

**PLEA OF GEORGE A. SMITH, ESQ., ON THE TRIAL OF
HOWARD EGAN FOR THE MURDER OF JAMES MONROE.**

BEFORE THE HON. Z. SNOW, JUDGE OF THE FIRST JUDICIAL DISTRICT COURT OF THE
UNITED STATES FOR THE TERRITORY OF UTAH.

Great Salt Lake City, October Term, 1851.

REPORTED BY G. D. WATT.

Please the court, and gentlemen of the jury—With the blessing of the Almighty, although not in a proper state of health, I feel disposed to offer a few reasons, and to present a few arguments, and perhaps a few authorities, upon the point in question. In the first place, I will say, gentlemen of the Jury, you will have to bear with me in my manner of communication, being but a new member of the bar, and unaccustomed to addressing a Jury. The case upon which I am called to address you is one of no small moment. It is one which presents before you, and to investigate which involves, the life of a fellow citizen.

I am not prepared to refer to authorities on legal points, as I would have been had not the trial been so hasty; but as it is, I shall present my arguments upon a plain, simple principle of reasoning. Not being acquainted with the dead languages, I shall simply talk the common mountain English, without reference to anything that may be technical. All I want is simple truth and justice. This defendant asks not his life, if he deserves to die; but if he has done nothing but an act of justice, he wishes that justice awarded to him.

It is highly probable that the manner in which I may present my arguments, may be exceptionable to

the learned, or to the technical policy of modern times; be that as it may, the plain simple truth is what I am aiming at.

I am happy to behold an intelligent jury, who are looking for justice instead of some dark, sly, or technical course by which to bias their judgment. I shall refer in the first instance to an item of law, which was quoted by the learned prosecutor yesterday, in which he stated to this jury, that the person killed should be, or must be, a reasonable creature. Now what dark meaning, what unknown interpretation the learned and deep-read men of law may give by which to interpret this language, it is impossible for me to say; as I said before, it is the plain mountain English I profess to talk. It was admitted on the part of the prosecution, that James Monroe, who is alleged in this indictment to have been killed by Howard Egan, had seduced Egan's wife; that he had come into this place in the absence of her husband, and had seduced his family, in consequence of which, an illegitimate child had been brought into the world; and the disgrace which must arise from such a transaction in his family, had fallen on the head of the defendant. This was admitted by the prosecution. Now, gentlemen of the jury, according to plain mountain English, a *reasonable creature* will not