

# THE NEBRASKAN

A Weekly Newspaper Issued Every Friday Noon, by the Students of the University of Nebraska.

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The Nebraskan will be sent to any address upon receipt of the subscription price, which is one dollar a year, or fifty cents a semester.

Contributions are solicited from all. News items such as locals, personals, reports of meetings etc. are especially desired. The Nebraskan will be glad to print any contribution relative to a general university subject, but the name must accompany all such.

Address all communications to The Nebraskan, University of Nebraska.

THE KANSAS-NEBRASKA DEBATE is now a matter of history. Regretting as we do the defeat of our boys, we certainly will not allow interest in debating to wane, but enter into the contest next year with increased vigor. From all reports, the Nebraska debaters put up a strong and convincing argument and reflected credit upon themselves and the university. The Kansas debaters were experienced men and certainly were a worthy foe to meet in a friendly intellectual rivalry. In view of the outcome of the last debate, we should gather a valuable lesson that will be of service in the future. And that is, the exercise of more care and discretion in the selection of judges. It certainly is not wise to choose ministers to decide upon the merits of a question embodying the abstract principles of political science, nor is it judicious to select lawyers to decide upon the merits of a theological discussion. An impartial and competent set of judges is just as desirable as strong debaters. The parties who have the selection of judges in hand in the future should, as far as this university is concerned, see that only deserving men are given such responsible positions. Let us profit by our experience and buckle on the armor and go into this debate next year with new vim, vigor and hope.

## GIRLS' GYMNASIUM EXHIBITION.

The sixth annual exhibition of the girls' gymnasium work was held last Saturday evening. The armory was comfortably filled. The gallery was reserved the early part of the evening for the faculty; but on account of the stormy weather the number of the faculty members was small and the gallery was opened to all. On the main floor the three rows of chairs that encircled the floor were almost filled. The first number on the program was the Indian clubs. The class marched in single file to the back of the room and came up in sets of three, the middle column stepped forward and the outside columns to the side. This exercise was well executed to the music. The dumb bell exercise was a particularly pretty exercise, the class being formed like a wheel, with rows of five each, facing the center or hub of the wheel. The marching drill with a class of five sets of fours under Miss Elliott was much appreciated. Miss Burr conducted the class in fencing movements and positions. It was done in perfect time and the noise of the stamping in the charge was exactly together. The bar-bells, while simple, made a pretty exercise. The apparatus work was all good and the leaders Misses Lewis Hyde, DuTelle, Chappel, Spurr, Stratton, Miller, Smith, Wheeler and Penzer, all showed proficiency in the special work. While a few were not able to keep the hand balls from rolling over the floor, this new exercise made a graceful picture. The marching calisthenics and fancy steps were received with considerable applause. The ball passing of the large medicine ball made an interesting game and caused considerable applause. The mass drill from the first was slightly mixed in marching to positions, and as a result, many mistakes were noticeable. This was due largely to the fact that most of the girls were tired from the exercises that all had tried their very best to do, and with all their vim. The work throughout the entire evening showed thorough training by Miss Barr and her assistants. The music was furnished by the cadet band.

## LAW SCHOOL LECTURE.

Mr. Roscoe Pound gave a lecture before the law school Wednesday on "Roman or Civil Law." The following is a brief summary: The Roman and the English races are the only peoples who have originated a system of laws. Others had primitive systems which did not mature, especially when they came in contact with the Roman law. This was developed first in the city of Rome and called the "jus civile" whence perhaps our name, the civil law, though this is more likely an antithesis to the church or common law of the middle ages. Roman law was very scientific. Learned masters investigated principles and theories and their treatises were codified finally by Justinian into digests which consisted of three main parts, the Institutes, the Digests and the Code. The Digest is the main part and is a compendium of the "responsa" of the "jurist consults." Roman law is a system of masterly treatises of trained doctors reasoning on abstract law while the English common

law is extremely practical, being mostly ascertained by judges' decisions of particular cases. Consequently the civil law has not our regard for precedents, nor need a lower court follow the superior if it does not concur in the doctrine.

Another striking difference is in the method of procedure—under our system the jury is the trier of fact and the judge is but an umpire between the contending parties. Under the Roman law there was no jury and the judge made every effort to ascertain the facts, practically conducting the whole case, thus often being inquisitorial. On appeal also as a result the whole record was examined and not the law points, as with us, and in this their system is perhaps the better. English law recognized real property as its most important branch while contracts and business law were mostly developed in Rome. In many ways their law seems very modern even now—as our law, merchant, and equity practices are much influenced by it.

In England the king took charge of the execution of the laws and by the administration in one court gave great unity to the common law. In America the wider extent of territory and restricted powers of judges have made us more dependent on text writers. Also after the revolution an aversion to England and English decisions, and a sympathy for France caused a marked study of Roman law here, and an influence on our decisions.

We should nevertheless study and revere the Roman law as it is undoubtedly by far the oldest and we should accept whatever may be its better points.

## COMPANY BLOW-OUTS.

During the past week, each of the four companies of the cadet battalion indulged in a general good time. It seemed best that the companies should have a little "blow-out" before rather than after the competitive drill. Otherwise only one company could celebrate and there would be three others to mourn the loss of the cup. As it is, all four companies had the pleasure at least of listening to speeches telling how each was sure to win the competitive drill.

On last Monday evening company C, at the invitation of ex-Captain Schwarz, went out to the Kappa Sigma house. The early part of the evening was devoted to playing billiards and other games. Later, while devouring fruits and lemonade, the boys listened to speeches by Captain Wilson, ex-Captain Schwarz, ex-Lieutenant Ed Elliott, Lieutenants Philbrick and Reagan. The company non-commissioned officers made short talks, also several privates. Garber made a stirring address in which he promised to thin up a little bit so that the captain could see the men beyond him when dressing to the right. He also gave Reagan a few pointers on the same subject. The boys adjourned at a late hour, after extending a vote of thanks to Kappa Sigma.

Company A enjoyed a treat Tuesday night by Captain Oury. About fifty members of the company went down to Sutton & Hollowbush's. They were treated to ice cream and soda water and enjoyed a general good time. Speeches were made by different members of the company which aroused much enthusiasm. The boys also celebrated the victories which company A won on field day.

Every member of company D was present at the "blow-out" given by that company at the rooms of Delta Tau Delta on Thursday evening. The boys had a rollicking good time and made fruit, cake and lemonade disappear with remarkable rapidity. They were out for a good time and they had it. Captain Lehnhoff and others made stirring speeches to the boys and aroused a great deal of company enthusiasm and spirit.

Company B also held a "feed" the same evening at the Sigma Chi house. All the members of the company turned out and enjoyed a pleasant time. The cadets spent the time attacking the refreshments and listening to short talks by Captain Saxton and other officers of the company.

The general result of the treats which the companies have enjoyed will be to renew the interest in the competitive drill which is near at hand. The boys have been drilling early in the morning in preparation for this event and they will continue the special drill up to the final contest for the cup.

## GLEE CLUB CONCERT.

The long expected and oft-postponed Glee club concert was given at the Lansing theater Wednesday evening, May 12, by the University Glee club and the Sutorius Mandolin club. This was the fourth annual concert given by the glee club and was without a doubt the most successful. The audience, which greeted the boys was of a fair size, but if the students had turned out the way they ought to it would have been much larger. There was a notable absence of any attempt at decorating the theater in the university colors and the college yell was an unknown quantity. Nevertheless the crowd was highly appreciative and encored without exception every number on the program.

The boys were at their best and their rollicking songs, while there were not so many as one might have wished, were greatly appreciated.

In regard to the Sutorius Mandolin orchestra, it is safe to say that no other musical organization which has visited Lincoln, with the exception of Sousa's band, has created so favorable an impression. This orchestra consists of about sixty pieces, under the efficient direction of Mr. H. P. Sutorius, and is one of the largest organizations of its kind in existence. It was difficult to tell whether the glee club or the orchestra pleased the audience more.

The harp solo by Miss Wilhelmina Lowe was artistically executed and received a hearty encore. Such numbers as "Legends" and "When Day Fades," which were given by the glee club, were well received, but the jolly songs, such as the "Bee" song and "Tom, Tom, the Piper's Son," were the kind which took best with the crowd. That ridiculously funny piece "Romeo and Juliet" pleased everybody immensely.

Mr. Ireland's whistling solo made a great hit and drew out the greatest applause of the evening. Kenagy's baritone solo and the quartet number by Messrs. Ireland, Davis, Kenagy and Norton were well rendered. The medley arranged by Bob Manley caught the house completely. It was full of striking and surprising changes and was far above the average of its kind.

## OFF FOR THE EAST.

A small-sized crowd of students went down to the depot Thursday morning to see the base ball team off on their eastern trip. Cowgill will cover third base and Walk Ewell will be back again in his old position behind the bat. Packard will be the relief catcher, F. T. Riley accompanied the team and will send in a special report of the games to the State Journal and Nebraskan. The following players went on the trip: Robinson, Frel, Cowgill, Gordon, Klindler, Benedict, Creigh, Pace, Packard and Reeder. The red light, or its absence, will tell the story of victory or defeat every evening.

## EXCURSION TO ROCA.

A train load of university and high school students, 135 in all, left Saturday morning at 9 o'clock over the B. & M. for Roca to collect material for scientific study. Many valuable geological and botanical specimens were secured. The excursion returned to Lincoln about 5 o'clock, tired, yet happy and well repaid for the trip. Prof. E. H. Barbour and Dr. H. B. Ward of the university, President Hackney of the Lincoln board of education and City Ticket Agent Bonnell of the B. & M. accompanied the party.

## THE OMAHA CONCERT.

The University Glee club gave a concert in Omaha last Tuesday evening at Boyd's theatre. The concert was given in conjunction with the Sutorius mandolin orchestra. The audience was not as large as it should have been, but those that were present were very well pleased and highly appreciative. Every number which the boys rendered was encored once and some of them even twice. The excellent work of the glee club should serve to draw a better audience if the boys should decide to give a concert in Omaha next year.

## THE ORATORICAL CONTEST.

The inter-state oratorical contest which was held at Columbia, Mo., May 6, was won by F. D. Decker of Park college, Missouri. There were ten states represented in the contest and Nebraska's representative, Mr. R. C. Roper, tied for fifth place. On delivery Roper received the rank of first, third and fifth by the three judges. By the three judges on thought Roper was ranked third, sixth and eighth, giving him a final rank of tie for fifth place.

## FRESHMAN HOP.

The class of 1900 gave their first annual dance in the representative hall at the capitol last Friday evening. The hall was tastefully decorated with the class and university colors. Light refreshments were served between dances. The event proved a distinct social success and bids fair soon to rival the junior and senior proms in interest and pleasure.

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