# Saturday Morning, April 18.

LOCAL BREVITIES. -Six hard cases were in jail last night and passed the time in songs and noises gen

erally. -Workmen were engaged yesterday oppo site the Cozzens hotel repairing and improving

Harney street. -The street car company are pushing ahead their line in different parts of the city. A double track is being built along Jefferson street to a point west of the High school, on which the cars will be running inside of a month. Also the extension of the Farnam street track will be begun very soon which will be extended to the park,

-Yesterday morning workmen were engaged in tearing up a portion of the granite pavement at the cerner of Fifteenth and Farnam. The six months' limit has expired for the last payment on the contract, but Contractor Murgranite paving in the locality indicated.

-The remains of Col. Taylor, who died or March 13th, were exhumed yesterday from the Gen. McCormick vault in Prospect Hill cemetery, where they have been resting since interment. They were shipped last evening by the Pacific Express company, to Washington, D. C., where they will find permanent interment in Oakwood cemetery.

-David H. Bean, at present with Higgins, the Douglas street restauranteur, is now wearng a forty-horse power smile. The cause of the illumination is the sudden appearance of a young Bean in his family. And yet David is Have Bean."

-Special Policeman James arrested yesterday morning two North [Omaha Art Batton and Andrew Kaufman was firing ed with Batton, who was also engaged in the disturbance.

-A charming social event was that which was held under the auspices of two of Omaha's society girls, Miss Recka Hansen and Miss Aggie Hannigan, at Hanscom Park Thursday night. About forty couples were present and indulged in the pleasures of the heel and toe.

-W. P. Peck & Co., brokers, received the following special telegram yesterday afternoon from Avery, Hilabrant & Co. concerning the Chicago markets: "Another large advance in consols this morning killed all war talk and precipitated a sharp break, Longs sold largely and easily and seemed to have unloaded all their holdings. Cables show a weak declining in foreign markets. Wheat closes this afternoon quiet and firm. We hardly anticipate any further decline and look for steadier and quiet markets for a day or two. Corn strong; values manipulated."

-The people in the vicinity of Ninth and Farnam are complaining seriously of a family tenanting a house immediately east of the ments, sec. 1356, says: "If a drawer check was not Calvin E. Fuller, the decheck was not Calvin E awful of discordant sounds, Sleep is rendered doing as affirming that the endorsement Moines. are becoming desperate. The proprietors of the Canfield sent for the police Thursday night, who came down, but were not valiant enough to make the proper arrests.

-Rev. N. H. Gale, financial agent of the North Nebraska Conference Seminary, is now in the city, He is engaged in selling college certainly said to the commercial world: lots, the proceeds of which are to be used in putting up a brick school building at a cost of follow it up by showing that this Fuller burn Cough Drops. about \$16,000. The seminary will be located getting the check cashed was the one at Central City, Neb. The lots are in size 66x132, and sell for \$50.00 each. Terms, four only possible person for whom it could bacco. years. The enterprise is business-like, and years. The enterprise is business-like, and commends itself to every lover of a higher education. The building is to be ready for of the check as a balance. occupancy by Sept. 20th. Any one desiring to invest will please drop a postal to Mr.

# BROWNELL HALL.

The Ground for the New Building Secured and Probably That for a Bishop's Residence.

The trustees of Brownell hall met yesterday and practically secured ground for they certainly could not recover, but this the new building and for a residence for case is far otherwise. It certainly would the Episcopal bishop.

feet deep on Tenth street, just south of his residence, for the new building which has become necessary for the new school, and a lot nearly sufficient for an elegant that it was clearly shown that the payee, home for the bishop. This proposition although having no interest in the draft home for the bishop. This proposition was practically accepted, subject to the agreement of the bishop to reside there, which is likely to be given.

Mr. Kountze, with characteristic generosity, also intimated his willingness to aid the fund for constructing the new school building, which it is fair to preanme will be begun at as early a day as practicable.

A New Mercantile Agency. The Wilber Mercantile agency has established headquarters in this city, with Mr. W. H. Dillon as general superintenthis sgency, which was established in 1872, is fast gaining ground as a reliable institution, being so operated that business men have direct communication with their attorney in every town in the country in regard to the standing of the firm inquired after. After a business man has a knowledge of the workings of the Wilber Agency he invariably sub
this class of cases, being original transactions or cases, being original transactions of cases, being original transactions between the parties, and a case which might arise when Raymond might have had business relations with one Corydon (not Calvin) E. Fuller, treature of the Jowa Loan and Trust company, and Calvin E. Fuller might have come to Raymond and represented himself as Corydon E. Fuller, obtained a settlement and received a check for the balance due Corydon E. Fuller and the Wilber Agency he invariably sub
this class of cases, being original transactions with one Corydon which was established in 1872, is fast gaining ground as a reliable which might arise when Raymond might have had business relations with one Corydon (not Calvin) E. Fuller, treature of the Jowa Loan and Trust company, and Calvin E. Fuller might have come to Raymond and represented himself as Corydon E. Fuller, obtained a settlement and received a check for the balance due Corydon E. Fuller and the country in regard to the standing of the balance due Corydon E. Fuller and the country is given elsewhere in full.

FOLICE COURT.

Afternoon session. Warrants were issued for Pat McGuire, drunk and disorderly; John Svocina for cruelty to animals on complaint of D. B. Houck, and Hennesy and McGregor for fighting a bartender. the Wilber Agency he invariably subscribes, as it covers all the points which other mercantile sgencies claim and a great deal more, besides saving the subscriber from \$25 to \$75 a year in the subscriber from \$25 to \$75 a year is coording to amount of information want. according to amount of information wanted, as it is much chesper than any other

of the main features of the the Wilber agency is the col-lecting department which is run on truly business principles and which Mr. Dillon, assisted by Mr. F. E. Wood, personally superintends. Coming here to stay the business men of Omaha will hail with delight such a reliable collection agency. The office at present is located in Room 2, Morse's block, corner 15th and Capitol ave., and all business left in their care will receive prompt attention.

## McCULLOCH'S DECISION

a the McCagne Bras. vs. Raymond

Afterpiece to the Fuller Swindle,

The following opinion of County Judge McCullough shads light and learning on to one who, in fact, was not entitled to the Fuller-McCagne-Raymond contro- receive the money? We certainly canversy which will be interesting reading te not escape the conclusion that of two lathis community.

On the 9th day of December, 1884, C. S. Raymond, the defendant, made a phy will only be allowed his ten per cent. draft given by Fuller as payment for said and smuggled them into the United States, at Detroit, and in that name shipped

ply for the purpose of giving him stand ing with Raymond as an individual. young Rean in his family. And yet David is somewhat sad because it is a boy-he wanted was drawn on the United States National above the court says: "Now the judga girl—and with tears in his eyes he some-times mournfully ponders over "What Might as above stated, to the order of Calvin E, the following propositions can be mainrevolver in the direction of some school chil-to whom Raymond gave the check pre. name to Wreford, Dillon & Co., or, dren playing near Creighton college, at the santed it on the 10th day of December, 2d. That Cochrane, Holmes & Co. are

company, seems to have been made sim-

THE POINT AT ISSUE.

Does deception as to name in original transactions with one whose identity is third persons?

In this case Raymond was having an hand an written by his authority, and if it be forged the amount paid under such endorsement may be credited against him by the acceptor, or recovered against him by the holder of the bill."

Raymond, in this instance, in his dealings with Fuller and making his check, certainly said to the commercial world:
"This is Calvin E. Fuller." When you follow it up by showing that this Fuller by Congh Proposition of Capwho received it from Raymond, and the and the identical person who transacted the business out of which grew the giving

Now, does the fact that Fuller decelved Raymond into the bellef that he was tressurer of the Iowa Lear and Trust company, relieve the defendant, when the facts show that his dealings were of a private character and not with him as an official? I think not. Had Raymond given his check to him as treasurer of the Iowa Loan and Trust Company, and the plaintiffs had paid it upon his endorsement as such, and it af terwards was shown that he was not, have been the safe plan for the defendant to have made the check to him as made a citizen of the United States, Mr. Kountze, the banker, offered to treasurer, especially in view of the fact give a tract or lot 300 feet front by 275 that the \$1,000 draft taken in the ex-

change was so signed. This case differs very materially from Dismissed. the case of Ware vs. Rogers, 2 Nebrasks, Agatha K the only case cited by defendants. In fault taken. must indorse it before it could be properly granted. paid. He was an actual person in the and being neither of the ones engaged but Raymond was simply deceived as to the name and position of his customer, but his customer, nevertheless, was the one whom he intended should receive the money, and was, in fact, the only possible person entitled to receive it, all transactions having been had with him.

A DISTINCTION. I think there is a distinction between dent for Nebraska and Western Iowa. this class of cases, being original transs check in the name of his creditor and handing it to a person he supposed to be that creditor. If he were not, and indorsed the check with name of the payee and received the money, it would be a Eliza, daughter of Mr. and Mrs. Henry Busch, sgcd 5 years and 6 months. forgery and the amount could not be recovered from Raymond by the indorsee, for he would still be liable to his original

> In the one case he intends a certain person, who is his creditor, to have the money, believing the one to whom he hands the check to be that identical creditor named in the check. In the case at bar he knows the person before Scott feet per second.

him to be his creditor, for it is an original transaction, gives him a check pay-able to his customer by the name used in the whole transaction. He finds afterwards that he has given his check, not to one who is not his customer and creditor but to one who became his customer and creditor by false representations. Now who should suffer, the one who paid the money upon proper indorsement to the person in-tended at the time by Raymond to receive nocent persons, he must suffer who first set in motion the machinery by which the fraud was enabled to be perpetrated.

THE LAW. The case of Forbes & King vs. Epsey, check for \$488.25, payable to the order Heldelbach & Co., 21st Ohio, state 474, of Calvin E. Fuller. The evidence dis- seems to me to set out the proper doc closes that said check was given by Ray, trine. The facts in that case were as folmond to Fuller as change, the amount of said check being the difference between said check being the difference between the price of certain goods purchased by tection, assumed the name of Charles Fuller from Raymond, and a \$1,000 Clark. In that name he bought nutmege said Fuller in his dealings with Ray. them from Detroit to Cochran, Holmes mond, represented himself as treasurer & Co,, at Cincinnati, and saked for a of the lows Loan and Trust company, of Des Moines, Iowa, and that Raymond believed him to be such. The goods purchased by Fuller were bought in his bill to Charles Clark, remitted it to Deindividual capacity, however, and for himself, and not in his capacity as treasurer of said Loan and Trust company, nor for said company. Fuller's representation as to his being treasurer of said

It is also conceded that Wreford, Dil lon & Co. knew nothing of Mora's fraud or that his name, if Charles Clark, was Fuller, nothing upon the check showing tained, to-wit: 1st, That the legal title that he was, or claimed to be, the treasurer of the Iowa Loan and Trust oom— & Co., to Wreford, Dillon & Co., by the pany. Without going into any review of endorsement of former to Mora under the evidence as to identity, the testimony, the assumed name of "Clark," and by without question, shows that the person his subsequent endorsement by the same great risk of hitting them. He was ordered to stop, but refused to do so. He was arrest ance he had previously made under the denying that the statement so passed."

ed with Batton, who was also engaged in name of Calvin E. Fuller, and received The court further says that it name of Calvin E. Fuller, and received from them, upon his endorsement, the full face of said check, viz. \$488 25.

The court further says that it deems it unnecessary to determine full face of said check, viz. \$488 25. ull face of said check, viz. \$488 25. the first, as their affirmative When McCague Bros. presented said decision if the second is decisive check to the bank on which it was drawn of the case. The court, however, very payment thereof was refused, having strongly intimates that the endorsement been stopped by the drawer, Raymond, by a person using an assumed name, if it who had discovered Fuller to be an imited by the person intended, is not a forgery, postor, and the \$1,000 draft received referring to 22d Iows, 379. On the sec A substantial supper was spread, serving to "top off" the evening's enjoyment. A series of these parties, it is to be hoped, will be cover the server of these parties, it is to be hoped, will be cover the server of these parties, it is to be hoped, will be cover the server of these parties, it is to be hoped, will be them to Fuller on said check.

This could received the server on the server of the server The above statement of the facts of the Mora, and if facts are more significant case, and what the evidence discloses than words, intended to endorse it to (there being little or no controversy as to facts on the trial), brings us fairly face to liver it to him." Their purpose was to face with a question, the solution of pay for the nutmegs to the person from which must determine this case, namely: whom they received them. The court holds that as against innocent endorsees the drawers could not recover.

THE CASE AT BAR

not established relieve the person de- is certainly as strong or stronger for the ceived from responsibility to innocent plaintiff than the Ohio case. Raymond actually handed the check to the person with whom he dealt by the name of Caloriginal dealing with Fuller as an individ- vin E. Fuller, In this case it is not even ual, and, as his check shows, dealt with shown, as it was in the Ohio case, that Canfield house. Family rows, loud and proputs a bill of exchange in circulation fendant relying solely on the fact that he longed, are indulged in by the occupants at with the name of the payee endorsed thought his customer was treasurer of the

THE JUDGMENT.

It certainly seems to me that the plaintiff should recover in this action and judgment will be given against the de-fendant for the amount prayed for and for the costs.

Smoke Seal of North Carolina To

COURT NOTES.

Yesterday's Happenings in the Sev eral Tribunals of Justice.

DISTRICT COURT. The suit of W. A. Kent vs. W. J Schaller-petition in error was filed yes terday in the district court.

Harriet Jones vs. Wm. D. Jones, suit for divorce for abandonment and drunkenness. Decree of divorce and order for custody of children granted plaintiff.

William John Usher was yosterday Charles C. Housel vs. Mary McQuade.

Chris Hewitt vs. Andrew Randolph. Agatha Kuhl vs. C. W. Mead, De-

C. M. Deitz vs. Thomas Birmingham. Decree to foreclose mechanics' lier To-day is the last day of this courtuntil minds of both parties to the transaction, after the vacation of one week. The

and being neither of the ones engaged therein. In this case there was no third party to whom the check was to be given, but Raymond was simply deceived as will be busy meantime with the vast

Lewis vs. Laughlin. Jury trial. Ver dict for plaintiff for \$27.85. Weller vs. Miller, sheriff, etc. Re-plevin; judgment for plaintiff with nemi-

nal damages. McCague Bros. vs. C. S. Raymond.

DIED.

Funeral takes place on Sunday at 2 p. m. frm the residence on Deleware street near

Seward. Friends invited.

NO POISON IN THE PASTRY

> OR STRENGTH AND TRUE FRUIT FLAVOR THEY STAND ALONE.

Price Baking Powder Co., Chicago, III. St. Louis, Mo Dr. Price's Cream Baking Powder

Dr. Price's Lupulin Yeast Gems. Best Dry Hop Yeast.
FOR SALE BY GROCERS,
WE MAKE BUT ONE QUALITY.

Josseyln-Courtwright.

Cards have been received in this city announcing the marriage of Mr. Benage M. Josselyn, of this city, to Miss Ida M. Conrtwright, which occurred at Chicago, the residence of the bride,

Wednesday, April 15, 1885. The event passed off with the usual concomitants of orange blossoms, bridal cake, and wedding feativities, and the young couple start off in married life with the brightest prospects, and followed by the wishes of hosts of friends. Mr. Josselyn is well known in this

city, and is a clerk in the office of Super purchase are found irresistable. A chance for a dividend declared for you at the intendent Dorrance, of the Union Pacific. affirmative The bride, a daughter of H. H. Courtwright, general freight agent of the Chicago & Alton, is one of the fairest daughters of Garden City scelety, a cultured and beautiful girl. After a short wedding trip the couple

will return, and make their home at 912 Fourth avenue, Council Bluffe.

To Exchange-440 acres well improved land a mile from Essex, Ia., for stock of general merchandise or hardware. Address, John Linderholm, Es-

The Local Military Guards. The Omaha Light Guards, the organzation recently effected for the purposes of military drill, are in a flourishing condition. The members have determined to rig themselves out in new dress, and accordingly were measured yesterday, for the new uniforms, which will be ordered from Philadelphia, and will be "way up" in style and finish. A complete ordered from Philadelphia, and will be set of rifles will also be purchased, and will be here, ready for use, in two or

The guards announce their intention the midnight hour, and furnish the most upon it, he will be understood by so Iowa Loan and Trust company of Des various phases of drill practice to take of becoming proficient enough in the part in the formal celebration of Decora tion day, should there be any on the 30th of next month.



Absolutely Pure.

# CAMELLINE

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The undersigned physicians of San Francisco are familiar with the composition of the principal articles used for the complexion, and freely certify that CAM ELINE is harmless and free from all

McCague Bros. vs. C. S. Raymond.
This suit was the somewhat noted Fuller swindle case. The opinion of the court is given elsewhere in full.

POLICE COURT.

Afternoon session. Werrants were issued for Pat McGuire, drunk and disorderly; John Svocina for cruelty to ani-J J Clarke, M D T Bennett, M D
W H Benney, M D W Hammond, M D
A M Lergea M D W F McNutt, M D
C L Bard, M D A J Bowle, M D
H L Simms, M D J C Shorb, M D
J H Stallard, M D F A Holman, M D
C McCueston, M D J Rosenatira, M D

C C Keeney, M D J D Whitney M D A M Wilder, M D T Boyson, M D G H Powers, M D C G Kenyon, M D J W Keeney, M D
GHolland, M D
GHOLLAND

Madame Adelina Patti. Writes; "I shall have to repeat the oraless of your CAMELLINE heard from all sides.

For sale by H. T. CLARK DRUG CO., Omaha, And all first class druggists.

# OR PICES HAVE WE YOUR PERSONAL TO YOU!

What the eye sees the MIND believes; and we only ask your own judgement in our case.

Where can you buy a \$25. Merchant Tailor Made suit for \$12.60 outside of the Misfit Clothing Parlors, 1312 Douglas street. Dont you find it impossible to buy a \$35. Merchant Tailor made Spring Overcoat for \$15, outside the Misfit Clothing Parlors, 1312 Doug-

A special bargain in that \$40. Merchant Tailor made suit to be sold for \$20.30, if it is your size at the Misfit Clothing Parlors, 1312 Douglas street.

If you get that \$55, Merchant Tailor made suit to be sold for \$28.35 at the Misfit Clothing Parlor, 1312 Douglas street you will be as well dressed as any may in Omaha.

And then secure that \$40. Spring Overcoat for \$20. Merchant Tailor made with the above suit and then compared with the finest made on sale at the Misfit Clothing Parlors, 1312 Douglas street.

And what surprises all, is that \$70, Merchant Tailor made suit for \$36.80 Satin Lined, elegant to be seen only at the Misfit Clothing That \$6.50 pair Business Pantaloons Merchan Tallor made for you if they will prove your size for \$3, at the Misfit Clothing Parlors,

Also a \$10. Merchant Tailor made Pantaloon old for \$4,80 at the Misfit Parlors, 1312 Douglas street.

Again that \$12, pair Merchant Tailor made pants, an extraordinary bargain at \$5.60, perhaps your size at the Misfit Clothing Parlors, 1312 Douglas street.

And many other equal bargains, but space will not permit a mention, but that \$16 pair merchant tailor made pants for \$7.50 will catabanybody's eye. You will find your acquaintances gathered at the Parlors investing, when you come. Temptations to

ORIGINAL MISFIT Clothing Parlors

1312 DOUGLAS STREET-UP-STAIRS.

Open Evenings until 9 o'clock. Saturdays until 10 o'clock.

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WROUGHT IRON PIPE, Lead Pipe and Sheet Lead, worthington Stram Pumps, wisdmill and drive well pumps, Plumbers' Gas and Steam Fitters' IRON & BRASS GOODS. ENGINEERS' SUPPLIES.

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THE QUEEN OF TABLE WATERS." "No amount of pure ocean air in the lungs can neutralise the bad effects EASY TERMS. of polluted water in the stomach."

New York Herald. ANNUAL SALE, 10 MILLIONS. and price list before pur-Of all Grocers, Druggists, & Min. Wat. Dealers. chasing elsewhere, BEWARE OF IMITATIONS.

MAX MEYER & BRO. Graduate of the University Vienna, Austria, Late Surgeon to the Military Hospital, of Vienna. Will do a general Medical and Surgical practice. All calls in city or country promptly attended. Office at the Omaha Medical and Surgical Institute, Corner 13th Street and Capitol Avenue. LEADING JEWELERS And Sole Importers of

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> Notions and Fmokers' Articles. Stationery, Untlery, Pruggists' Sundries And Fancy Goods. Full and complete line and

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Chronic and Surgical Diseases Diseases of Females, of the Nervous ystem, Pr
vate Diseases of the Urinary and exual Organs,
and Diseases of the Head, Throat and Lunga,
Specialties
EVE AND EAR,
Diseases treated by an experienced specialist, also
diseases of the Heart, Liver, Stomach, Kidneys,
ladder, Keuralgis, Rheumattsm, Piles, Cancer, etc.
CATARRH, BRONCHITIS,
And all other diseases of the Throat and Lunger read
ed by Medicated Vapors. (Send for Inhales or
circular on Inhalation.)
All diseases of the Blood, Urinary and exual Or-

The title "South Omaha" does not mean the southern part of the city of Omaha, but is the name of the thriving town commencing at the Union Stock yards on the south, and extending for a mile and a half north, nearly connecting with the city limits of Omaha.

The company have again concluded to put on sale 1,000 lots, and let the purchasers of the same realize the profit which the enhanced value of these lots is sure to make. It now being an assured fact that South Omaha is destined—in the near future—to be the largest live stock market west of Chicago, there can be no doubt that this property in a few years will be worth five or even ten times the amount that it can be bought for to-day.

Some may sak: If this is so, why do not the company keep it and realize this profit. The answer is, that in order to make lots valuable, there must be improvements on or sur rounding them, and as is the case in all new towns, special inducements must be offered at first to get the people to take hold and build.

There are probably more such inducements offe ed by South Omaha than were ever put forth by any new town. The large business done by the stock yards company and the immense slaughter and packing houses together with their auxilaries are no small feature in the aggregate of events that are destined to make South Omaha a large place. Again, the town is not an addition to Omaha, and is not liable for city taxes, although it enjoys all the benefits from the growth of Omaha, and is not liable for city taxes, although it enjoys all the benefits from the growth of Omaha, and is not liable for city taxes, although it enjoys all the benefits from the growth of Omaha, and is not liable for city taxes, although it enjoys all the benefits from the growth of Omaha, and is not liable for city taxes, although it enjoys all the benefits from the growth of Omaha, and is not liable for city taxes, although it enjoys all the benefits from the growth of Omaha, and is not liable for city taxes, although it enjoys and operates its own water

This kind of people didn't believe Chicago would ever be anything better than a cranberry bog, that Omaha would ever outgrow her village clothes, that there never could be any fruit raised in Nebraska, etc., etc. Who made it win? The scaptics, or those that had an abiding faith in the energy, intelligence and resources of this great country?

For information, maps, prices and terms apply at the company's office, 216 S. Thirteenth street, Merchant's National Bank Building, first floor.

M. A. UPTON, Asst. See'y and Manager.

FRED. W. GRAY (SUCCESSOR'TO FOSTER & GRAY).

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