

ANOTHER BLOW IS STRUCK BY COURT AT THE NEVADA WEDDINGS

Judge Troutt Holds Abbie Rose Wood's Claim to Widowhood Unsupported by Law.

SUPERIOR JUDGE TROUTT has added the weight of his opinion to those decreeing all marriages entered into by divorced parties within one year from the date of their legal separation null and void.



ABBIE ROSE WOOD AND JUDGE TROUTT. HER CLAIM FOR ALLOWANCE FROM THE ESTATE OF THE MAN SHE MARRIED IN NEVADA HAS BEEN DENIED BY THE JURIST.

THE limits of this State within one year from the divorce of either or both parties was valid and binding; that the laws of this State recognize as legal and binding any marriage solemnized in accordance with the laws of other States, and that the laws of this State could in no way regulate those of other States regarding the marriage contract.

History of the Case.

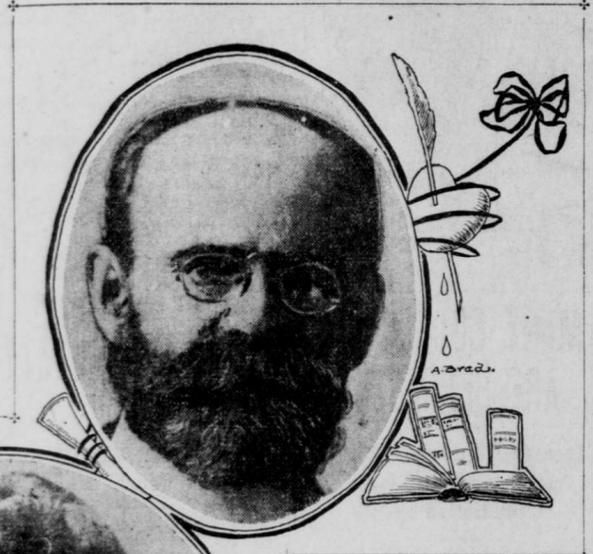
On August 19, 1897, the claimant secured a divorce from Robert B. Smith. In the following December she and the deceased departed from this State for the sole purpose of intermarrying at Reno, Nevada. There they procured a license and on January 1, 1898, "submitted to the formalities and to the ceremony of marriage as required by the statutes of the sagebrush State."

Validity of Reno Marriage.

The serious question then presents itself as to whether or not the petitioner's marriage at Reno was valid by the laws of Nevada. The statutory law of the latter State regarding the subject of marriage is in part to the effect that "marriage is a civil contract, to which the consent of the parties capable in law of contracting is essential, and that 'all persons' . . . not having a husband . . . living may be joined in marriage, and that 'all marriages which are prohibited by law on account of . . . having a former husband . . . then living shall, if solemnized within this Territory, be absolutely void without the consent of divorce or other legal proceeding.'"

Contention of the Opposition.

It is contended in opposition to the petition for an allowance that in the eye of the law in Nevada as well as in California the petitioner had a husband living on said date of decree and that the so-called Reno marriage was invalid in both States. In support of this contention it is urged first, that the divorce decree of August 19, 1897, did not become final and conclusive as to the matrimonial relations of the parties until after the petitioner's marriage to decedent, for the reason that the time within which the petitioner's former husband might appear from said decree had not then expired, and consequently that the petitioner was not then legally entitled to the rights of an unmarried woman. In other words, that she was not then an unmarried



"Associate Justice Gray of the United States Supreme Court, who is looked upon as the highest authority upon the complex marriage laws of the country, rendered a most important decision when he was Chief Justice of the Supreme Court of Massachusetts, which has a vital bearing on the Nevada marriages." He held that a marriage which was prohibited in Massachusetts by statute, because contrary to the policy of the State law, was yet valid if celebrated elsewhere according to the laws of the State in which the ceremony was performed, even if the parties were citizens and residents of Massachusetts and went abroad for the purpose of evading the home laws, unless the Legislature had clearly enacted that such marriages out of the State were invalid in the State.

Attorney Lyons and his client pin their faith upon this decision, and the outcome of the case will be watched with interest by all who have visited the "Gretna Green" of the Sagebrush State in the last three years, and whose names figured in divorce proceedings in this State during the year preceding the marriage across the border.

Mrs. Wood Will Fight. Mrs. Wood was seen at her residence last evening, and in reference to the decision said: "I intend to fight for my rights, and will not be satisfied until I have the decision of the court of last resort. I suppose that I am not the only one interested in this decision, and while it may be law it is not just. I was legally married to Mr. Wood, and but for the facts that the children by his former marriage were opposed to the marriage and that the value of the estate is large, I would not have had this trouble."

WED IN RENO DESPITE ADVERSE DECISION An Impatient Pair of Lovers Who Could Not Wait a Whole Year. A Reno marriage with a romance behind it is that of Mr. and Mrs. Hermann Wessel, which took place in Nevada on Wednesday last at noon. Love laughs at locksmiths and takes small stock in legal decisions which affect it. Judge Belcher's ruling on the legality of Reno marriages made no difference to the two ardent lovers who had waited long for each other. Wessel had but recently been through the divorce mill and a year must elapse before he would be able to marry again according to California laws and so the couple went to Reno.

Attorney Lyons' Statement. Attorney Timothy J. Lyons, who represents Mrs. Wood, announced after reading Judge Troutt's decision that he already had an appeal from Judge Belcher's decision pending before the Supreme Court and would immediately take the same course in the action decided by Judge Troutt. He said: "Judge Troutt has reversed himself in this very case, and I am sure his decision of to-day will not hold."

Portuguese Minister Leaves for Lisbon. Count Van Balynt Gives Notice That He Will Interpellate on the Existing Tension. THE HAGUE, Dec. 10.—The Portuguese Minister to the Netherlands, Count de Selir, has started for Lisbon, and the Dutch Minister to Portugal, Baron von Heckeren, is expected here from Lisbon this evening. Count Van Balynt, in the Second Chamber to-day, notified the Foreign Minister that he would interpellate the Government to-morrow on the tension between The Netherlands and Portugal.

VICTORY IS CLAIMED BY SANTA FE

Officials Say Strike of Telegraphers Is Lost.

Passenger Trains Run on Time and Freight Is Handled.

FRAUDULENT TELEGRAM IS SENT Charge of Forgery Made Against Railroad Management in Their Fight to Keep Men at Work.

CHICAGO, Dec. 10.—Officials of the Santa Fe system claim that the telegraph strike on their lines is practically over, and point to the fact that almost without exception their passenger trains were on time to-day and that freight was being handled in volume as great as before the strike was inaugurated.

Third Vice President Barr of the Santa Fe system, the official most active in adjusting the operation of the road during the strike of the operators, made the following statement to-night: "We have all the men we want west of Albuquerque, but are short from 250 to 300 men on the lines east of that point. We have been hunting men all day, and at the present rate will have a full complement within three days. The train due here at 5:30 a. m. to-day was the only train that was late, and that but twenty minutes. On the average our passenger trains have reached Chicago as nearly on time as though there were no strike. We are accepting all freight offered and are moving most of it. Fruit shippers have been notified of our ability to handle shipments up to the capacity of our equipment. All of the important offices have been filled, and all through business is being handled by orders from these points."

"We have no quarrel with the organization known as the Order of Railway Telegraphers. Our fight is with the individuals who went out. Seventy-five per cent of the men who refused to strike were members of the order, and these will be retained and promoted. Those who struck will not be re-engaged, although some who went back to work immediately will be retained."

Three pickets stationed at the foot of the elevator of the Great Northern building to-day were thrown out by Detectives Smith and Cummings of the Pinkerton agency after a couple of wordy quarrels. Smith told the three men that they must not interfere with men going up to the Santa Fe Company's offices. The pickets said they had as good a right to be where they were as did the detectives. Smith thereupon sent up for his partner and the two shoved the pickets into the street. The pickets had resorted only to the buttonholing process to keep operators from hiring to the company.

SAY THE STRIKE IS OVER. Santa Fe Officials Confident the Telegraphers Have Lost. TOPEKA, Kan., Dec. 10.—The officials of the Santa Fe give out the statement to-night that the strike of the telegraph operators is practically over. The operators themselves continue in the belief that their case is a winning one, and say the prospects look better now than they have been any time yet.

The men in the Santa Fe shops here went to work as usual this morning. An order had been issued closing the shops as a result of the strike. The officials later decided it to be madness for the shops to be kept closed, as they think the strike will be of small proportions. General Manager Mudge professes to be sanguine that the strike is at an end, and talks as follows regarding the revocation of the order for closing the shops: "The strike amounts to so little and the situation is so favorable that I shut down the shops is not necessary. I told Mr. Sanderson that such was the case, and it was decided to open the shops as usual. Mr. Sanderson sent for the men in order to have a full force on hand in the morning. Mr. Storey, the chief engineer, had also suspended some work under his jurisdiction. He recalled his men also. These orders were not drafted, I gave them verbally."

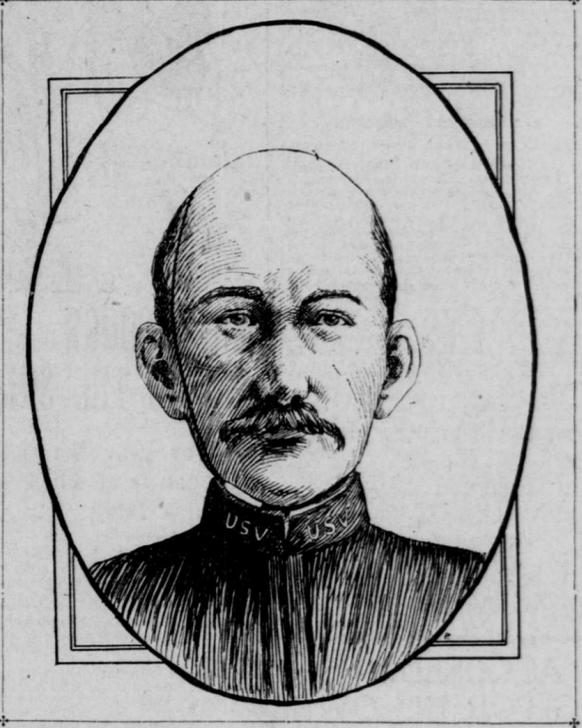
"If the operators had succeeded in tying up the system and prevented the operation of trains we would have had nothing for the men in the shops to do. As it is, with our trains running very close to schedule and no practical interruption to our business, there will be the regular work to do, and no reason why it should not be done."

"We have word that on the California lines the operators are back to work. On the Southern California and San Joaquin Valley there are none out. They went out when the order to strike was sent, but came back shortly afterward. They have no grievance, and are under contract. On the Santa Fe Pacific there are about fifty operators out, is our information. One hundred and twenty-three men went out on the Gulf line in the original strike, which was the whole number employed."

"I never say such a flimsy of a strike in all my experience." General Superintendent Resseguie stopped long enough from his work at the key to remark. He and General Manager Mudge have spent most

TERRIBLE TALE OF CAPTAIN SHIELDS, AN ARMY OFFICER

Late Prisoner of Filipinos Returns on the Hancock.



THE WOUNDED OFFICER AS HE LOOKED IN HIS ROOM AT THE OCCIDENTAL LAST NIGHT, WHILE RELATING HIS AWFUL EXPERIENCE IN THE PHILIPPINES.

TWICE wounded, a prisoner for thirty-one days, nearly starved and subjected to mental and physical tortures that only barbarians are capable of inflicting, Captain Devereux Shields lives to tell of his terrible experience at the hands of the Filipinos. The captain arrived in this city on the transport Hancock yesterday and is now at the Occidental.

With his head swathed in bandages and his hearing partly gone, as a result of a painful bullet wound, he sat nervously in his room last evening and related the story of his thrilling adventures in the Philippines—a story that reads more like fiction than cold truth.

Captain Shields was attached to the Twenty-ninth Infantry Regiment. His exciting times began on September 11, when he left Santa Cruz on board the transport Villa Labos for Torrijos, a small town on the east side of the island. He had with him a detachment of fifty-two men. They embarked at Torrijos without opposition. The next morning they came across a Filipino garrison a few miles from the town. The Americans drove off the sixty Filipinos who were behind the earthworks after several hours' fighting. The fort was then destroyed and the men returned to Torrijos. The following day—a memorable thirteenth—the detachment started back to Santa Cruz, the intention being to make the bulk of the journey afoot and incidentally "pick off" stray Filipinos. What happened on that journey, which was never completed, is best told in the captain's own words:

"We had gone but a short distance," said he, "when suddenly a shower of bullets fell around us, and simultaneously our scouts came running up with the information that a large force of insurgents were on the cliff just above us. Further explanation was not needed, for a second, quickly followed by a third and fourth volley of shots came whizzing into our midst. The Filipinos were in such a position that it was useless for us to answer the attack from our position, so I gave orders to retreat."

Meanwhile four of our little band had been killed and several others were wounded. There must have been 250 insurgents and they fired from a distance of less than 300 yards. As we retreated a bullet struck me in the left shoulder. We made for a skirt of woods some four miles off, and this is all that saved us from complete annihilation. As we crossed a rice field the insurgents, who had all along been three-quarters of the way around us, closed in. I then had only thirty-four effective men, but resolved to make a final desperate struggle, when a mauler penetrated my neck and I toppled

over unconscious. I fell in about two feet of mud and water, and it was the water I believe that brought me quickly to my senses. Two of my men had meantime rigged a litter and were carrying me along when I began to realize what had happened one of the men who was carrying me fell dead from a bullet wound. I then saw it was useless for them to try and save me, and I gave orders for them to hurry on and leave me with a hospital corps man. After they had gone I ordered a white flag to be hoisted, but it proved a target for the insurgents, who fairly littered it with bullets.

"By this time the Filipinos were upon us. One dirty fellow rushed up to me and the first thing he did was to remove my cap, place it on his own head and then jam his mud-bearded straw hat over my head. Maybe I wasn't mad. Then he took my watch and chain and everything in my pockets, and finally tried to yank a couple of rings from my fingers. They wouldn't come off, so he whipped out an ugly looking knife and was on the point of cutting off my fingers when I managed to loosen the rings myself. He took them with a grunt and hurried off."

"Another fellow came up, loaded his gun, aimed it at my head and was about to fire when a hand pushed the barrel away and I recognized my rescuer as a sergeant in the insurgents' ranks whom I had met at Santa Cruz. "I was finally hustled away to a hut, where they kept me for twelve days. Rice was about all I had to eat. After the twelve days I was forced to march, being driven through dense thickets, swamps, rivers and impenetrable jungles. The other wounded were with me, and it was terrible to see them suffer. Some were barefooted and not a few had fevers which would make the most hopeful physicians look grave."

"They had me brought across the island to the west shore, and here I was allowed to write a letter to headquarters at Santa Cruz. General Hare replied, and on the 14th of October the general reached us in the gunboat Bennington, and the next day we were sent to the Manila hospital. "A few days after I was taken prisoner there was a clamor among the more excitable natives to have me put to death, and for a week or more I did not value my life for a very much."

The captain says that few of the prisoners escaped as luckily as he did. One man who was captured was subjected to the grossest cruelties, being bound on his back and his nose and ears cut off and eyes pulled from their sockets. Then he was shot.

Mr. Sholes is profuse in his assurances that the strike is at an end. The officials are all of one opinion that the strike is ended in most places, but cannot explain the absence of men from the office here. Not one of the Topeka operators has returned to work, and from reports received from over the division the strikers here seem to think they have gained the day.

Opinions as to the duration of the strike differ. The men think they will win, but they are afraid it will take them a long time. The officers of the road will set no time for the operations of the road to return to their normal condition.

NEWMAN CHARGES FORGERY.

Says Santa Fe Officials Resort to Sending a Spurious Telegram. WICHITA, Kan., Dec. 10.—Chairman James W. Newman, of the Santa Fe system division, O. R. T., made the following statement to-night: "The situation on the Santa Fe, so far

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CHAFFEE'S CLASH WITH WALTERSEE

American General Acts According to Instructions.

Letter Protesting Against Looting Incurs Count's Displeasure.

PRESERVES INDEPENDENT ACTION Commander of the United States Troops Is Upheld in the Stand Taken by Him.

CALL BUREAU, 1406 G STREET, N. W. WASHINGTON, Dec. 10.—War Department officials express no surprise over the report from Peking that General Chaffee has incurred the displeasure of Count von Waldersee because of his letter protesting against looting. Chaffee's independent action in preventing looters from passing through gates guarded by American troops is apparently in conformity with instructions from the Secretary of War. It appears from the dispatch from Peking that exception was taken to his acting independently in the matter and without the approval of Von Waldersee. While officials decline to be interviewed they point to Chaffee's instructions as a vindication of his conduct. In a dispatch to Chaffee dated June 30 he was directed by the Secretary of War as follows:

"You will, however, avoid entering into any joint action or understanding with other powers tending to commit or limit this Government as to its future course of conduct."

In secret instructions sent Chaffee July 15, by cable to Nagasaki, Chaffee was told to "confer freely with the commanders of other national forces, act concurrently with them, seek entire harmony of action along lines similar in purpose and interest. There should be full conferences as to operations before they are entered upon. You are at liberty to agree with them from time to time as to the common official direction of various forces in their combined operations, preserving, however, the integrity of your own American division, ready to be used as a separate and complete organization."

At the time of Count von Waldersee's selection by the German Government and his acceptance by the United States Government, Secretary Root, in explaining this Government's action, said, while this Government was willing Count von Waldersee should act as the general commanding the allied forces, Chaffee would, under instructions from the War Department, reserve the right to command his own men, and Count von Waldersee would not have any authority over the American soldiers in camp or as a separate military organization. It was made plain he was to be recognized as commanding the American expedition in a technical way as part of the whole allied army, and only when a combined movement was on foot.

It is said that Chaffee's conduct in independently barring to looters the gates defended by American troops is certainly within his rights and in line with his instructions to preserve his rights to independent action.

HAY'S DIPLOMATIC VICTORY.

Germany's Defeat in China Is Not Pleasant to the Kaiser. BERLIN, Dec. 10.—It is now dawn upon the German press and public that Mr. Hay, the American Secretary of State, has secured an out and out diplomatic victory in compelling the powers, Germany included, to yield to his arguments in favor of more moderate terms in the preliminary joint note to the Chinese peace plenipotentiaries.

This clearly defined defeat is especially bitter here, because Emperor William had set his heart on imposing the most humiliating conditions upon the Chinese, and thus emphasizing Germany's power in their eyes.

LONDON, Dec. 10.—In the House of Commons to-day, replying to a question on the subject, the Under Secretary of the Foreign Office, Lord Cranborne, said the Government had been notified that present disposition of the troops of the allies on the Shanhaiwan Railway was of purely temporary character. The Government, he added, was watching British interests.

L'S SECRETARY ARRESTED.

LONDON, Dec. 10.—A special dispatch from Shanghai announces that Li Hung Chang's Manchu secretary, Yako, has been arrested by order of Field Marshal Count von Waldersee on the charge of communicating with the Boxers.

BERLIN, Dec. 10.—Field Marshal Count von Waldersee telegraphed from Peking, under date of Saturday, December 8, that the two detachments of troops from Tientsin, commanded by Colonel Lohrscheidt and Major Falkenhayn, which had been proceeding against a considerable force of Chinese rebels who had taken up a position at Tsungchow, ninety-five kilometers southward of Tientsin, have occupied the place without opposition, and that the columns are returning to Tientsin.