

FROM THE STATE CAPITAL.

Decisions Handed Down by the Supreme Court of Nebraska.

THE GAMBLERS VICTORIOUS.

Judge Pound Renders a Decision in Their Favor—The Proposed Episcopal College—Result of the Election.

FROM THE BEE'S LINCOLN BUREAU.

The following opinions were handed down by the supreme court justices yesterday:

Masters vs. Marsh. Error from Fillmore county. Reversed. Opinion by Cobb, J.

1. Upon a trial in the district court, in a proceeding under the provisions of the statute for the support and maintenance of illegitimate children, it is not error on the part of the court to refuse to allow counsel for the defendant to cross examine the prosecutrix as to what she testified to in her examination before the magistrate before whom the proceeding was instituted—her examination before the magistrate being certified up.

2. On such trial it was not error for the court to sustain the objection of counsel for the plaintiff on the question put to her on cross-examination by counsel for defendant, in the following words: "Did you have intercourse with the man who was in that house about that time"—the time referred to being shown by the context to be about nineteen months before the birth of the child.

3. In order to predicate error upon the sustaining by the court of an objection to a question propounded to a party's own witness, the party must make an effort to prove the fact or facts sought to be elicited by the question.

4. Account books are admissible as evidence in an action only where they contain charges by one party against the other, etc.

State ex. rel. Moore vs. C. St. P. & O. R. R. Co. Mandamus writ denied. Opinion by Maxwell, Ch. J.

1. Where it is sought to test the sufficiency of a petition for a mandamus, the proper course is to demur to the petition upon the grounds that the facts stated therein do not entitle the relator to the relief sought.

2. Motion to quash for insufficiency held to be a demurrer.

3. The act of the legislature creating the railway commission, which took effect June 6, 1885, gives such commission general supervision of all railroads operated by an individual, company or corporation, among other things, upon a proper complaint being filed, to investigate the necessity for an addition or change of station houses or stations. A party, therefore, who complains of the neglect, addition or erection of a station, must secure the action of the commission before the court will grant a mandamus to compel the railroad to do so.

4. Account books are admissible as evidence in an action only where they contain charges by one party against the other, etc.

Connor vs. Heintz. Error from Dixon county. Reversed. Opinion by Maxwell, Ch. J.

1. Where the defendant in his answer admits substantially the facts set out in the petition, but alleges that the plaintiff has violated its provisions, and there is plea of the statute of frauds, it will be considered as waived.

2. Where A and B were in partnership in the grocery business, and A sold his interest in the business to B, if he would take his interest in certain rooms over the store at \$100 per year for such time as should thereafter be agreed upon with the owner of the building, for certain repairs which A had made on said rooms, and the two years thereafter, and two years thereafter, that the sale of the interest in the firm and the leasehold constituted one contract.

3. An error in favor of the plaintiff in error is not cause for reversing a judgment.

4. Unless instructions asked are applicable to the testimony it is not error for the court to refuse to give them.

A VICTORY FOR THE BOYS.

The appeal of the sporting men from the decision of the county court, holding them in contempt for relieving their tools after they had been seized by Popenheim, Little and the county, was decided yesterday by Judge Pound in favor of the defendant. Judge Pound, in his ruling, said that the county court had no more jurisdiction in the matter than an individual magistrate, and that the county could not legally reverse a process from that court without being first sworn in and deputized as a constable or sheriff.

The warrant under which the tools were seized was directed simply to Little and Popenheim, and had no further endorsement. Judge Pound held that, and that the defendant could not be held in contempt for offering legal resistance. Mr. D. G. Courtney appeared for the defense.

THE NEW EPISCOPAL COLLEGE.

Rev. John Gassman, acting as the representative of Bishop Worthington, was in consultation with Mr. H. J. Walsh, and other prominent members of the Episcopal church here, yesterday, in reference to locating the new college, or preparatory school for boys. A beautiful site of five acres on Twentieth street, northeast of the General Hemick place, was decided on, provided five acres more adjoining can be secured for a drill ground, which Mr. Walsh thinks probable. Mr. Gassman said he was authorized to say on behalf of the bishop that the building would be commenced on this ground was obtained and \$15,000 in subscriptions guaranteed. About two-thirds of the necessary money has been pledged, and the outlook for obtaining the remaining \$5,000 is very bright. The college is to be known as Clarkson Hall, in commemoration of the deceased bishop, and will be used exclusively as a training school for boys desirous of entering the university.

RESULTS OF TUESDAY'S ELECTION.

The only man on the republican ticket who was defeated at the polls yesterday was Charles Magoon, one of the candidates for member of the school board, whose prohibitionist opponent, E. H. Chapin, got a majority of 11 votes out of a total of 2,063. All the rest of the republican nominees were elected by safe majorities. The men chosen are as follows:

Police Judge—A. F. Parsons, 369 majority.

Cemetery Trustee—Lewis Gregory, 1,134 majority.

Members School Board—Henry Shapberg (rep.), 387 majority; E. H. Chapin (pro.), 11 majority.

Councilmen—First ward, Nelson C. Brooks, 188 majority; Second ward, John Fraa, 199 majority; Fourth ward, H. B. Graham, 45 plurality. The average republican vote was about 1,500, while the democrats polled 784 and the prohibitionists 575. The fight on members of the school board was almost entirely between the republicans and prohibitionists, and as a consequence the vote of both on that office largely exceeded the figures given. The election has demonstrated that there is a republican ma-

AN INTELLECTUAL BEAN-POLE.

Senator Ingalls Sketched in the Midst of His Apoptrophe to the Mugwump.

"LOW AND BEHOLD" ORATORY.

Senatorial Feeds in the Committee Rooms—Grover Goes Gunning for Ducks—Sickness in the Cabinet.

WASHINGTON, D. C., April.—[Correspondence of the Bee.]—Washington society, which, in its make-up, is rather mixed in color and kind, can stand a good deal of the "low and behold" style of dressing with the accompanying consequences. But as the "Washington Citizen" says: "We hope Senator Ingalls will not again introduce the decollete style into his remarks on the senate floor." Heaven forbid! We can't stand it. Society's eyes are tough, but its ears delicate, and there is a difference between what society does and sees and what society hears and feels. Society does not like to have its nerves shocked as they were last Friday, when the elegant and accomplished senator from the windy state of Kansas, in his most winning way, and with his choice diction of king's English, defined a mugwump. It has long been a question in political circles, just what that species really was, and where it really belonged.

INGALLS HAS SETTLED IT.

It was enough to make the ghost of Barnum's "What Is It" green with jealousy to have another epicurean creature made famous by another shrewd penman, so to speak, to be thus shown up, for of course it would be disrespectful to speak of a United States senator as a showman, even if they do have that air of superiority about them. Well, the effect of Senator Ingalls' mugwump upon the densely packed galleries was tremendous. In other words, "it brought down the house." Applauded and whistled, and it was not subdued, and in spite of the protesting officer's pounding away with that harmless little gavel and making threats to "clear the galleries, laugh and cheer the boys, big and small, and all that." It was fun for them, but death to blishes and offended modesty of the anti-Ostler Joe variety, which could not hide itself, took to its heels, and squirmed and squeezed through that jam, making a general commotion (just as men squeeze out of a long row in the theatre to get a drink and sought consolation in a champagne lunch below.) It was shocking, "positively shocking" to modesty's nerves; it was exhaustive and the victims had to be revived. When some one told Senator Ingalls that he was shocking during his description of the mugwump, "O," said he, "I am sorry they took it to themselves." If the distinguished senator had known the relative position of some of his intended hearers, he would possibly he would have been more considerate of their feelings. Yet he is not the man to spoil a story for relation's sake, not he.

A STONE FOR BREAD.

The Failure of Beef Tea.

One by one, in turn, like the nostrums which sicken and deplete the system, the so-called strength-giving devices fall into disuse, to be supplanted by what the common sense of the people has discovered to be simpler and better. Not long since the Chicago "News" published the following: "Chemistry has decided that the food value of beef tea is so small that it can scarcely be classed as food. Physicians have for some time taught that to give a convalescent beef tea—even the very strength of the meat—is to give him a stone when he asks for bread. What is needed is to add meat to some of the prepared food. This fact is not sufficiently well known to nurses, and hence convalescence is often needlessly prolonged." About the same time another chemist declared that oat-meal, as a food, had about as much value as "chips." Simultaneous with these disclosures, there appeared in the Cincinnati "Times-Star" a mention, at length, upon the merits of Beef Tea, in which appeared the results obtained by a German scientist from experiments upon two dogs to ascertain its value as a food. The two animals, comparatively, were of equal strength and health, and for a stated period, one was respectively water and beef tea. The one to which beef tea was administered died, the other, sustained on water, lived. One of the mistakes do as restore property, or efficaciously. Nature wants help to get stronger. Medicine might further weaken. Physicians, without exception, now write in prescribing pure whiskey and a dash of water, and a dash of cayenne and stimulant quality, it is the recognized specific, in the place of these discarded nostrums.

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WASHINGTON, D. C., April.—[Correspondence of the Bee.]—Washington society, which, in its make-up, is rather mixed in color and kind, can stand a good deal of the "low and behold" style of dressing with the accompanying consequences. But as the "Washington Citizen" says: "We hope Senator Ingalls will not again introduce the decollete style into his remarks on the senate floor." Heaven forbid! We can't stand it. Society's eyes are tough, but its ears delicate, and there is a difference between what society does and sees and what society hears and feels. Society does not like to have its nerves shocked as they were last Friday, when the elegant and accomplished senator from the windy state of Kansas, in his most winning way, and with his choice diction of king's English, defined a mugwump. It has long been a question in political circles, just what that species really was, and where it really belonged.

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It was enough to make the ghost of Barnum's "What Is It" green with jealousy to have another epicurean creature made famous by another shrewd penman, so to speak, to be thus shown up, for of course it would be disrespectful to speak of a United States senator as a showman, even if they do have that air of superiority about them. Well, the effect of Senator Ingalls' mugwump upon the densely packed galleries was tremendous. In other words, "it brought down the house." Applauded and whistled, and it was not subdued, and in spite of the protesting officer's pounding away with that harmless little gavel and making threats to "clear the galleries, laugh and cheer the boys, big and small, and all that." It was fun for them, but death to blishes and offended modesty of the anti-Ostler Joe variety, which could not hide itself, took to its heels, and squirmed and squeezed through that jam, making a general commotion (just as men squeeze out of a long row in the theatre to get a drink and sought consolation in a champagne lunch below.) It was shocking, "positively shocking" to modesty's nerves; it was exhaustive and the victims had to be revived. When some one told Senator Ingalls that he was shocking during his description of the mugwump, "O," said he, "I am sorry they took it to themselves." If the distinguished senator had known the relative position of some of his intended hearers, he would possibly he would have been more considerate of their feelings. Yet he is not the man to spoil a story for relation's sake, not he.

THE PRESIDENT HAD A DAY OFF.

And bless me what a fuss has been raised about it. As our journalistic brothers most candidly and bravely put it, but man, and it is but natural that he should like to take after ducks occasionally. Secretary Manning's sudden illness gave the reason for the president's absence from the senate chamber, winking and blinking at the galleries, or napping in the cloak rooms, is fatiguing, they must have a rest from the weariness of legislation. And it is not wholesome to sit from twelve till five p. m. in the foul air of that senate chamber on an empty stomach.

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