

AN ELECTION BET DECIDED.

A DECISION FILED YESTERDAY BY JUDGE HART.

The Case Grew Out of an Election Bet Between Joseph Hasman and D. J. Stevens.

Judge Hart yesterday rendered a decision of considerable interest, inasmuch as it bears on points affecting an election bet.

At the last Presidential election Joseph Hasman and D. J. Stevens of Elk Grove wagered \$100 each on the result in this State, the former betting that McKinley would carry California, and the latter betting that Bryan would carry the State. The money was put into the hands of John Mahan as stakeholder.

Stevens came in as an intervener, and asked that the \$100 in coin deposited in the hands of the stakeholder by him be returned to him, and that Hasman's check for \$100 be returned to Hasman. Stevens' attorney, after plaintiff's evidence was in, asked that the complaint in intervention be dismissed, which was done, and Justice Henry decided that such action was the alternative but to adjudge that the money be given to Hasman, with his costs, which was done.

The case, which is entitled, "Joseph Hasman vs. John Mahan," D. J. Stevens intervener, was appealed to the Superior Court, and was yesterday decided by Judge Hart, who says in his opinion: "This is an appeal from the Justice's court of Sacramento Township, from an order and judgment in favor of the plaintiff herein, for the sum of \$200, which had been deposited in court by the defendant, who, in his answer, had claimed any ownership of or title to the said sum of money, and who, in the prayer of his said answer, asked that the intervenor, D. J. Stevens, be substituted in his place as the defendant herein."

The complaint charges the defendant with an unlawful conversion of the sum of money aforesaid, it having been in the shape of a check for \$100 and \$100 in coin, deposited with him for some purpose, which does not appear in or from the pleadings. The answer is as follows:

"Now comes the defendant herein and admits, denies and alleges as follows to-wit:

"1. He denies both generally and specifically each and every allegation in said complaint contained.

"2. Defendant further alleges that one D. J. Stevens claims the money referred to in the complaint and has demanded from the defendant the return of same to him, said Stevens.

"3. That defendant has no interest in the subject matter of this controversy and makes no claim to the money or the check mentioned in the complaint; that both money and check were left with defendant by plaintiff and said D. J. Stevens, and as the latter claims the money defendant is willing to deposit the same in court and also said D. J. Stevens may be brought in as a party defendant and substituted in lieu of the defendant, so as to settle the controversy, and the money and property restored to the person in whom the same may be vested, or disposed of in such manner as the court may determine.

"Wherefore, defendant prays that he may be discharged from liability to either of said parties, and that the return of money into court and depositing said check; also that he may have his costs of suit and such other or further relief as may be proper; and that said D. J. Stevens may be brought in as a party defendant and substituted in lieu of this defendant."

"In this court, the plaintiff moves for a judgment on the pleadings, in the second and third paragraphs of his answer, renounces and disclaims any ownership of, or title to, or any interest whatever in the money and check involved in this controversy. It may be here said that the intervenor, in the Justice's court, moved to dismiss his complaint in intervention; and his appeal from the order dismissing his complaint having heretofore been dismissed by this court, the only parties to the action here are the plaintiff and the defendant.

"It is claimed by the counsel for the plaintiff that, as the defendant in his answer has disclaimed any interest in the property which is the subject of this action, and which the plaintiff claims belongs to him, there is no issue raised by the pleadings, and therefore plaintiff is entitled to judgment.

"As a matter of fact, there is an issue tendered by the pleadings. In the first paragraph of the defendant's answer he denies, generally and specifically, the averments of plaintiff's complaint. This general denial puts in issue all the material facts of the case. While the second and third paragraphs appear to be inconsistent with the general denial, nevertheless, under our system of pleading, inconsistent defenses are permissible and sustained by a long and unbroken line of decisions by the Supreme Court of this State.

"The motion for judgment on the pleadings will be denied."

Articles of Incorporation. Articles of incorporation were yesterday filed in the office of the Secretary of State as follows:

The John R. Garner Stock Farm. Principal place of business, Arabelle, Lake County. Capital stock, \$50,000. Subscribed, with \$25,000 subscribed and John R. Garner, Thomas E. Garner, Joseph W. Garner, John F. Garner, Louis L. Garner and Fred W. Garner of Arabelle as Directors.

The Triest-Rosenberg Cap Company. Principal place of business, San Francisco. Capital stock, \$20,000. All subscribed, with Jesse E. Triest, Barnhard Triest, H. G. W. Dinkelspiel and Henry C. Gestorf of San Francisco, and Daniel P. Bell of Berkeley as Directors.

The Yukon and Northwestern Dredging and Transportation Company. Principal place of business, San Francisco. Capital stock, \$100,000. With \$5,200 subscribed, with A. Haines and Henry Haines of Madison and Emanuel Haines, Jacob L. Levison and Isaac Gordon of Rocklin as Directors.

The Interstate Law and Collection Company. Principal place of business, San Francisco. Capital stock, \$25,000. All subscribed, with J. B. Sykes, D. E. Alexander, H. G. Armstrong, Wm. B. Mack and A. M. Armstrong of San Francisco as Directors.

The People's Abstract and Trust Company, Riverside. Capital stock, \$25,000, with \$11,000 subscribed, and Arthur T. Lewis, P. S. Dinsmore, W. A. Anderson, E. H. Treat and W. D. Devana of Riverside as Directors.

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ASSISTANT KINDERGARTEN TEACHERS' SALARIES.

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The lady managers of the institution return thanks to all who contributed toward the Christmas tree, and thus added so much to the happiness of the little waifs under their charge. The following exercises were held during the afternoon:

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