

FEDERAL CHIEF JUSTICES

Distinguished Men Who Have Held the Place of Honor on the Supreme Bench.

A CENTURY AND SEVEN YEARS

Characteristics of Famous Exponents of Law from Just to Fuller—The Long Record of Marshall Surpassed by Field.

Stephen J. Field has now the distinction of the longest term on the supreme bench, having, on the 17th of last month, passed the birthday of John Marshall, which was thirty-four years, five months and six days. Field is now 81 years old, an age when men usually feel like doing little or nothing, but prefers the labors of the court to retirement. His mind is still good, or it would not find fascination in continued and concentrated work. And the solitary hard studies of the judge are more than offset by the fact that those of any other high public office. The lawyers know him, but the world does not. John Marshall lived till 80, but one year less than Mr. Field.

Of the chief justices, says a writer in the Globe-Democrat, Marshall's long term comprises about one-third of the time from John Jay's appointment by Washington down to today. His predecessors were in office but a little while. Before him there had been more or less vacillation and uncertainty about the position of first judge, and not until he went upon the bench and manifested his mastery did it assume its fixed character as the head of a great department of government. Just such a man as Marshall was needed at that time for that office, and John Adams has rarely shown more sagacity as a statesman than in casting to the winds all impurity and throwing it upon Marshall, Patterson was a member of the court, whose nomination Marshall advised, but Adams declined making the appointment. The place was then offered again to Jay, who refused it, when the president decided on Marshall as the man. He had the credentials of a colleague, as had the judges before him—Ellsworth, Rutledge and Jay—which were always a big recommendation with Adams, and that he could overlook this point without scruple speaks well for his native judgment.

The whole time of the chief justices, commencing with Jay and continuing with Fuller, is 107 years. Marshall's predecessors held the office but a few years, and a century of this time has been filled by five men, beginning with Marshall, John Rutledge, hardly numbers with the chief justices at all, he missed confirmation, though he sat on the bench after being nominated. Washington had great faith in the ability and integrity of John Jay, and he had no other office under the new government he might want. The station most agreeable to Jay was the first place on the supreme bench. In this he judged himself fairly well. His cast of mind, however, was not prominently judicial. The supreme court was organized in April, 1789, with Jay as chief justice. His construction dated but a year later than that of the government. Jay had been in office but two years when he was given an opportunity to resign as governor of New York against Clinton, the state executive. With all his federalism, he thought better of the governorship than he did of his position on the supreme bench, and he resigned. He was elected, but was not given a majority of the votes. By a decision of a committee, friendly to Clinton, he was continued as governor. When his term expired Jay was again chosen to succeed him, and was elected. He thereupon resigned as chief justice, having been in office five years.

JAY'S DISTINCTION

Jay was born in the city of New York, graduated there from King's college and became a lawyer. He was in congress at 30, and even then had a reputation for good sense and practical ability. An address prepared by him, at the institution of a committee, soon after the general election of his power. Without knowing its author Jefferson said it was the production of the finest pen in America. The address gave to Jay at once an ascendancy that he never lost. He had done one of the best things of his life, and the honor came early, so it was advantageous. In this we trace the lasting influence of a youthful impression, which cannot well be obliterated, no matter what or how marked the native bent may be. Jay never got clear of the general impression, and it was not even after he was made chief justice. In gave him renown from Georgia to the frontier of Canada as a young man fit for foreign travel, and the admiration of a far-reaching questions. It stamped him as a diplomat rather than as a judge, and later he became identified with the recognition of treaty, notably one concerning peace with Great Britain after the revolution, and another of commercial character bearing his name.

In treating of peace, Jay spoke like the representative of a government able to command. It was Franklin's opinion that the commission given to Jay by the president, Oswald to treat with the United States as colonies or plantations was sufficient. But Jay, disregarding the attitude of England, France and the American congress, and the British foreign secretary, Mr. Townshend, that the United States would treat on the basis of independence or not at all, in any other manner of negotiation he would take no part. That was in September, 1782. Oswald was immediately authorized to treat with the American commission, and before the end of the next month provisional articles were subscribed to. Twelve years after, when Jay was on the supreme bench, the relations of the country with Great Britain were assuming an aspect of open hostility. Washington wished to avert a war, and with the senate's approval sent Jay a special commission to England. In the famous British treaty which bears Jay's name was concluded by him and Grenville. At home it was hailed with denunciation and Jay was accused of being a traitor. He had fallen from the pinnacle he had reached by his peace negotiation. Washington, however, approved the treaty and signed it. New York, too, stood by Jay and elected him governor in his absence. Washington then conferred the chief justiceship on John Rutledge, and in this effect the measure of his ambition. It was a fatal appointment.

THE CRISIS OF THE CONSTITUTION

When the constitutional convention met in Philadelphia Jay was discharging his official duties of congressman. At the time he engaged with Hamilton and Madison in writing the "Federalist" when the constitution was submitted to the states, and it was with the greatest alacrity that he, with Livingston and Hamilton, induced the New York convention to ratify it. His defense of it was his best recommendation to Washington. The affairs of the confederacy were then at a crisis. Down in Virginia the fight over the constitution was terrific. In New York, as said, it was defended by Hamilton, Livingston and Jay; in Virginia its ratification was contended for by Pendleton, Madison and Marshall. The association of Marshall's name with the constitution has peculiar fitness. His whole mature life was more or less connected with it. He was instrumental in its ratification, and in the establishment of its principles. Madison, with more knowledge of affairs, led the debates against Henry and Mason, but the logic of the arguments was not so strong as that of Marshall. He saw quickly and rightly. On the questions of military and judicial powers he was easily the ruling mind. In those fields of experience neither Madison nor Henry could compare with him. Marshall was then but 32, had been a soldier and a lawyer, and in rising to eloquence on the great German metaphysician that knowledge rests on what we do and are. His arguments here, like Jay's address in congress, were the first definite step toward fame.

THE ADOPTION OF THE CONSTITUTION

The adoption of the constitution having been secured, Marshall determined to quit public life and give his time to the law. His fortune was not yet made, his practice had grown extensive and his sacrifices had been heavy. His friends urged that the interests of the country were paramount and that he try for an election to congress in order to assist in organizing the government. But Marshall adhered to his first resolve. The district was anti-federal, and the measure had influenced him, for when the city of Richmond, which was federal, was given a representative in the legislature, Mar-

shall accepted a nomination and was elected. He was there three years, beginning with 1789. In that early time, at the very beginning of the new government, did Virginia the doctrine that subsequently marked her course and insist upon the closest abridgment of the national power. John Marshall, against great odds, fought the doctrine as pernicious, upholding the priority of the government.

THE ELEVATION OF MARSHALL

Again he returned to his profession. But events in Europe, which embraced in a measure those of America, soon cut short his retirement. The French revolution in its dawn was hailed with enthusiasm here. It was foreseen that if the monarchs of Europe suppressed this insurrection America had lost a questionable security for her independence. It would be natural for them to look at the origin of the evil and feel that their dynasty were not safe, while an example of liberty remained in the western hemisphere. Marshall, with a great many of his countrymen, was warmly attached to France. But the policy of France was to detach the government from its neutral position. Marshall's part in the French-English controversy was very decided. He held, as he had defiantly done in the peace convention, that the rulers of Europe should treat with this government as a sovereign power, and its independence was not to be affected by the inordinate influence of France. On this point he was hostile to the sentiment of his state, and was denounced as the coadjutor and friend of Hamilton. The antagonism to Marshall compelled him to defend himself, and his defense made him the leader of the federal party in Virginia. At this point the Jay treaty was the subject of universal discussion. Jay was assailed for negotiating it, the senate for ratifying it at Washington for signing it. The argument against the treaty was that it was unconstitutional. To combat this Marshall massed the full strength of his faculties and showed himself a man of big proportions. At Washington's solicitation he ran for congress, but would not comply with Adams' request to go on the supreme bench as an associate. At the first opportunity Adams named him for chief justice, after having given him both the War and State departments.

There were three sections of the Union Pacific's fast mail train No. 4 yesterday morning. The first arrived at 10:45 a. m., carrying the mail and sleeping berths for the Chicago and express cars. Each of the ten cars was entirely filled. All the seats were taken, and the train agent said he almost had to climb to the roof to secure all the tickets. This yesterday morning, it was followed by two sections from the branches north and south of Grand Island. The second carried seven cars, partly filled with passengers, and was from the Stromburg branch and consisted of ten coaches, all of which were well filled. The Burlington's train from the west arrived at 3:35 a. m., and consisted of five coaches and four sleepers, all of which were crowded with State fair visitors. The second section followed at 11 o'clock, and its five coaches were fairly well filled. A portion of the Burlington train from the west was diverted from the main line at Deerfield and sent directly to the State fair grounds. The train from Lincoln at 11:40 had nine cars, all of which were well filled.

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BIG SUBURBAN BUSINESS

From the east the incoming travel was not nearly so great as that from the west. All the morning trains from Chicago were well filled, but not crowded. The Burlington had nine cars, the Northwestern and the Rock Island had seven. The waukegan had four extra cars attached for travel to the State fair.

THE ATTENDANCE AT THE STATE FAIR

The attendance at the State fair from the east has so far been rather light, though there was quite a noticeable improvement in the travel from western Iowa yesterday. The State fair trains did a good business. Both the Chicago Pacific from the depot and the Missouri Pacific from Webster street station ran trains at intervals of every thirty minutes, and from the earliest trains of the morning until late evening. The increase in travel from Council Bluffs was very marked. The Union Pacific's State fair trains started from Council Bluffs, and from 10:30 a. m. to 6 p. m. cars of each train were occupied by State fair visitors from across the river. Most of the State fair trains were of eight cars each, and some carried as high as sixty-five people. The service was without a hitch, excepting a trifling delay on an eastbound train at 11 o'clock, caused by the derailment of a freight car on the Elkhorn's tracks.

THE UNION PACIFIC'S SPECIAL TRAIN

The Union Pacific gave special attention to return trains from the State fair grounds. The Rock Island ran one special train from here to Belleville at 7 o'clock last evening for those who had come to the fair from the parade. Another special train to Fairbury at 11 o'clock. Both of these trains stopped at all intermediate stations.

PLANS OF THE SOUTHERN PACIFIC

"Sunset Limited" Train Likely to Come Through Omaha. It is rumored that on account of the interruption of all through train service in New Orleans and elsewhere in Louisiana by the yellow fever plague, the "Sunset Limited," operated by the Missouri and North Pacific Railroad company, will on and after October 1 be run via the Union Pacific system through Omaha. This route, it is currently reported, will be adhered to until every trace of the yellow fever is banished from the infected region of the south.

The matter was first reported among Union Pacific officials here yesterday, and was received with no great surprise, as some change in the route of the "Sunset Limited" has been expected should the yellow fever continue unabated. Railroad men who came in from San Francisco yesterday afternoon say that the change is seriously being considered, and unless the yellow fever should die out within the next few days they regard the change as a certainty.

MEXICAN VETERANS VISIT EXPOSITION

NASHVILLE, Tenn., Sept. 23.—The National Association of Mexican War Veterans held a special session today at the exposition here. The veterans of the Tennessee exposition, where they were entertained at luncheon.

TO CURE A COLD IN ONE DAY

Take Laxative Broom Quinine Tablets. All druggists refund the money if it fails to cure. 25c.

WM. C. GOSS—COAL.

TEL. 1307. Office and yards 11th & Nicholas.

TWENTY MINUTE SERVICE.

Omaha to State Fair Grounds via The Union Pacific.

TRAINS LEAVE EVERY HALF HOUR

ROUND TRIP RATE, 20 CENTS. GET TICKETS AT CITY TICKET OFFICE 1302 FARNAM ST., OR DEPOT.

AFTER FAIR AND AK-SAR-BEN FESTIVITIES.

THEN HOT SPRINGS SOUTH DAKOTA. CHEAP RATE EXCURSION.

Tuesday, September 28th. Rate via Fremont, Elkhorn & Missouri Valley R. R. Limit, 30 days. Tickets on sale at all Nebraska stations on the "Northwestern Line."

J. R. BUCHANAN, General Passenger Agent, Omaha, Neb.

DIED.

M'COMBICK of consumption at St. Paul, N. D., Sept. 23, aged 38 years. Notice of funeral will be given later.

ROADS DO A BIG BUSINESS

Crowds Come from Nebraska and the Adjoining States.

THOUSANDS COME IN TO SEE THE FAIR

Extra Trains Run on All Lines and All Are Heavily Loaded—Travel Breaks All Previous Records.

Yesterday travel on the railroads leading into Omaha broke all previous records. The incoming visitors exceeded the number brought in on any day during the State fair of the two last years. The wisdom of the managers in delaying the festivities until the latter part of September, when they could secure delightful autumnal weather, is plainly evidenced by the size of the incoming crowds and the business a great boon to the railroad companies.

A very conservative estimate of the number of people brought into Omaha between 8 o'clock yesterday morning and noon reaches the 5,000 mark. It is estimated that over 2,000 of this number came into the Union depot at Tenth and Main streets, while nearly 2,000 entered at the Webster street station. This estimate does not include the hundreds of State fair visitors who were taken by a number of railroads directly to the fair grounds without coming into the city. The travel was much greater during the afternoon and last evening, when a number of roads run special trains within 200 miles to enable spectators to witness the Ak-Sar-Ben parade and return home immediately afterward.

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the Rock Island, is in the city from Horton, Kan.

W. I. Allen, assistant to General Manager Treadwell of the Chicago, Rock Island & Pacific, passed through the city yesterday on his way to the State fair. He carried a number of the higher railway officials here.

Two United States senators were callers at railroad headquarters here yesterday. William V. Allen of Nebraska and F. E. Warren of Wyoming. The former came into the city to see the grand display of the Knights of Ak-Sar-Ben and the other stopped off here a day on his way east.

The Knights of Ak-Sar-Ben are well pleased with the handsome decorations made in their honor by the various railroad offices here. The decorations of the Union Pacific and the Elkhorn headquarters are most elaborate, and none in the city are more artistic. At the B. & M. headquarters an American flag constitutes the decoration. At the railroad offices are handsomely trimmed with the Washburn, the Rock Island and the Burlington. No class of Omahans have done more to welcome King Ak-Sar-Ben III than the railroads.

Running sores, indolent ulcers and similar troubles, even though of many years' standing, may be cured by the use of the Waukegan Hazel Salve. It soothes, strengthens and heals. It is the great pile cure.

HAYDEN BROS.

Tremendous Purchase Sale of Clothing TO THIS PUBLIC.

A fortunate purchase of a manufacturer's entire product for spot cash at less than one-half prevailing prices is now on sale in our immense clothing department. In newness, style, elegance and wear we guarantee these garments to be superior to any ready tailored clothing on the market, and equal to finest merchant made tailor suits. Prices less than one-half while this sale lasts. See us for furniture, carpets, groceries, etc.

"The New Big Store."

Don't Be Humbled. There is only one that will burn anywhere and that's Sheridan, equal to hard coal if used the same, and always sold with a positive guarantee to give perfect satisfaction. Victor White, 1605 Farnam. Tel. 327.

Volunteers of America, Attention!

This is only one of the ways in which you can be paid to any one unless this statement is in possession of bearer and signed by the agent of South Dakota and Nebraska districts.

CAPT. H. C. GILLETTE, A. D. C., In command of Neb and Dak.

M. P. F.

Is not mixed paint, nor a substitute for white lead, but a combination of the best white lead, French zinc and silica, in such proportions as experience has shown makes the most durable paint. It is ground together—not dumped in and stirred with a stick.

Try master painter's finish.

Written guarantee, J. A. Fuller & Co., sole agents, 14th and Douglas streets.

Standard Express and Lower Fares.

The distinction is marked by the difference between the cost of tickets from Chicago to New York over the Port Wayne route and over the Panhandle route. The Port Wayne route is the standard fare route with three daily trains leaving Chicago at 3:00 p. m., 5:30 p. m. and 11:30 p. m. The Panhandle is the lower rate route with two daily trains leaving New York for Chicago at 10:30 a. m. and 9:00 p. m. Pullman sleeping cars, Pennsylvania dining cars and Pennsylvania stand-up coaches run over both routes. For special information apply to agents of connecting lines in the west and northwest, or address H. R. Dering, assistant general passenger agent, 248 South Clark street, Chicago.

Worthy of Notice.

Yesterday afternoon at the fair grounds a tremendously large crowd assembled near the north gates around a small building which was being used for the purpose of testing a "Stempel Fire Extinguisher." Mr. Stempel completely saturated the building with kerosene oil and afterward set fire to it. When the flames were fully under way he turned the stream on, and it required but 20 seconds to completely extinguish the fire. It is a wonderful machine, and for simplicity in construction, retentiveness of power and effectiveness it has no superior. It is manufactured by the Stempel Fire Extinguisher Co., 110 West 10th Street, St. Paul, Minn. The factory of this city is the state agent for Nebraska.

Shoots His Father-in-Law.

RIDGEFIELD, Conn., Sept. 23.—James Kelly, about 29 years of age, residing in Lewisboro, N. Y., shot and instantly killed Charles Mead, his father-in-law, aged 50 years, at the latter's home in Lewisboro last night. The bullet lodged in Mead's breast, just above the heart. According to the story which has reached this place Kelly first quarreled with Mead last night and the shooting resulted. Kelly was arrested soon after the tragedy.

Change of Time.

CHICAGO, MILWAUKEE & ST. PAUL RY. On Sunday, September 12, the Chicago, Milwaukee & St. Paul Ry. will make the following changes in the train time between Omaha and Chicago. Train No. 4, "Chicago Limited," now leaving Omaha at 6:35 p. m. and arriving at Chicago at 9:25 a. m., will leave Omaha at 5:45 p. m. and arrive at Chicago at 8:15 a. m. Daily train No. 3, "Omaha-Chicago Express," now leaving Chicago at 10:25 p. m. and arriving at Omaha at 3:25 p. m., will leave Omaha at 10:30 p. m. and arrive at Chicago at 1:50 p. m. F. A. NASH, Gen'l Western Agent, Union Pacific.

"The Overland Limited."

The most SUPERBLY EQUIPPED train ever run by any railway. Makes the following changes in the train time between Omaha and Chicago. Call at Ticket Office, 1302 Farnam St.

Mexican Veterans Visit Exposition.

NASHVILLE, Tenn., Sept. 23.—The National Association of Mexican War Veterans held a special session today at the exposition here. The veterans of the Tennessee exposition, where they were entertained at luncheon.

PRESCRIPTIONS CAREFULLY COMPOUNDED

See our list of prescriptions and prices. We make a specialty of prescriptions—no matter how complicated. We will compound any prescription for you, and deliver it to your door. We are located at 1514 Dodge St., Omaha, Neb.

Sherman & McConnell Drug Co.

1514 DODGE ST. MIDDLE OF BLOCK.

HOTELS

The Millard 13th and Douglas Streets. European plan, \$2.50 per day up. J. E. MARKEE & SON, Props.

BARKER HOTEL.

THIRTEENTH AND JONES STREETS. 16 rooms, bath, steam heat, and all modern conveniences. Rates, \$10 and \$15 per day. Unexcelled. See rates to regular boarders. DICK SMITH, Manager.

The Difference Between Good Looks and Good Wear—Substance and Sham—Service and Show. Fine feathers do not make fine birds. Showy linings do not make fine clothes. A great many cheap suits are just now masquerading under gaudy linings like jackdaws wearing peacock plumes. We don't handle them. We handle nothing that is deceptive or make believe. We rely on the good sense of our customers to know that fancy linings and little bits of colored satin do not add much to the cost of a suit and nothing at all to the wear. Satin lining is not worth much at wholesale—15 cents a yard. Outside of its appearance it is very little use. All of our suits are lined either with good worsted serge, solid Italian cloth, or good, honest "farmers' satin." The linings are the least important part of our clothing. We put most of the cost and all of the service into the fabrics. The goodness is in the cloth—not on the inside. As an instance of good suits we offer today a magnificent fancy worsted made from three twist threads at the low price of Eleven Dollars. There is no sham about these suits. They are the equal of any eighteen dollar suits in Omaha. The linings are good—and plain.

Nebraska Clothing Co. OMAHA. Visitors—In the city this week should not forget that the Shepard Medical Institute offers special facilities for patients. Out of Town—Dr. Shepard's Home Treatment for Catarrh, Rheumatism, Blood Diseases, etc. is now in use by hundreds of people throughout the west. Also Pills, Rubbers, and other specialties. Consultation free. SHEPARD MEDICAL INSTITUTE, 311-313 N. Y. Life Bldg. Tel. 1133. DUFFY'S PURE MALT WHISKEY. All Druggists. AMUSEMENTS. The Creighton TONIGHT—8:15. HOYT'S GREAT BIG HIT A MILK WHITE FLAG. Prices—25c, 50c, 75c, \$1.00. Matinee Saturday. Lower floor 50c, balcony 25c. Boyd's Theatre PATY & BURNESS Managers. McSORLEY'S TWINS Engagement closes with Saturday matinee. Prices—50c, 75c, \$1.00. Matinee Saturday—Lower floor, 50c; balcony, 25c. The Creighton PATY & BURNESS Managers. SUNDAY MATINEE AND EVENING Sept. 26th. HERRMANN, THE GREAT COLEON AND ADELIA DE HERRMANN. The Premier Entertainment of the world. Prices—25c, 50c, 75c, \$1.00—Matinee—Lower floor, 50c; balcony, 25c. High Art NOW ON EXHIBITION AT THE PUBLIC LIBRARY—19th and Harney streets, from 10 a. m. until 10 p. m. The JOHNSON COLLECTION OF HIGH CLASS EUROPEAN PAINTINGS from the easels of the most distinguished masters of the present day—comprising France, Landscapes, Marine Views, Flowers, Fruits, etc.

YOU ARE CORDIALLY INVITED TO VISIT Cudahy's Packing House And Soap Factory, At South Omaha. DO NOT FAIL TO SEE OUR Soap Exhibit at State Fair Manufacturers' Building. FREE SAMPLES DIAMOND "C" SOAP TO LADY VISITORS. CUDAHY PACKING CO., SOUTH OMAHA. EVERY GENUINE TWIN STAY IS STAMPED SEE THESE WORDS EMPIRE TWIN. Pat. Nov. 11, 1890. June 21, 1891. Trade Mark registered Jan. 2, 1892. PREPARED BY TURKISH L. M. CAPSULES. Beware of worthless imitations. For Sale by BOSTON STORE, OMAHA. EVERY MAN RESTORED TO MANHOOD BY TURKISH L. M. CAPSULES. They cure every case. NEVER FAILS: they develop the BRAIN and NERVES, producing both on the body and not spending it on the stomach. TURKISH CAPSULES will cure any ailment or weakness caused by self-abuse, and we mean it. We will develop and strengthen the weak case of SIXX L. WEAKNESS OR SEXUAL LOSS, make a new man of you, or REFUND YOUR MONEY. Don't be humbugged. No one ever failed to cure. \$1.00 box by mail. Plain wrapper. HAIN'S PHARMACY, 15th and Farnam Sts., Omaha, Neb.