

of this Territory would have regarded him as accessory to the crimes of that creature, had he not done it, is also a plain case. Every man knew the style of old Israel, that the nearest relation would be at his heels to fulfil the requirements of justice.

Now I wish you, gentlemen of the jury, to consider that the United States have not got the jurisdiction to hang that man for this offense: the laws are not applicable to it; they have ceded away the power to do that thing: it belongs to the people of this territory; and, as a matter of course, we deny the right of this court to hang this defendant, on principles that have been ceded away to somebody else to act upon.

For instance, the learned attorney for the prosecution read a certain item in the law of the United States yesterday to the jury, that they might know how to act. Now this is presented to us as a case of exclusive jurisdiction, and, as a matter of course, no common law must be brought in, but we are called upon to hang a man according to the customs of a nation ten thousand miles from here, whose principles, organization, spirit, ideas of right and wrong, of crime and justice, are quite different from those which prevail in this young and flourishing territory. To enforce these laws would be highly pernicious to our prosperity as a people, and as a nation. Therefore, Congress has wisely provided that the people of this territory should not be thus imposed upon; for instance, as long ago as Sept. 9, 1850, they passed an act providing for the organization of a judiciary, that an original jurisdiction should be acknowledged, *as far as the same be applicable to us*, AND NO FURTHER. This act of killing has been committed within the Territory of Utah, and is not therefore under the exclusive jurisdiction of the United States.

I have been admitted to speak before this intelligent court, for which I feel grateful; and I come before you, not for the pence of that gentleman, the defendant, but to plead for the honor and rights of this whole people, and the defendant in particular; and, gentlemen of the jury, with the limited knowledge I have of law, were I a jurymen, I would lie in the jury room until the worms should draw me through the keyhole, before I would give in my verdict to hang a man for doing an act of justice, for the *neglect* of which he would have been *damned* in the eyes of this whole community.

I make this appeal to you, that you may give unto us a righteous verdict, which will acquit Mr. Egan, that it may be known that the man who shall insinuate himself into the community, and seduce his neighbor's wife, or seduce or prostitute any female, may expect to find no more protection than the wolf would find, or the dog that the shepherd finds killing the sheep: that he may be made aware that he cannot escape for a moment.

God said to Cain, I will put a mark upon you, that no man may kill you. I want the crocodile, the hyena, that would destroy the reputation of our females to *feel that the mark is upon him*; and the *avenger upon his path, ready to pounce upon him at any moment to take vengeance*; and this, that the chastity of our women, our wives and daughters, may be preserved: that the community may rest in peace, and no more be annoyed by such vile depredations.

Should the jury feel it their duty to return a verdict in favor of the defense, you are aware that you are borne out in this by the precedents already set up by the Courts of the United States in the few instances I have noticed; that the jurisdiction of the United States extending to this case, does not exist; that the laws of the