateful and effective in Ticking Coughs, Irritation and Soreness of the Chest and Lungs, as we believe them capable of preventing serious diseases of these organs.

PRICE, 25 CENTS.

Do not confound these Plasters with the ordinary Plasters of the day, that by comparison are absolutely worthless.

Be careful to obtain COLLINS' VOLTAIC PLASTER, a combination of Electric or Voltaic Plates with a highly Medicated Plaster, as shown on the above cut. Sold by all Wholesale and Retail Druggists throughout the United States and Canada, and by WEEKS & POTTER, Proprietors, Boston, Mass.

MUST BE SOLD

10,000 TREES, consisting of Apple, Pear, Peach, Plum, Apricot, Cherry, Siberian Crab, Raspberry, Gooseberry and Currants. Horse Chestnut, Laburnum, Lilac and Honeysuckle. Roses in great variety. English Walnuts, and Shade Trees. Garden and Greenhouse plants.

THOMAS FENTON & SONS, Corner of 4th West and 4th South Streets. d & s 1m w2t

WANTED!

A SECOND HAND TWENTY Horse Power

Portable Engine,

Suitable for Saw Mill, or a second-hand

Engine and Saw Mill Complete.

Apply with particulars to

R. WARNOCK & CO., York.

O. F. DUE,

SEEDSMAN AND FLORIST, is going to open his new Seed Store, two doors west of the Eagle Emporium, on Saturday, the 1st of March, 1875, and will be glad to supply his old and new customers with a Large Stock of Grass, Field, Garden and Flower Seeds, Pure and Fresh, by the pound, ounce and packet, at reasonable prices.