

# Salt Lake Democrat.

TUESDAY, APRIL 25, 1885

## ARRIVALS AND DEPARTURES OF MAILS

ARRIVALS	DEPARTURES
Eastern	8:00 p.m.
California and West	11:00 a.m.
Montana and North	1:00 p.m.
P. & N. E. East	5:00 p.m.
Ogden, Utah	11:00 a.m.
Park City	8:00 p.m.
Tooele County	4:00 p.m.
Alta, Utah	8:00 p.m.
Brigham, Utah	4:00 p.m.
Southern Utah	6:30 p.m.

JOHN T. LYNCH, Postmaster.  
Salt Lake City, Utah, March 22, 1885.

### Silver Quotations.

Corrected by Wells, Fargo & Co.	
Silver, New York	1.08
Silver, London	49.5
Lead New York, per 100 lbs.	2.70

### Hats! Hats! Hats!

Spring and Summer styles now in. We are Sole Agents for all the fine New York Hatters, including Youmans, Knox's, Silverman and Thomas Townsend & Co., London. We also carry a complete line of John B. Stetson & Co's. Fine Hats.

### LOCAL JOBS.

The D. & R. G. gravel train has now reached West Temple street.

The Haynes liquor case, before Justice Pyper, has been postponed until May 8th.

In a recent issue of *Heart and Hand*, a Chicago matrimonial journal, five Montanians advertise for wives.

Reynolds, the champion roller skater of Butte, Montana, is to enter the six-day skating contest in New York City.

A child died of diphtheria in the Eighth ward Sunday evening, and there are other critical cases in the neighborhood.

The first emigrant company of the season, numbering about 300 persons, arrived in Ogden at 1:30 to-day and in Salt Lake shortly after 3 o'clock this afternoon.

The residence of Mr. Busby, in the Thirteenth Ward, was entered by burglars Sunday night and \$10 in coin carried away. The police have not captured the thieves.

C. A. Henry will enter upon his duties as Ogden ticket agent of the U. P., U. C. and D. & R. G. on May 1st. Mr. Henry has many warm friends in this city who will regret his departure.

The Cannon jurors express their appreciation of the kindness of Judge Kane and the counsel on both sides for allowing them to attend the Odd Fellows' entertainment last evening.

It is rather a novel sight to see Judge J. R. McBride conducting the defense of a prominent Mormon charged with unlawful cohabitation. The boycotting policy doesn't seem to be applied in such cases.

We have received the May number of Parry's *Literary Journal*, which is a very fair one. This magazine is a reproduction of selections from other magazines, and the pieces are quite good. In the present number the best ones are the "Study of English Literature," by Canon Farrar, and one from the *Contemporary Review* entitled, "From Siberia to Switzerland."

The Cannon jurors are the plague of Commodore Hurd's life. He escorted them to the Odd Fellows' entertainment last evening, and was almost driven to despair in his efforts to keep them "bunched" while the crowd was going out. He would not have succeeded without the assistance of Andrew Brixen, who rounded them up in front while the Commodore brought up the rear.

Judge Spiers held a reception this morning to enable one Albert Matthews of the Fifth Ward to explain his reasons for battering certain boys of his neighborhood. Mr. Matthews claimed that the boys had been destroying his trees and otherwise injuring his peace of mind by the use of insulting and irritating language, whereupon he had lost his temper and had slapped one or two of them. The boys countered Mr. Matthews with the proverbial "didn't neither," and the matter was settled by the deposit of \$10 by Mr. Matthews.

### PERSONAL.

Burke Spencer was down from Ogden to-day.

Ben Hampton left for Osceola, Nevada, yesterday.

L. U. Colhath returned from Milford over the Utah Central last evening.

Mrs. W. H. Bancroft and sister will take the Rio Grande train for the East tomorrow.

W. S. Jackson, Receiver of the D. & R. G. road, arrived in the city this morning on his way home from California.

Ex-Governor Ramsey left for the broad gauge West yesterday, and will return in a few days.

Colonel Tom Scott, of the British army, came in from the West yesterday, and will leave for New York City over the Rio Grande to-morrow.

### Protect Your Family.

It is the duty of every man, rich or poor, who has created a home, to make some provision against the inevitable, for those who are dependent upon him, and this most desirable result can be obtained by procuring a policy in the Mutual Life Insurance Company of New York, the oldest active company in America and the largest life insurance company in the world. Rates, etc., furnished by Louis Hyams, Agent, 55 Main street, Hooper & Eldridge Block, Salt Lake City.

### The "Sideboard."

B. Sprenger's new saloon, next to McKinnin's livery stable, has been christened the "Sideboard." It has been elegantly fitted up in a new departure in Salt Lake, in the manner of its arrangement. Nothing but the very best of wines, liquors and cigars will be kept, and the resort will be strictly first class. Mr. Sprenger is well known in Salt Lake, and cordially invites his friends to call at the "Sideboard."

### The Magnet.

We are now prepared to accommodate our customers and the general public with fresh Salt Lake City Beer at 25c a glass, 25c a quart. The Billiard and Pool department is separate. The bar is well stocked and we will always be pleased to see our old friends and new ones.

### The First in the Season.

A fine assortment of Spring and Summer clothes of the very latest pattern have just arrived at J. K. BARNARD, 111 Main Street. The Tailor.

A most complete line of Double and Single Thick Glasses, at prices to suit the times, at MAISON & CO.'S, 225 W. South Temple Street.

# MALE OR FEMALE?

A Question as to Angus M. Cannon's Sex is Raised.

## The Court Finally Decides That He is a Male.

### An Important Point Raised This Afternoon.

In the Cannon case yesterday afternoon the twelfth juror, Robert Mulhall, was secured from the second special venire.

Following are the jurors:

- W. D. Palmer, Peter Clays,
- Phil. Kippie, J. M. Richardson,
- M. S. Shumons, T. G. M. Smith,
- C. J. Smith, Martin Mankin,
- A. M. Johnson, Thos. Davis,
- W. M. Clark, Robert Mulhall.

The indictment was then read to the jury and the case was adjourned until this morning.

The jurors were on hand and in their places this morning before the crowd began to gather, but the court room rapidly filled up as the hour for opening court drew near. It was generally anticipated that the interesting part of the trial would commence this morning with the taking of testimony and the attendance was consequently increased. The space directly in front of the judge's desk was entirely filled up with attorneys, reporters and witnesses, while every other portion of the room was crowded with spectators. Governor Murray and several of the Utah Commissioners were present.

It became evident this morning that the defense proposed to contest every technical point that the ingenuity of the seven attorneys could suggest, and Judge McBride threw down the gauntlet immediately after the case was opened by raising an objection to the indictment.

Holding that it was defective. The statute under which this prosecution was brought prohibited "any male person," where the United States has jurisdiction, from cohabiting with more than one woman. The indictment did not charge that the defendant was a male person, and there was nothing in it except the name of "Angus" to indicate the sex of the defendant, and "Angus" might be the name of a female. The offense could not have been committed by a male person, but it was not charged that the defendant in this case was a male. Every element of the offense found in the statute should be given by the indictment. Judge McBride backed up the position by reading somewhat copiously from authorities and from the opinions of other courts. On these grounds the defense moved that the jury be directed to return a verdict of acquittal and the defendant discharged.

Mr. Dickson, in reply, admitted at the outset that the indictment would be insufficient unless the sex of the defendant was made to appear with reasonable certainty. It was alleged in this case that the defendant was prejudiced because he was not informed by the indictment whether he was a man or a woman.

And was therefore unable to make a defense. The territorial statutes required that the offense be set forth with sufficient clearness to enable the court to understand what was charged, and this requirement was met by the indictment in this case. In a prosecution for murder it was not necessary for the indictment to allege that the party slain was a human being. That would be inferred from the name. The sex of the defendant in this case could also be determined by the name "Angus," a proper masculine name. It was reasonable to infer he was a male person, because he bore the name of a male person. What would be thought of a court that, when an indictment was found against "one John R. McBride," charging him with the offense of unlawful cohabitation, would come to the solemn conclusion that for aught was contained in the indictment

THE DEFENDANT WAS A WOMAN?

[Laughter.] Mr. Dickson also read from authorities at great length.

Mr. Varian stated the object of an indictment was to inform and advise the defendant of the nature of the offense charged against him. The indictment in this case does not specifically state that

ANGUS M. CANNON IS A MAN,

But if he had any doubt on that point he should have filed a special demurrer. He has pleaded not guilty to the indictment and stated that the name contained in the indictment was his true name.

Judge McBride closed the argument, and still held that, as the sex of the defendant was an essential element to the offense, it was necessary for the indictment to designate the sex.

The discussion on this point consumed nearly the entire morning session.

JUDGE ZANE,

In ruling on the motion, stated that the conduct alleged was charged with sufficient clearness, but it did not appear that the conduct was that of a male person, by such a person as made it a crime, and the question presented was, Does the fact that the defendant is named Angus M. Cannon and is charged with cohabiting with more than one woman, indicate sufficient clearness whether the defendant is a male or female? (A murmur went around the court-room and the judge and bailiffs rapped for order.) If it had been averred that the defendant was a male it would not have been indicated with any greater certainty that

HE WAS A MALE.

Than the facts alleged in the indictment indicate. The question is not, whether this offense is sufficiently charged, but whether it sufficiently appears to the court what offense has been committed. It is the duty of the court to give the indictment a reasonable construction, and if upon giving it a reasonable construction,

THE SEX OF THE DEFENDANT APPEARS TO BE MALE.

The indictment is sufficient. The court was of the opinion that it was as certain that the defendant was a male as it was that he was named Angus M. Cannon. He had been used. The motion was therefore overruled, and exceptions were taken.

The sex of the defendant having been established, Mr. Dickson addressed the jury, briefly outlining what the prosecution intended to prove. It was in substance that between the dates mentioned in the indictment the defendant lived with Amanda M. Cannon and Clara C. Cannon as her husband. The prosecution would not attempt to prove actual sexual intercourse, holding that that was unnecessary in order to prove cohabitation within the meaning of the statute.

Clara C. Cannon was called as the first witness, but before she was sworn Judge Bennett started the technical ball game by stating the counsel for the defense were considering whether to raise the important point in the case at this time, and would like an adjournment until 2 o'clock in order to decide. As the time was then nearly 12:30, the request was granted.

CLARA C. CANNON.

Was called again at 2 o'clock and testified

as follows: I know the defendant Angus M. Cannon.

Q—Is he a male person?

Judge Sutherland objected. Withdrawn.

Q—Are you related to Angus M. Cannon?

A—I was his wife. I was married to him about ten years ago. Ever since I was married to him I have lived at 246 First South street; I have one child living as the offspring of that marriage. I occupy two rooms on the ground floor of that house and have a kitchen at the rear. There is a hall running through the house and my rooms are east of the hall; Amanda Cannon has two rooms on the west side of the hall. I suppose she is defendant's wife; she has lived in the house ever since I went there; she has nine children living; my child lives with me and Amanda Cannon's children live with her.

During the past three years Mr. Cannon has been in the habit of taking his meals with me about every third day; I suppose he took his meals with Amanda Cannon a third of the time. On Sunday he took his breakfast with me, his dinner with Sarah and supper at Amanda's. There are four rooms up stairs with a hall between. I occupied the bedroom in the northwest corner of the house, Amanda the southwest, and defendant the southeast room. The bedrooms occupied by myself and the defendant were on the same side of the hall.

The witness was turned over to the defense, the examination being conducted by Judge Bennett. The witness named the members of the family, and said that her daughter and two orphan girls who lived with the family occupied her bedroom with her.

Q—Do they still continue to live with you?

Objected to by the prosecution, and withdrawn; that state of things continue until February last?

This question was also objected to as irrelevant, incompetent and immaterial. Mr. Varian arose at this point and stated that the manifest purpose of this question was to establish the fact that there had been no actual marital relationship.

A long discussion then arose as to what acts constituted cohabitation. This is the most important point in the trial, the prosecution claiming that it is not necessary to prove actual sexual intercourse in order to establish cohabitation, but that living together in the same house as husband and wife constitutes the offense. This is a question upon which the whole case rests and which will affect a majority of the unlawful cohabitation cases that are to follow.

The discussion on this point was not ended at 4 o'clock, and will probably occupy the entire afternoon session. If the court sustains the position taken by the prosecution, Cannon's conviction is a foregone conclusion.

### HON. O. W. POWERS.

What the Press Say of Our New Judge.

The following comments on the appointment of Hon. O. W. Powers to the Territorial bench will be of interest, as showing the opinions of those best acquainted with the standing and ability of the gentleman:

Kalamazoo Gazette: As will be seen by a special dispatch in another column, the Hon. O. W. Powers has been appointed Judge of the Supreme Court of Utah. President Cleveland could not have pointed a more talented young man from this State, and he richly deserved this consideration as a recognition of the effective party he has rendered the Democratic party in Michigan. While all are pleased with his good fortune there is a general regret that Mr. Powers will have to leave the State.

Grand Rapids Democrat: In the selection of Mr. O. W. Powers, at present city attorney of Kalamazoo, to be Associate Justice of the Supreme Court of Utah, President Cleveland has made a peculiarly fortunate choice. Mr. Powers is a lawyer of proven ability and standing, and of the first order. He has shown not only marked ability as a lawyer, pleader and counselor, but his successful labors in editing and revising legal works for leading Chicago publishers have shown him as a writer of the highest order. His principles, as far as the law is concerned, position to which Mr. Powers has been nominated is one which requires firmness, independence of surroundings, and perseverance as well as sound judgment and good legal training, and in none of these will Mr. Powers be found lacking.

Detroit Free Press: The appointment by President Cleveland yesterday of the Hon. Orlando Powers, of Michigan, to be Associate Justice of the Supreme Court of Utah is one that is in every way worthy. Mr. Powers will be a credit to the State of Michigan on the Territorial bench. He is a lawyer of standing both before the State and the United States Supreme Court, and a legal authority of considerable repute. He is one of the best known young Democrats in the State of Michigan, and has been for ten years active in the party and always a leader.

1883, he was the Democratic candidate for Congress in the Fourth District and made a strong run, notwithstanding that the district was regarded as hopelessly Republican.

Kalamazoo Telegraph (Republican): Mr. O. W. Powers, of Kalamazoo, has just received the distinction of being selected by the President to fill the office for the honorable and important trust of Associate Justice of the Territorial Supreme Court of Utah. The position has heretofore been filled by a selection of able men, and the appointment derives additional honor from the fact. Mr. Powers came to Kalamazoo a dozen years ago, at the time he was a student of the law, and has since that time been a resident of this city. He has won an enviable standing in his profession and a considerable reputation in his own party for political management. He is an intelligent, energetic, and in his new position will be a valuable asset to the Territory.

Detroit Post (Republican): And now one more Michigander has been found worthy to take office, Orlando W. Powers. Mr. Powers was not "offensively picked" indeed, a good many correspondents will recall Mr. Powers at the Chicago Democratic convention as having been as solicitous for the comfort and convenience of the representatives of the Republican papers as he was of Democratic correspondents.

Salt Lake City Brewing Company.

M. CULLEN, H. W. MORSE,

President. Vice-President.

We are now prepared to receive orders for our CELEBRATED BEERWISER LAGER BEER. Special inducements given to purchasers of car-load lots.

Having given our careful attention to the selection of the best material for the manufacture of beer after the Budweiser process, we are in a situation to place before the public an article superior to any hitherto offered in this market.

Orders by telephone promptly attended to.

JACOB MORITZ, Sec. & Treas.

When the weary, hungry traveler casts about for a place to lay his head, he will find the best and most satisfactory meal and bed at the White House.

# A FINE ENTERTAINMENT.

The Sixty-Sixth Anniversary of Odd Fellowship Appropriately Observed.

The spacious and elegantly appointed hall of the Odd Fellows of this city was filled last night by as many people as could be jammed between the four walls. The occasion was the sixty-sixth anniversary of the order and the members of the various lodges, in their bright regalia, accompanied by their lady friends were on hand in force.

The exercises were opened with prayer by the chaplain, after which the regular anniversary services were conducted by Past Grand Master Alexander Rogers.

The anniversary proclamation issued by the Grand Sir of the order, which had increased from five members sixty-six years ago to over half a million. The order was not confined to America alone, but had crossed the Atlantic, become firmly established in Australia and South America, and applications for new chapters were constantly being received from all parts of the world. But the organization was worthy of its success. Its works were open to the public gaze and were for the public good.

Mr. Fred B. King, of the Theater orchestra, played a clarinet solo, a composition of Schubert, and played it so well as to receive an encore, which was responded to with "Last Rose of Summer."

Mr. J. E. Wiscombe recited the fine poem, "A Hundred Years," very impressively and evidenced a good deal of eloquent talent.

Harry Aldous, of the Opera House band, and one of the best cornet masters of the west, rendered Arbuckle's "Fantasia Polka," a very difficult piece. Mr. Aldous was heartily cheered, and gave "Highland Lasses" in response.

Miss Hitchcock recited "Asleep at the Switch." Her conception and recitation of this piece is so perfect that the emotional portion of the audience alternately laughed and cried last evening and showered their applause upon the little lady when she had finished. The eloquent talent displayed by Miss Hitchcock something wonderful in one of her years and gives promise of something great in the future.

Miss Jennie Hawley sang a solo very sweetly and was followed by Prof. W. E. Weihe, whose appearance before a Salt Lake audience is always greeted with applause. Mr. Weihe was twice encored last evening.

Leslie's "Rhapsodie Hongroise" was executed by Professor Krongro and Miss Naomi Conklin. It was encored and repeated.

This closed the evening's entertainment, which was a most appropriate observance of the 66th anniversary of the order of Odd Fellowship.

### THE ELECTION OFFICERS.

Deputy Registrars Appointed by the Utah Commissioners This Morning.

EMERY COUNTY.

Castle Dale Precinct—J. H. Whitney.

Blake—J. T. Farrar.

Fearon—Michael Molen.

Molen—J. D. Kilpatrick.

Price—Caleb Rhodes.

Wellington—R. E. Thompson.

Moab—O. W. Warner.

Muddy—John S. Lewis.

Huntington—C. T. Wakefield.

Schofield—J. H. Harkness.

TOOELE COUNTY.

Mill Precinct—Wm. F. Mop.

Batesville—John Hillebrand.

Lake View—James Brachet.

Tooele—Robt. Scott.

Grantsville—Thomas Williams.

Orbit—John W. Thompson.

Clover—Rich. N. Burt.

St. John—Edward J. Arthur.

Vernon—Louis Stensberg.

Deep Creek—Fred Snively.

Stockton—D. B. Stover.

WASATCH COUNTY.

Heber Precinct—Thomas Smith.

Midway Precinct—Attewall Wootton.

Charleston Precinct—Jerome W. Kinney.

Wallsburg—Joseph Kerby.

MUTE COUNTY.

Additional new Precincts.

Graves Valley Precinct—Edward McDougall.

Kane Precinct—Hila Burgess.

Burgess Precinct—John S. Graves.

### THAT FIRE.

A \$5,000 Blaze Near the D. & R. G. Depot Last Night.

The clang of fire bells at about 3 o'clock this morning was caused by a telephone call to the Fire Department that Henry Buhning's saloon, opposite the D. & R. G. depot, was in a blaze. The hose carts were promptly out and water was playing on the fire in a very short time, taking into consideration the fact that over one thousand feet of hose had to be used in making the connection. But the building, which was a light frame, was too thoroughly in the grasp of the flames, and notwithstanding the efforts to save it, was soon a mass of embers. The building contained a restaurant, saloon and barber shop, all of which, together with the stock of each, was destroyed. Nothing has as yet developed as to the origin or cause of the fire. Chief Otinger thinks from the appearance of things that it originated in the neighborhood of the bar, probably behind it. If this be the case, the fact that there has been no fire kept in the barroom for some time past must be very strongly toward incendiarism. Mr. Buhning's view of the matter is that some party or parties with whom he has been having some difficulty have taken this method of revenging themselves. It is difficult to say just what the losses are as yet. The figures are probably somewhere between \$5,000 and \$6,000, \$3,000 of which are covered by insurance in the Royal Norwich Union. Mr. Buhning says that a substantial brick building shall take the place of that destroyed as soon as possible.

For a fashionable suit of clothes, or anything else in the tailoring line, at most reasonable prices, go and talk to H. F. CLARK.

Old Herald building.

CALL at 55 Main Street and examine samples of Utah Soap.

# THE POET OF THE WASATCH.

He Relates the Horrors of the Recent Snowslide.

An intellectual resident of Alta, in a moment of inspiration, wrote the poem printed below. It is not often he is inspired, so we give it publication, as a sample of what Alta can do in the poetry line:

The snow, the snow, the dreaded snow. On the top of the mountain, and gulches below. Around the houses and closing the door; Oh, the dangers behind us and before, Afraid to sleep for fear of slides. Coming rolling down the mountain side.

This danger comes in three months of the year. Namely, January, February and March to fear. And not too safe in April still. While the snow comes rolling down the hill; And rolling like thunder and shattering our homes.

On the thirteenth day of the second month in this year was a dreaded night for Alta's residents to fear. For the slide came rolling with fury and foam, And roaring like thunder and shattering our homes.

When filling the tank to have water to drink, Oh, the sensation, no one can think. When rolled out, the water in the lake is dear; We're in the grasp of death; Oh, what fear.

I ran for the wash-room, where I had to stop; Oh, fearful convulsion, and what a shock! I shook me and twisted me forth and back, Till I fell down, tumbling right on my back.

In the debris and snow, for it was cold. With an aching head by the terrible blow. My thoughts were aroused by two dear boys. Then theories of the thirteen all over the snow.

Thirteen lives dear were lost in that slide. To swell the emigration on the other side. Now, friends dear, take heed and fear. For three or four months in every year.

The snow it has frightened us so we have to stride To some quarter from avalanches, commonly called slides. Or burrow like squirrels, right in the ground, With timber and rock to make it quite sound.

Is thanking the public for assisting distress. And laying the victims in their sweet, quiet rest. Where no fear or danger or rest of mind Will harm their slumbers from sleeping sound.

### A Catholic Seminary.

The Catholic Church has secured the fine lot on the corner of Fifth East and Second South streets, and propose to erect upon it a college for the accommodation of such older male students as are debarred from the St. Mary's Academy. Both the Catholic Church and the pupils will be received, and the intention is to furnish a full course of instruction in all the various branches of study. Full particulars will appear as soon as the plans of the building are perfected.

### What They Take Butte For.

It is understood that a second big prize fight by eastern slingers has been arranged to take place in June. The men are manly of considerable note, it is understood, and the fight was arranged at St. Louis. It is for \$10,000 a side. The sports of the east seem to be laboring under the delusion that the city of Butte is divided up into 24-foot prize rings.—*Inter-Mountain.*

### More Enterprise.

Roberts & Nelson, the popular Druggists