

strued as to exclude from its operation the cases which have been provided for by the special one. The legislature of the territory having already given its attention to and provided off the regulation and licensing of the liquor traffic, it is not unreasonable to presume that the legislature of 1896 did not intend to alter these special provisions by a subsequent general enactment, and a different construction should not be placed upon two acts of the legislature like these in question unless a contrary intention is manifested in explicit language, or unless there was something to indicate that the general act was intended to embrace the special cases within the previous one. There is no difficulty in giving both of these acts full force and effect, there being no real repugnancy.

"I would therefore advise you, that the law of 1888 referred to, is still in force, and that your county commissioners in fixing the rate of license for the sale of intoxicating liquors should be governed by the restrictions therein contained."

The other opinion is addressed to County Attorney H. L. Steed of Brigham City, Box Elder county, and reads as follows:

"We are in receipt of your inquiry of the 21st inst. in reference to the construction of chapter 34 of the Session Laws of 1897, entitled, An act to allow poor persons to begin, prosecute, etc., suits in law and equity, and in answer to your question as to whether the defendant in a criminal case who makes the oath prescribed in section 1 of said act is entitled to have the fees and mileage of his witnesses paid, we would advise you that the chapter just referred to seem to deal exclusively with the right of poor persons to prosecute and defend civil actions only. At page 87, chapter 74, section 8 of the Session Laws of 1892 provision is made for the payment by the then Territory of Utah of the defendant's witnesses in criminal cases, including mileage and per diem, which must be done upon an order of the court, upon affidavit being made by the defendant that he is impecunious and unable to pay the per diem and mileage of his witnesses and that the evidence of the witnesses sought to be so summoned at the people's expense is material for the defendant's defense. This section would seem to cover fully the case you suggest and it is our opinion that proceedings such as you suggest should be only under that statute. The law of 1897 refers to a different subject and is not in conflict with or repugnant to the laws of 1892 above referred to. There is nothing in the law of 1897 which would indicate an intent to have that act take the place of or repeal the law of 1892. I would therefore advise you that a defendant in a criminal case should make the showing required in the law of 1892."

DEATH OF HENRY GEORGE.

New York, Oct. 29.—Henry George died at Union Square hotel this morning of apoplexy. He made four speeches last night.

After speaking at several campaign meetings last evening, Mr. George returned to the hotel about 11 o'clock. He ate a light supper and immediately retired.

About 3:30 this morning he awoke and complained of suffering severe pains. He became unconscious, from which condition he did not recover.

Mr. George arrived at the hotel about 1 o'clock this morning. He had just come from several large mass meetings in the borough of Queens and Brooklyn. The work of the night seemed to

have told on him. He complained of being tired, but his friends and relatives who awaited him thought it only the natural fatigue that follows such hard campaign work as Mr. George has been doing.

Not long after reaching the hotel he retired. It was about 3:30 o'clock when Mrs. George was awakened. She found Mr. George sitting in an arm chair.

"I am not feeling quite comfortable," said Mr. George to his wife.

"Wont you go back to bed?" inquired Mrs. George anxiously.

"I will sit here awhile," was the response.

Mrs. George at once grew anxious as to her husband's condition. Mr. George gradually grew incoherent and lapsed into semi-consciousness.

Mrs. George was now thoroughly alarmed and called her son, Henry George Jr., from an adjoining room. Mr. George was now unconscious.

A call was sent to Dr. Kelly, 117 east 59th street, and he came without delay. Mr. George was still unconscious. All efforts to revive him failed. Without a sign of recognition to those around him he passed peacefully away at 4:45 o'clock.

Mrs. George was prostrated and was cared for by the friends of the family at the hotel.

Tom L. Johnson was sent for and arrived at 5:10.

Frank Stephens, a personal friend of Mr. George and one of his campaign managers, was at the candidate's bedside after the fatal attack came. He said: "I came into the Union Square hotel at 1 this morning and found Mr. and Mrs. George sitting at a table in the dining room with a few friends. Mr. George had just returned from the Central Opera House where he had delivered a speech.

"After a light meal, Mr. George complained of indigestion. He soon retired after bidding us all good night. Mrs. George found him sitting in an arm chair about 3:30 o'clock. Soon after his condition became alarming and she summoned several of us. I went at once for the doctor and on my way stopped at the Waldorf and notified Mr. Johnson. He was shocked and lost no time in getting to the Union Square Hotel. I then went to Mr. George's residence in South Brooklyn and notified the members of his family there. His son Richard and his unmarried daughter were there at the time. With them were two nieces of Mr. George, daughters of his brother Thomas, who reside in Philadelphia."

After his nomination for mayor by Jeffersonian Democrats a month ago, Mr. George made an extremely active canvass, speaking several times every evening and working from early to late at his headquarters. He gave to the campaign its most sensational incidents in attacks on Richard Croker and Senator Platt, whom he threatened to prosecute for various crimes, such as blackmail upon city contractors and aspirants for office, should he be elected mayor. His candidacy gave to the coming election its greatest element of uncertainty, for according to expert politicians, it was practically impossible to estimate how much Bryan's vote of last year would go to George instead of Van Wyck.

Last night Mr. George spoke in the borough of Queens and later in the borough of Manhattan at the Central opera house. He was greeted by large and enthusiastic crowds everywhere. In one of his last speeches, Mr. George said: "I have labored for years to make myself known, and now at last these things are all written down. I believe that the needed reforms are summed up in the philosophy: The right of every man to eat, to drink, to speak as he sees fit, so long as he does not trench on the rights of others."

In the same speech he repeated threats against Mr. Croker in a ringing voice that greatly affected his hearers, saying: "Let him go to the pen. He shall go there."

Mrs. George accompanied her husband on most of his speech-making trips and she was with him last night.

Newspaper men who have been with George during the campaign have felt that the strain was surely and rapidly breaking him down. At times he was incoherent. His whole temperament underwent a complete change. His speeches delivered by the half dozen each day, were often rambling, though their trend was ever faithful to the tollers whose devoted champion he has been for life.

Mrs. George and Henry George Jr. have been solicitous regarding the effect of the terrible strain of his being bundled about from place to place each day far into the night, and making speeches before wildly enthusiastic gatherings of his admirers, and it has been noted again and again that his faithful wife sat beside her husband on the platform from which he spoke, or watched closely from a place of vantage close by.

Mr. George has not been strong for the past three years, and his son, Henry George Jr., has been his companion in almost every enterprise in which he has engaged, going with him on his tours of the West as a special newspaper correspondent in the late presidential campaign and keeping close at his side in his movements in this campaign. Within the past day or two, close friends of Mr. George have noted with apprehension marked changes in his manner and appearance. Wrinkles came at the corners of his eyes, which were dull and sunken. His voice, usually resonant and pleasant, now pitched almost to piping treble in conversation, and was querulous, while he seemed like one whose nerves were so highly wrought that they might snap without warning. The face of the campaign was harder than this man, high strung and sensitive, could maintain.

The Journal and Advertiser this morning contained an article written by Alfred Henry Lewis, who visited the famous single tax advocate at his headquarters in the Union Square hotel yesterday. Of his impressions, Mr. Lewis wrote:

"The Henry George I found was not the Henry George I had met fewer than two months ago. When I saw him last he was tranquil, quiet, even steady as to nerves, rational, sedately, contented, talking of his books and his tax dreams. Today I met an inan haggard, pinched, with a face as thin and peaked as a pin. His eye roved, his hair was tumbled, his face a theater of disorder. If he was the picture of anything, it was his unfed ambition made desperate. There was despair, too, in his face, as if in a dim way he looked into the future black with disappointment. I tell you it was a shock to see the man."

GARDEN CITY GLEANINGS.

Garden City, Rich Co., Utah,
October 28, 1897.

The marriage of George Calder to Miss Teenie Hildt last week in the Logan Temple, as announced in your issue of Friday last, was made a splendid affair after their return home last Thursday. Invitations were given to a host of friends of the young and happy couple to attend the wedding reception given in honor of the occasion at the home of the groom's father, Brother Robert Calder, and on Friday afternoon at 5 o'clock, about eighty people sat down to two immense tables which fairly groaned under the luxurious spread prepared for the guests. The