

## DEATH OF THE HONORABLE LEONIDAS SHAVER.

In publishing the circumstances and ceremonies of the death and burial of Judge Shaver, who died of disease during the forenoon of June 29, 1855, we have been more minute than is customary, not only from a high personal regard to the deceased, but for the greater satisfaction of a large circle of friends both here and elsewhere, and more especially for the consolation of his far distant relatives, inasmuch as his last hours were providentially unattended by those soothing cares, attentions and amenities, which so many were able, skilled in, and ready to extend to smooth his pathway to the silent repose of the tomb.—[Editor of the Deseret News.]

### INQUEST

Held, in accordance with the laws of Utah Territory, on the body of the Hon. LEONIDAS SHAVER, who was found dead in bed at his residence in G. S. L. City, at 1 o'clock P.M., on Friday, the 29th day of June, 1855.

Steps were immediately taken to hold an inquest on the body. The mayor, Hon. J. M. Grant, acting, by virtue of his office, as Justice of the Peace, administered the usual oath to the following jurors:

William Bell. C. C. Branham.  
Wm. C. Staines. Andrew Cunningham.  
Daniel Carn. Bryant Stringham.

At 4 o'clock P.M., Dr. Garland Hurt, Indian Agent for U. T., and Dr. William France were called in to make an examination of the body.

The mayor having requested Dr. Hurt, Judge Shaver's medical attendant, to state when he last saw the deceased, and to give his opinion respecting the cause of death.—Dr. Hurt said, "I saw the Judge some four or five days ago, and he then told me that he purposed getting better. I remarked that I was fearful of the propriety of his getting better, as he was constantly under the necessity of taking stimulants to strengthen him and to alleviate his sufferings; and as he had brought himself under the influence and custom of taking stimulants, I believed in my own mind that the loss of blood would be calculated to prostrate his system, and I therefore discouraged the idea of his being better, and he gave it up."

I saw him again two days ago, and he was in better spirits, and said that he felt better. Since then I have understood that he had taken cold.

He complained to me, some two weeks ago, of a violent pain in his ear; I looked at it but could not see any distinct marks of inflammation, that is, to any great extent; and I arrived at the conclusion that if inflammation existed it was at the internal ear, or what is called the tympanum, and if the disease was seated there, the pain would be very violent indeed.

Persons acquainted with the anatomy of the ear know that the tympanum is the part upon which sensation is felt, and by which hearing is produced, and of course that involves the nerves, and hence such a complaint must have acted powerfully upon the brain; but when I last saw him I had hopes that he would soon be better, from the fact that he seemed more cheerful.

The disease of the brain would come under the name of Neuralgia. It is possible that some inflammation might have been there for some time, and have gradually increased, and it might be possible for it to have traveled until it reached the living membrane of the brain. We are not certain that such was the case, but if it were so, the cause of death is easily explained. And it is more to be expected that this is the fact for the reason that I have before named, viz., that he has spoken of his suffering in the head, that he felt a deadly sensation in his head which extended to his ear.

Dr. France and myself had made up our minds that we would examine his ear the first opportunity, but unfortunately we did not do so.

The Mayor enquired of Dr. Hurt whether he knew that deceased took any strong medicine. Dr. Hurt replied, "not any that I was aware of, excepting he was in the habit of taking Opium."

Mr. Edward Barr was called and sworn as a witness. He stated, in answer to questions put by the Mayor, that "he saw deceased last night, and thought it was between 11 and 12 o'clock. I remember pulling out my watch to look at the time, and it was about 12 o'clock, but I afterwards learned that my watch was half an hour too fast, therefore it would be about half past 11 when I last saw JUDGE SHAVER alive. He was sitting in this room, in that chair, smoking, but I thought at the time that there was a dejection about him which was unusual; I looked at him once or twice particularly, and had that impression."

He was naturally very reserved, occasionally, however, he was very free, but his habits of late have been somewhat peevish."

The Mayor then asked witness what time he was called in to see the corpse. Answer—"I did not come as soon as I was sent for, being in the store alone at the time; but I came as soon as I could possibly leave. I came round with Mrs. Dotson, and got in at that window, and found that there were no signs of life. I presume that would be about one o'clock p.m."

Mr. W. C. Staines asked, had he any feelings or pain more than usual, that you know of, when you saw him last night? Witness: "I asked him last evening, if he felt any worse, and he said that he believed he had taken cold; that he had left the window open the night previous; that his ear was worse, and he believed that he had taken cold."

He also remarked that he had a dullness in his right ear, and believed it was going to settle upon him, for, said he, "when a fresh disease comes upon me, I can always tell if it is going to settle upon me: I observed him raise himself, I think it was upon his right side, and draw his hand down his body from the head, remarking that he felt a peculiar deadness in the right ear."

Dr. France said, "I am aware, for a certainty, that there was no other disease that he was laboring under than the disease in the head; but he has taken opium, and if he were without it for any length of time it would produce those deadly sensations. I have used opium for years, and therefore know something about its effects. When persons take tobacco, or any other stimulant, and then are left entirely without it, or give it up altogether, a paralysis follows. I have experienced it under those circumstances; and this would produce inflammation in the ear, and it is possible that it might burst and discharge into the brain, and a very small portion of pressure upon the brain would produce death."

His complaining of heaviness might have arisen from the formation of an abscess, or rupture, and this bursting and running in upon the brain would produce death.

It might be that another person being without his usual stimulants, one for instance of a feverish constitution, might have got over it; the inflammation, or fever, would have past out with a little paralysis."

One of the jurors asked if death might not have been produced by taking too much opium, to which Dr. France replied, "I do not suppose that he could easily have taken enough to have produced death, from the fact of his being so accustomed to taking it."

Mrs. Dotson, the mistress of the house, was next sworn, and, on being interrogated as to when she last saw deceased, said, (addressing the Mayor) "Well, sir, I believe it was near one o'clock this morning, as he came out of his room; he wanted to ask me for something; it was then that I saw him last." Could he speak then? "Yes, sir; and wanted to get some ice, and I had to come and get it."

Did he complain yesterday at all? "Yes, sir; he sat in the room yesterday, and talked, while I was getting his supper. He said he felt dead in one ear. He eat his supper as usual, and then smoked."

What time did he usually eat supper? "He never eat supper till between nine and ten o'clock p.m."

What time did he usually retire? "He scarcely ever retired before 12 or 1 o'clock, and sometimes he would stay up until 4 or 5 in the morning, and would not get up till very late."

Mayor. How late would he sleep of a morning? "Till about 12 o'clock, sir, and when he got up he would rap at the door for clean water. This morning I thought he might feel like sleeping a little later, and I would not wake him. I came and looked through the window, and I saw that there was a change in his countenance, and I got Mr. Barr to get in at the window and open the door, and we found that he was dead."

The body was lying at the time of the inquest just as it was when first noticed, and A. W. Babbitt, Esq., W. C. Staines, R. T. Burton, and W. I. Appleby testified that that was the position he always lay and slept in, they having been much with him.

A girl, whose name the reporter did not hear, was then sworn, and deposed:—"I saw him (deceased) quite late last night." Did you hear him complain of pain in the head, or of any special disease, when you attended upon him? "No, sir, not until within a few days."

The Mayor then requested Doctors Hurt and France to examine the body as much as they conveniently could. They did so; after which they announced that the bone of the internal ear was actually destroyed, and that the probability was that the abscess had burst and the matter penetrated into the brain, and they were fully of the opinion that that was quite sufficient to cause death.

The Mayor asked Dr. Hurt if he was perfectly satisfied that death might be caused in that way?

Dr. Hurt—I am perfectly satisfied, from the fact of the bone of the ear being rotten. An unaccustomed hand might discover that fact, if he were only to feel the present condition of the bone of the ear with the probe.

Dr. France remarked that the bones of the ear are the hardest of any in the human body, excepting the teeth. There is also matter on the probe, and the probability is that the matter from the abscess has discharged into the cavity of the brain, and that it has been discharging slowly for days, and that alone is sufficient to produce death.

The Mayor said, if any of the Jurors had any more questions, or desired to examine the body, they had opportunity.

The Mayor further said, I am satisfied from the testimony of the Physicians and of the witnesses, that JUDGE SHAVER has come to his death from disease in the ear and head, and called upon the Jurors for their opinion, all of whom unanimously concurred in the verdict. He then informed Chief Justice Kinney, and other spectators present, that they were at liberty to ask the witnesses any further questions which might be appropriate.

No one deeming it necessary to further question, or re-examine, the Mayor called upon all the spectators for an expression of their opinion, and they unanimously concurred with his Honor and the Jury, in the verdict already rendered.

The Mayor concluded, by saying that he would do his best to prepare for the funeral, and should be happy to carry out any suggestions which the members of the Bar might have to offer.

J. V. LONG, Reporter.

### PROCEEDINGS AND RESOLUTIONS.

At a meeting of the Judiciary and members of the Bar residing in Great Salt Lake City, Territory of Utah, held at the Council House, at 10 1/2 a. m., of June 30, 1855, to express their sentiments in relation to the sudden death of the Hon. LEONIDAS SHAVER, Associate Justice of the Supreme and Judge of the

First Judicial District Courts of the United States, in and for said Territory, Hon. John F. Kinney, Chief Justice, was called to the Chair, and William I. Appleby Esq., clerk of said Supreme and First District Courts, appointed Secretary.

The Chairman appointed Hon. A. W. Babbitt, Judge Z. Snow, and Col. Geo. A. Smith, a Committee to draft resolutions on behalf of the meeting. The Committee retired for thirty minutes. During their absence,

### THE FELL FARENS.

Daniel Carn, Leonard W. Hardy, Frederick Kesler, Bryant Stringham, Dimick B. Huntington, James W. Cummings, Andrew Cunningham, William G. Perkins,

preceded by the City Marshal, bore the remains of JUDGE SHAVER into the large lower room of the Council House, and placed upon a table in the center of the room. Owing to the heat of the weather (Far Ther. 96) and consequent rapid decomposition, the lid of the coffin had been previously fastened, much to the disappointment of a great concourse of friends, large numbers of whom passed through the Hall.

At 11 o'clock the Committee reported the following, which were unanimously adopted:

Resolved—1st: That with feelings of sorrow, we deplore the sudden demise of our esteemed fellow citizen, and able statesman, the Hon. LEONIDAS SHAVER who is now no more, but lies in the cold embrace of death; and, while we humbly bow to the mandate of Heaven's King, we mourn the loss of him we cannot restore.

Resolved—2d: That in his acquirements as a lawyer, jurist, statesman, and scholar—as a high minded and honorable man, whether on the bench, in his official capacity, or in private, and in his sterling integrity and impartial administration of justice in all cases—he had but few equals, and less superiors.

Resolved—3d: That for nearly three years he has been in our midst acting in his official capacity as Associate Justice of the Supreme and First Judicial District Courts of the United States with honor to himself and to the office he held, and with perfect satisfaction to the Public, being ever attentive to the discharge of his duties, courteous to strangers, and forbearing, a friend of right, and meriting the respect and confidence of all who knew him.

Resolved—4th: That we condole with his surviving relatives in the east, or elsewhere, in his loss, and tender our unfeigned sympathies to them, and hereby inform them, that although he died far away from the land of his birth and the scenes of his childhood, which were bedewed with his earliest tear, yet he was gathered to his fathers in a land not of strangers but of true, devoted, and warm hearted friends who drop heart felt tears to his memory.

Resolved—5th: That we will attend his funeral in procession, this afternoon.

Resolved—6th: That in memory of the deceased the Judiciary and members of the Bar will wear crape upon the left arm, the usual badge of mourning, for thirty days, and that the Executive and other Federal officers of the Territory be respectfully invited to do the same.

Resolved—7th: That the Hon. Chief Justice Kinney be invited to deliver a Eulogy upon the life of the deceased.

Resolved—8th: That the Court be requested to record the proceedings of this meeting, together with the eulogy (when delivered) in the Journals of said Supreme and First District Courts.

Resolved—9th: That the Editor of the "Deseret News" be requested to publish the proceedings of this meeting.

J. F. KINNEY, Chairman.

W. I. APPLEBY, Sec'y.

After the unanimous adoption of the above Resolutions, the large Hall was densely crowded by an audience who listened breathlessly to the following

### EULOGY BY CHIEF JUSTICE KINNEY.

[Set up from Judge Kinney's Manuscript.]

### BRETHREN OF THE BAR AND FRIENDS:—

Having been called upon to preside over your meeting on this mournful occasion, in compliance with your resolution I will pay a passing tribute to the memory of our departed brother. The Hon. LEONIDAS SHAVER, Associate Justice of the Supreme Court of the United States for this Territory, is no more. He suddenly departed this life at his lodgings on the morning of the 29th instant. Without protracted illness to warn him or his friends of his approaching dissolution, his unexpected demise has appalled every heart and cast a shade of gloom over this entire city.

The evening before his death he complained of numbness about the head, and pain in his right ear. Having suffered much pain for years, and his health having been greatly impaired in consequence, this expression did not at all alarm the lady with whom he was boarding. At his customary hour he retired to rest, and as he did not rise as usual, the inmates of the house became alarmed, and his room being entered by Mr. Barr, a particular friend, JUDGE SHAVER was found in his natural sleeping position, the victim of that destroyer to whose power, sooner or later, we must all yield.

I am not sufficiently familiar with the early history of JUDGE SHAVER to give it that particular notice due his reputation. He was, I think, a native of Virginia; and in 1852, when Mr. Fillmore appointed him to the honorable office he held at the time of his death, a resident of Missouri. As a man and jurist I think I knew him. As a gentleman he possessed that true dignity of character which never fails to inspire respect, or secure esteem. He was dignified without being haughty—affable, without being too familiar—fond of retirement and seclusion from the world,

and yet social in his feelings and happy with his friends. His conversational powers were of a high order, and he never failed to be both amusing and instructive. With a mind well stored with historical and legal learning, it was easy for him at any time to afford the lover of literature—or the slave of the profession—a rich repast.

He was seldom found out of his own room, except during the sessions of court, and his friends were obliged to seek him out in order to enjoy his society. He was a close student to the day of his death, and his historical and miscellaneous reading was not neglected. He was a fine naturalist, as the various specimens collected by him in his room bear ample proof. He was a scholar and critic. He possessed a most wonderful memory, and a clearness and sharpness of intellect which I have never seen equalled. Comprehensive in his views, accurate in his reasonings, and correct in his deductions, he was pre-eminently fitted to adorn the bench, and distinguish himself in his profession. It is in this sphere that JUDGE SHAVER was universally admired and loved. However much as a citizen he merits our esteem, yet his character and ability as a jurist are so prominent, and stand out in such bold relief, that they impart a halo to his memory, and clothe it with that veneration which alone belongs to true greatness.

With judicial ability, was blended the most scrupulous honesty and that which is equal to either, a firmness of purpose and a moral power, which enabled him to enunciate the law regardless of consequences or the opinions of men. Ability, integrity, firmness and moral courage are qualifications which ever have and ever must adorn the bench, all are necessary, none dispensable.

It is but due to the departed to remark that he possessed these to an eminent degree. I have seen all of these virtues severely tested. Of the many important cases tried by the lamented Judge, involving, as some of them did, the feelings of the entire community, no person, however much interested, has ever been able to detect the slightest bias or prejudice or shrinking from the announcement of a decision adverse perhaps to the wishes of the church and community. And no higher meed of praise can be awarded the memory of our departed brother than this, that, notwithstanding these decisions, the prominent members of the church are among the most ardent admirers of his judicial character.

The loss of JUDGE SHAVER in the prime of life will be severely felt by the profession and Bench. To me it comes with peculiar force. A brother is taken suddenly from my side. A bright and shining light in the law is extinguished. A Judge, cherished and loved by us all, is fallen, and we are left to deplore his loss.

Here in this court room, where his fidelity has been so often tested, and his eloquence and lucid expositions of the law so often heard, all that we see of him is his cold and lifeless body—still speaking to us—not in legal strains—but no less eloquent, "Be ye therefore ready also, for the Son of man cometh at an hour when ye think not."

### RESOLUTIONS

For and in behalf of all the inhabitants of Utah, by the Hon. J. M. Grant, Mayor of G. S. L. City:—

1. Resolved, in behalf of and for all the citizens of the Territory of Utah, that Leonidas Shaver, Judge of the first judicial district of said Territory, did in life merit and have our full and entire confidence and esteem, as a wise and impartial Judge, who did mete out justice to all without courting favor, or dreading frowns.

2. Resolved, that we will hold his name in honorable remembrance in all time to come, and when the Archangel's trump shall give the signal to bring the sleepers forth, those who hold the keys of LIFE AND DEATH will not forget Judge Shaver.

The above resolutions were unanimously adopted by the large audience present, and will as unanimously be adopted by all the people, so soon as they become acquainted with them.—[Ed.]

### RESOLUTION BY HON. A. W. BABBITT.

Be it further resolved, that the thanks of the citizens of this city and the people of the Territory be given to the Hon. Mayor, J. M. Grant, for his kindness in taking charge of the remains of the Hon. JUDGE SHAVER, and in his energetic arrangements for his funeral obsequies.

The Hon. Chairman then said, brethren of the Bar and fellow citizens, I will now respectfully invite Prof. Orson Pratt to make some remarks on this occasion.

### REMARKS BY PROF. PRATT.

[REPORTED BY J. V. LONG.]

Friends and Brethren, we have assembled ourselves together on this solemn occasion to commemorate one of our departed friends who has suddenly been taken from our midst.

It is customary among most of the nations of the earth, on an occasion of this kind, to deliver what is termed a funeral sermon. I have been called upon quite unexpectedly this forenoon to perform this office. I do not expect to be lengthy in my remarks, but shall endeavor to say something in relation to the present condition of man and his future state.

We have been placed upon this earth for a wise purpose, in a state and condition of being to prepare ourselves for a higher state and order of things. These are the objects for which man exists here. Generations have come and gone. Millions and hundreds of millions of human beings have peopled this globe, and have departed hence, and we must all follow in the footsteps of the generations that are past.

It is a decree of Jehovah who governs and controls the destinies of worlds, who controls all intelligent beings, that man should die—