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WEEKLY.

TRUTH AND LIBERTY.

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WEDNESDAY, - JUNE 8, 1887.

THE MANNER OF J. H. KIMBALL'S DEATH.

The mortal remains of Elder J. H. Kimball, who met his death by falling from a train of the Kansas City, Fort Scott and Gulf Railroad, while on his way to fill a mission to Great Britain, were interred in the city cemetery Wednesday. The funeral was numerously attended and the evidences of respect for the dead, and of profound sympathy for his immediate family and other relatives have been widely manifested. Great interest has been taken in the sad occurrence and much anxiety has been felt in relation to the details of the event, which have not been, until now, obtainable. We are pleased to be able to present them herewith, in the form of an intelligently written letter from Elder Lewis M. Cannon to his father, by whose courtesy we are enabled to publish it.

KANSAS CITY, May 26, 1887.

Pres. Angus M. Cannon,
Salt Lake City:

DEAR FATHER: You must pardon me for not sending you the full particulars regarding Brother J. H. Kimball's death before, as I have been in no condition to write until now. The company I was traveling with reached this city Wednesday evening, May 25th, at about 6:30, where we found the company that had gone via the Union Pacific Railway, waiting to join us.

Previous to that time our company had got on comparatively well and all were in good spirits, little dreaming what was about to befall one of their number. At about 7 o'clock Brother Kimball and I went and took supper together at one of the restaurants near the depot. He seemed to be all right, was cheerful and conversed considerable while eating. After finishing our meal we walked over to the depot and waited until the train pulled up. Brother Kimball at first took his seat in one of the front cars but afterwards moved his satchel to the car where the greater part of the company was and seated himself toward the rear end of the car. It being late most of the people were soon sleeping. Near one o'clock, or just after we pulled out of Miami, Brother Lars Eggertson, of Provo, saw Brother Kimball go out on the platform of the car. He felt somewhat anxious about him, because of his having had a fainting fit at Green River Station as we passed through there, and was going out to look for him, when Brother Kimball came back into the car and picked up his shoes that stood near the door. Brother Eggertson asked him what he was going to do and he replied that he was going to lie down.

Eggertson then went off into a dose for a few minutes, and on waking looked around and saw that Kimball was not in the car. He immediately instituted a search for him. Several others joined in the search, and they soon found that he was not on the train, and had evidently either fallen off, or stepped off at the last stopping place and missed the train.

A dispatch was sent back for someone to look for him at Miami and to telegraph us at the next station. On reaching there we found a message awaiting us saying that Kimball could not be found. Brother Gill came to me and said he would like me to get off at the next station (where the trains pass) and go back with Mr. Henderson, Kansas City ticket agent of that road, and try to find Brother Kimball, and if I did to take him back home.

We started back and reached Fort Scott at about 4 a. m. It still being dark Mr. Henderson thought I had better get off and wait for the 6 o'clock train bound north, so that I would have the daylight to look along the track. I did so, leaving Fort Scott at 6 o'clock, and found nothing of him until we reached Hammond, where we were informed a man had been found lying by the track, at daybreak, about three-fourths of a mile north of the station, and that he was in a very critical condition. On reaching the place the train stopped and I got off. As I supposed, the person proved to be Brother Kimball, and he was indeed in a very serious condition, being unconscious and his breathing scarcely discernable. I administered to him and he seemed to revive somewhat, so a hand-car was obtained and he was taken back to Hammond, where the best accommodations that were possible to be had were given him. But his time had evidently come, for, despite all our efforts, he continued to fail until 12:45 p. m., when his spirit took its flight. He passed off peacefully, without a struggle, and after he had ceased to breathe a smiling, happy look spread over his countenance.

Thus passed away Brother J. H. Kimball, stricken down in the blossom of manhood, while in the faithful discharge of his duty.

"There will be no inquest held over the remains, as all think there is no need of one, the cause of his death being so plain. Dr. Brady, one of the railroad company's physicians, thinks, and I am of the same opinion, that Brother Kimball must have taken a fit while standing on the platform of the car, and in falling injured his brain and hurt himself internally. His body had no bruises except a small one on the knee. There were no bones broken, but there was a small cut on the back of the head, where he had evidently struck in falling.

The B. R. Co.'s agents, on whose line he was hurt, were very kind and obliging, furnishing me with a pass for myself and the remains to Kansas City, and also sending a number of dispatches over their lines free of charge for me.

The body is at present at the undertaker's office, and will be shipped by express on this evening's train, which leaves here at 10 p. m. and will probably reach Salt Lake next Monday evening on the D. & R. G. train.

I have written to Brother Spence about his personal effects.

Father, you have often said that a great deal of experience is gained while on a mission. I acknowledge there is, for I was never in all my life before in such a situation as I have been in lately. I never knew before what it was to be among strangers without any friends, but I have learned how it is to be with a dying companion many miles from home, and watch the last spark of life leave his body and not know what to do for him but pray, everyone telling me that there was no need of doing anything for him as he was sure to die. I administered to Brother Kimball several times with all the faith that I had, but it seemed to do him no good. God had decreed that he should die and I suppose that was the reason my prayers were of no avail.

I am unacquainted with his mother and wife but feel to extend to them my heartfelt sympathy, for Brother Kimball was a son and a husband whose loss they would sorely feel. Although my acquaintance with him was very short I had learned to greatly respect him.

Thos. Smith is the man at whose place Brother Kimball died, and lives at Hammond, Bourbon Co., Kansas. He was very kind to us, as was his family and neighbors, and their kindness, I can assure you, was much appreciated.

I am enjoying good health, but somewhat worn out for want of sleep. Give mother and all the family my love, and accept the same for yourself. I earnestly hope that you and the rest of the family will pray for me, for I realize that I have the score of the world to battle with, and without the assistance of God I may not come off victorious. Write as soon as convenient. I would like to have papers that have the account of Brother Kimball's death sent to me at Liverpool.

I remain,

Your loving son,

LEWIS M. CANNON.

The following additional communication shows the scrupulous care taken in regard to every detail relating to the deceased and his effects:

KANSAS CITY, May 26th, 1887.

Wm. C. Spence, Esq.:

Dear brother—I have received a dispatch from father, in which he directs me to forward the personal effects of Brother J. H. Kimball to you. I found on his person seventy-five dollars in gold and five dollars and sixty cents in silver. Brother Gill gave me Jerry's ticket to New York, so I took it to the railroad company and they kindly rendered me the amount paid for it, i. e. sixteen dollars, which makes a total amount of ninety-four dollars in money, and you will please find enclosed draft for ninety-four dollars, less ten cents for exchange.

There were, besides the money, a few other things, his watch among them, which I will send, together with what clothes there are here of his, by the Wells, Fargo & Co. express. His satchel, coat and hat have gone along with the company to New York, and I suppose they will return them from that point. I will enquire after them when I reach there.

The doctor has the body embalming it, as the dispatch directed, and it will leave by this evening's west-bound train and will probably reach Salt Lake Monday. The agents of the K. C. Ft. S. & G. R. R. have been very kind and rendered every assistance possible.

You will also find enclosed a copy of the undertaker's bill, which I think is pretty high, but it is as cheap as they will make it. Body will be sent by express.

Your brother in the Gospel,

LEWIS M. CANNON.

Another letter from Elder Adolph Anderson, who had charge of the company, is also before us. From it we learn that after Elder Kimball's first attack of illness, at Green River, the advisability of his returning home instead of proceeding further on the journey was considered. This proposition, however, was repugnant to him. He stated that he had never been subject at any time in his life to any such attacks as that which had so suddenly seized him, and he did not think there was any danger of a renewal. He desired to go forward and fulfill his mission to which he had been appointed, and it was so agreed. This must be a consoling fact to his family, although cut down in his prime, he fell at his

post of duty, imbued with an earnest desire to perform it.

The devoted attentions of Elder L. M. Cannon and the other fellow-missionaries, the generous and friendly attentions of the agents of the railroad company on whose line the casualty occurred and the kindly offices of strangers who in various ways showed that "one touch of nature" which "makes all the world kin," are much appreciated by the relatives of the deceased Elder. Beyond this, they are also esteemed by the community of which Elder Kimball was a member and whose religious principles he was on his way to a distant nation to represent. And doubtless these things are duly noted by those who have preceded our brother behind the veil and were ready to give his spirit a cordial welcome upon his advent to the sphere beyond the grave. And if it be true that he who gives even a cup of cold water to a disciple of the Lord Jesus shall not lose his reward, neither will any come short of a recompense for acts of kindness to one under such a condition as that into which the deceased was so suddenly precipitated.

MONEY VS. MORALITY.

Last Friday's issue contained an account of a dastardly and brutal outrage perpetrated at Lake Park, last Monday, upon the person of a young lady who resides in Ogden.

This distressing incident is a loud note of warning of the dangers to which young people are exposed who visit some of the popular pleasure resorts established in this section, of late years, in the vicinity of the Great Salt Lake. It should create as much alarm as the cry of fire in the dead hour of the night, so far as its effect in keeping people out of the way of injury is concerned. Those who are once tainted with the unholy touch of sexual pollution are more deeply scarred and scorched than those who have come in personal contact with material flames. The effects of demoralization may not be susceptible of total eradication.

The deplorable incident of last Monday is a potent justification of the strictures that have appeared in this journal regarding the opportunities afforded by the resorts in question for the innocent becoming a prey to the wickedly disposed. It causes the advice tendered to our people to refrain from resorting to them to stand out with conspicuous consistency and clearness. Were we to take any other position we would be derelict in the performance of a plain duty and would manifest an indifference to the preservation of public morality that would border upon criminality. And what concerns us in that regard, in the field of journalism, is equally blinding upon every good and honorable citizen, according to the influence possessed and capable of being wielded in a direction so salutary.

We see in this matter a conflict of interests, but we do not expect that any consideration will deter the News from taking a firm and unyielding stand in relation to it. If the efforts of this journal are not as successful as they ought to be, they will doubtless at least be productive of some good in behalf of purity and general good behavior. The cause being a righteous one, we have a right to expect the sympathy, and support, to say nothing of the co-operation, of our fellow citizens of every class and especially those who claim to be our co-religionists, and who are under obligations to combat, by example and precept, everything which endangers the morality of the community. What makes timidity and activity on this subject all the more needful is the fact—concerning which we are reliably informed—that the railroad companies immediately concerned, intend, during the present, or approaching season, to concentrate a great deal of energy and means for the purpose of outstripping each other in rendering the Lake resorts as attractive as possible. The reason for this is that these places are considered prolific sources of wealth to the proprietors. This idea is based upon the revenues derived from them in the past, and, doubtless, upon the abnormal tendency heretofore exhibited by the people of this section in the direction of pleasure-seeking. But for this weakness—we cannot otherwise designate it—on the part of the community, the railroad companies would not be so ready to expend their money in improving these resorts and rendering them easy of access.

The conflict is of this character: In the first place it is between competing companies for the purpose of keeping ahead of each other in the matter of patronage. Then it is between the companies and the moral influence of those who occupy the position of vigilant watchmen in the midst of the people, seeking to lead them by advice and persuasion and every proper and legitimate means to keep outside the pale of danger.

The argument that those who conduct those resorts purpose taking every precaution within reach to maintain their respectability is a weak one. The utility of such reasoning received a striking exemplification in the outrage of Monday last. That the proprietors of Lake Park would countenance or encourage such a horrible crime is not to be thought of for a moment. It was, doubtless, not

only opposed to their moral sense, but also in conflict with their financial interests for such an incident to occur, but the prevention of the commission of the crime was evidently beyond their reach.

Of course the companies interested are simply in pursuit of monetary profit. The object of those who advise the people to refrain from going to such places, because of the dangers involved, is the preservation of moral purity. Whatever contest ensues will therefore be simply one of money versus morality. In the estimation of all right thinking people the former sinks into insignificance in value when compared with the latter.

The incident of last Monday should have due weight upon the people.

THE PRESIDENT WILL PROBABLY COME.

It is stated in a dispatch last Friday evening that the matter of a trip to the far west has been suggested to President Cleveland and that he thinks very favorably of it. The inducements presented are numerous, the principal ones being health, recreation, information, pleasure and political prestige, and these would, combined, if well considered, be a potent incentive to a much less astute man than the President. It is well known that he has not at any time been further from Buffalo than while in Washington, and has never crossed the boundary lines of more than four or five States, and these all grouped together, in his life, so that there is an immense field of exploration for him without violating the unwritten law of the land which prohibits the Executive from leaving the country during his term of office. He had previously accepted an invitation to visit the coming G. A. R. encampment at St. Louis, and referred to that as his "trip to the west," but if, after the ceremonies there are concluded, he will "keep coming," he will find the expansive side of the vast empire of people, territory and wealth over which he presides lying beyond the point he originally meant making the terminal one of his visit. It is manifestly impossible for him or any one else to form even an approximate idea of the extent, character, resources, topography and people of the land of the setting sun from books, maps, charts and statements; it requires personal inspection and plenty of time; and while the people's chief officer can be spared from the scene of his labors for a few months as well as not, it would doubtless be a pleasure to them as well as to him to have the time spent by becoming more nearly acquainted with the more distant portions of the country. The President is always well received wherever he goes; but it would be some pleasure to introduce him to western hospitality. When we as a people tender an ovation to a distinguished citizen like himself, it is no cheap, poorly devised and half-hearted affair, but an expression of good will that reaches the soul and lives thereafter in the mind.

We venture the assertion in advance that if the President and Mrs. Cleveland will pay Salt Lake City a visit, they will receive a welcome from all classes and grades of people that will not be the least pleasurable feature of their journey.

WAS IT AN OUTRAGE?

The arrest and subsequent treatment of Hon. Wm. Budge, at Ogden, constitute, in our opinion, nothing short of a flagrant outrage.

He was taken into custody on speculation, Deputy Exum evidently acting on the idea that possibly the gentleman might be wanted for some charge. He was unable to state any accusation and therefore could give no reason for the arrest. Even the pretense that the action was based on suspicion could not be made, as he could give no evidence upon which that sentiment could rest.

When this showing was made to Judge Henderson, on *habeas corpus* proceeding, it was his plain duty to discharge the prisoner, in the absence of one particle of evidence upon which he could be legally held. Instead of this, Mr. Budge was not only remanded to custody but the Judge refused to admit him to bail.

The position can only be defined in this way: The liberty of the citizen was made subject to the whim of a petty officer. The prisoner was deprived of his freedom without even an accusation against him, so far as the deputy was aware.

The Judge, in declining to liberate the prisoner in the absence of any reason for holding him, practically suspended the writ of *habeas corpus*, thus usurping the prerogative vested alone in the President of the United States, and exercised only in times of great peril, such as the invasion of a state or in the event of insurrection or other violent disturbance. The same functionary also violated a plain principle and provision of the Constitution which forbids the demanding of "excessive bail." To refuse to admit to bail at all is the most flagrant breach of this requirement of the "supreme law of the land."

As to whether Mr. Budge may be

amenable for some charge existing against him outside of the Territory does not enter into the question. The officer knew nothing to that effect and there was no evidence in that direction before the court. The legal proposition must therefore be plain that the prisoner was deprived of his liberty without due process of law.

Had it not been that the prisoner is a "Mormon," and holds a prominent ecclesiastical position in the Church to which he belongs, the probability is that neither the officer nor the court would have acted as they did. Thus prejudice appears to leap the barriers of the Constitution and general judicial practice, when a "Mormon" is the victim.

FROM FRIDAY'S DAILY JUNE 5.

Trying for a Release.

Major W. W. Woods, attorney for A. H. Martin, who slew John H. Burton, is making strenuous efforts to have his client released on bail pending the trial of the case. He sued out a writ of *habeas corpus*, and the matter came up for hearing before Judge Boreman, this afternoon. Martin was held without bail on the charge of murder, and Mr. Woods claims that this was unlawful, as the circumstances attending the killing were such that a capital offense could not be made out, and that the defendant should have been admitted to bail as a matter of right. Mr. Woods made an argument in support of his claim for the release of Martin on bail, and County Prosecuting Attorney Molye opposed the application.

Stole a Gun.

Last week a man named Wm. White, whose home is in Coalville, Utah, stole a shot gun at Coalville and then departed for more genial climes. On Tuesday last, Sheriff Ward, of Evanston, received a telegram from Sheriff Allison, of Coalville, informing him of the theft and giving the number of the gun. From the description given it was known that the man had been in town and sold a rifle to J. H. Ryckman, Esq., on Tuesday, but had left the same day. Sheriff Ward at once started in pursuit and captured the man in the hills south of this city. He still had the shotgun in his possession, and the number on the gun corresponded with the one in the telegram. Sheriff Allison came up Wednesday and took the man to Coalville.—Evanston Chieftain, June 2.

Almost a Fatality.

The first of the week the family of Charles McFalls were seized with an illness, the nature of which was at first hard to determine. Dr. Gregor's services were procured and he soon decided that they had been poisoned. Mrs. McFalls and all the children, except Kiesel, one of the four-year-old twins, were soon placed out of danger, not, however, until they had suffered intense pain in the bowels. Kiesel's case was, for a time quite critical, but his agonizing convulsions were checked without any fear of serious results. The sudden and serious sickness in the McFalls family is attributable to canned strawberry jam which was eaten by them with a relish last Sunday. No doubt the jam had been canned for years and a deadly poison emanated from the strawberry acids corroding the tin.—Park Record.

THE STANLEY CASE.

The Defendant Forced to a Hearing Without Counsel.

The case of the United States vs. Frank Stanley, who was arrested at Bountiful on Tuesday evening, on a charge of unlawful cohabitation, was called before Commissioner McKay today.

The defendant's attorney, Mr. Moyle, was not present, having understood from the prosecution that the case would be again postponed. Notwithstanding that the defendant did not wish to go on till his counsel arrived, after some vain efforts to find Mr. Moyle the Commissioner ordered that the case be proceeded with, and the witnesses were subjected to a rigid examination by District Attorney Peters.

Mrs. Sarah R. Stanley was the first witness. She testified that she was married to the defendant 14 years ago last April, in this city; she was still his wife; lived at Bountiful, Davis County; she was the legal wife.

The Commissioner here explained that she was not obliged to testify further in the case, and as she stated she was unwilling to do so, she was excused.

Mrs. Alice Hardman testified—I live in the Fourth Ward of this city; am acquainted with the defendant; he is my son-in-law; he was married to my daughter thirteen or fourteen years ago on the 9th of April; he lives in Davis County, with my daughter Sarah, his wife; he has lived with her during the past two years; I do not know Harriet Stanley; I have a daughter named Harriet; she is twenty-three years of age; she is not married and never has been that I know of; she is not reputed to be the defendant's plural wife; never heard that she was married to him; she has lived at Mendon, Cache County, during a portion of the last three years; I do not know where she is living now; she has lived at Mendon off and on about one-half the time; she left my home when she was eleven years of age, and went to live with her sister, Mrs. Sarah