

powerful glasses to move, it is believed many have been tried to death.

It was about 3 o'clock this morning when the steamer Emery Owen ran aground with its two consorts, the schooners Michigan and Glencoe. There were between 50 and 75 people on board the three vessels, the majority being on the steamer. Signals of distress were at once given, but it was after daylight when they were seen and answered.

The life boat from Evanston was wrecked a few minutes after it was launched. Another boat was soon secured and at 11:30 o'clock at least forty of those on the shipwrecked boats had been landed. There were about as many more yet to be landed. The work of rescue was necessarily slow as the lake was running high and the life boats had to proceed slowly on account of large cakes of ice. All three vessels are pounding badly and it is feared they will go to pieces before tomorrow. It looks now as if every one on board would be saved. None of the sailors are dead, though all are suffering terribly from cold and exposure.

BOWLING GREEN, Ohio, Nov. 28.—The Standard Oil company report over 1,000 derricks blown down in this field by last night's storm and state that the loss will reach \$1,500,000. The wires are down everywhere. The village of Cygnets in this county was almost entirely blown away.

PUT IN BAY, Nov. 26.—Last night's storm was very destructive here. Several buildings were demolished. A deck band on the steamer Messenger was blown overboard and drowned. The Sued Sucker is adrift on the lake with two men on board.

NIAGARA FALLS, N. Y., Nov. 26.—The cataract is greatly augmented in volume by the westerly wind, which has attained a velocity scarcely paralleled here. The suspension bridge has been subjected to a tremendous strain. The Erie freight sheds were blown down.

### GROVES WILL VALID.

In the probate court November 29 Judge McNally handed down a decision in the Dr. Groves case, which has become locally famous by reason of the peculiar circumstances connected with it. It will be remembered that Dr. Groves died leaving a will in which he bequeathed most of his property to the establishment of a hospital to bear his name. Its validity was contested by Mrs. Henry Hollingsworth of Sandy, who set forth that she had married the deceased when but fifteen years of age; that she had received a divorce from him while, after his death, she discovered to her discomfiture and regret was not legal, which fact led her to the belief that she was entitled to at least a portion of his property. The full text of Judge McNally's decision is as follows:

In the Probate Court of Salt Lake County, Utah Territory.

In the matter of the estate of William H. Groves, deceased. Decision on motion to dismiss petition.

The petitioner claims to be the widow of William H. Groves, deceased, and asks to have the will set aside and herself appointed administratrix of the estate; she also claims a dower interest in the real estate of the deceased. Before

she can attack the will or claim any interest in the estate she must establish her status as widow of the deceased. It appears from the evidence that the petitioner left Dr. Groves about two months after their marriage and never lived with him again; that she applied for and obtained a divorce from the probate court of Salt Lake county in November, 1865; that she married Henry Hollingsworth November 9th, 1872, and has had six children by him, three of whom are now living; that she lived with Hollingsworth as his wife twenty-three years, till several months after Dr. Groves's death, and is still living at the same place with him and her children.

Counsel for the executors move to dismiss the petition on the ground that the facts proven constitute an estoppel. That the petitioner, having obtained the divorce and taken advantage of its benefits by remarrying, is precluded and estopped from denying the validity of the divorce and from claiming any interest in the estate of the deceased. The petitioner's counsel contend that she acted in good faith, believing the divorce to be valid, and that therefore she is not estopped. Numerous authorities have been cited on both sides, but no case has been presented which supports the position taken by the petitioner.

It is not necessary in deciding this motion to determine whether the decree of divorce is valid or not. The question is whether the petitioner is in a position to deny its validity. For thirty years she failed to perform any marital duties towards the deceased. When she married Henry Hollingsworth she accepted the benefits of the divorce and continued for twenty-three years, till the death of Dr. Groves, to enjoy its advantages. One who accepts and retains the fruits of a void judgment cannot afterwards repudiate her action and take advantage of its invalidity, and there seems to be no reason why the petitioner's conduct in this case should not produce just as effective an estoppel as if she had received the proceeds of a void judgment for money. The law presumes that she knew the divorce was void, if indeed it is void, and the fact that she did not know it is of no consequence, unless it be to determine the question of moral obliquity. Although the analogy between accepting the fruits of a void judgment at law, and accepting the pecuniary benefits arising from a void decree of divorce may not be perfect in all respects, the importance and justice of recognizing an estoppel in the latter case may be far more weighty than in the former.

The immediate parties are not the only ones interested. The children of the petitioner and their father, as well as the public, are profoundly interested. Public policy requires that, so far as may be consistent with fundamental principles of law, one who has attempted to profit by a supposed divorce, and has exercised the resulting privilege of remarriage, shall not, for the mere purpose of obtaining property, be permitted to repudiate her election and thus demonstrate the invalidity of the second marriage thereby fixing her own status as that of an adulteress, and branding her children with the stigma of illegitimacy. To permit the accomplishment of such a purpose would be "shocking to good morals, to sound public policy, and to the simplest principles of justice." So says the supreme court of Colorado, and it is supported by a long list of authorities from other states as well as by the Supreme Court of the United States. Believing in the soundness of these decisions, I am constrained, in the interest of justice and morality, to decide that this proceeding, which, if successful, would result in the dishonor of the peti-

tioner and her innocent children, and would cause public scandal and reproach, should be dismissed. It is against public policy as well as private interest.

The petition is therefore dismissed at the cost of the petitioner.

J. M. Tanner, counsel for petitioner, gave notice of an appeal to the district court.

### BEHIND THE SCENES WITH THE SULTAN

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WASHINGTON, Nov. 27.



SAW the sultan of Turkey in Constantinople six years ago. Through our American Legation I was able to go through many of his palaces. I visited the treasury, and saw the pecks of precious stones which are there stored away. I was present when the Sultan took his way to the Mosque across the city, where His Majesty must go once a year to kiss the mantle of Mahomet. I stood with one of his private secretaries within ten yards of him during his going to and from prayers at his favorite mosque near Yildiz palace, and I had that day the honor of a salute from him in response to my bow as he rode away. During my stay in Constantinople I had a number of interviews with the men closest to him, much of which could not then be published, and secured, I believe, as good an idea of Abdul-Hamid's character as could be gotten. I was told that even then the great fear of his life was assassination. It was whispered to me that he never went to sleep at night for fear that a violent death might creep upon him in the darkness. He had watchmen stationed around his palaces and on the towers to warn him of any approaching crowd. He never went out without he was accompanied by soldiers. There were ten thousand troops present the day I saw him go to prayers, and when he took the tour across the city to kiss Mahomet's mantle, the cavalry galloped like mad through the streets to clear the way for him, and his road from the palace to the mosque was walled with soldiers. With a wealthy Mohametan I sat in a second floor room, the windows of which overhung the street, and saw this man riding along with his then most famous general, Osman Hasha, and with perhaps a hundred carriages containing the favorite ladies of his harem following behind. His saddle horse and another carriage were in the procession, and until the last moment it was not known whether he would come to Stamboul by boat or across the Golden Horn by bridge. The Sultan has never allowed any one to know of his movements beforehand. He has only trusted those closest to him. I was told that he ate no food but that cooked in his own kitchens, and that every dish was tasted before he partook of it.

He has no confidence in any of his palaces except that of Yildiz, which he thought he had so fortified that revolution could not attack him. He was