

commit such an outrage upon his fellow man; that is the plain positive truth, as we understand things.

But, perhaps, this defendant is to be tried by the laws of England, and perhaps in England they have a different understanding of the passage. Suppose I admit it for argument's sake. It was a point repeatedly argued and decided by Chancellor Kent, that every honest man was a lawyer, and that the intent of the law was to do justice. The Statute or Organic Law of Utah, which extends the laws of the United States, and secondly, in a degree, the laws of England, over this country, makes a reservation in the matter, which reservation I wish you to consider favorably, for the benefit of my client—"The laws of the United States are hereby extended, and decreed to be in force for said territory, *so far as the same or any provision thereof may be applicable.*" Now we do not consider the wise legislators extended these laws over this territory, only that they should be extended where they should be applicable; they no doubt supposed they might not be applicable in certain cases, and therefore wisely inserted that clause. Then, if a law is to be in force upon us, it must be plain and simple to the understanding, and be applicable to our situation.

I will quote history instead of law. I will go back to the time when Rome was a young and flourishing state; when in the midst of prosperity they thought proper to procure a code of laws; and being wilderness men, they sent to the wise and learned Greeks for a code of laws. The wisest lawyers of Greece were selected, who formed first a code written upon ten tables, and finally added two others, which were received by the Roman Senate. Now I wish you to understand me as bringing this up by way of illustration, knowing that these men before me are sworn to execute

justice, and if I can illustrate this to their understanding, one point is gained, so far as it has a bearing upon this case.

The laws of the twelve tables were formed for a people possessing the Greek refinements and Greek ideas, Greek notions of right and wrong; these laws were made according to a genius of liberty known among that ripened confederacy. They were brought to Rome, to a people entirely different in their genius, who placed different values upon different points, and had different views of right and wrong; they had to put them in force: and, let me ask you, what was the result? Read the pages of history, and hundreds of mourning families will tell the sad tale! The truth is written with the blood of thousands, through taking the rules, laws, and regulations of an old and rotten confederacy, and applying them to a new and flourishing territory! I argue, then, that these laws, which may have force in Old England, are totally inapplicable to plain mountain men.

I want to inquire whether the genius, and the spirit, and the actual existing principle of justice and right, which abide in the inhabitants of these mountains, are the same as those found among the nations of the old world? And whether such an application of law and justice as that I have just noticed is applicable to us?

In England, when a man seduces the wife or relative of another, the injured enters a civil suit for damages, which may perhaps cost him five hundred pounds, to get his case through; and, as a matter of course, if he unfortunately belongs to the toiling million, he may get twenty pounds as damages. In this case, character is not estimated, neither reputation, but the number of pounds, shillings, and pence alone bear the sway, which is common in courts of all old and rotten governments.

In taking this point into considera-