

AWARD FOR MISS FRIZZELL

Judgment for Seven Thousand Five Hundred Dollars Against Root.

HALF WHAT FIRST JURY GAVE HER

Case Dates Back Several Years and is Tried Second Time. Fifty Thousand Dollars Being Originally Asked.

Miss Agnes Frizzell, who asked \$50,000 damages from Joseph Cullen Root and Sam G. Smyth for alleged libel, and in a former trial obtained a judgment for \$14,000, was yesterday awarded a verdict for \$7,500 by the jury which heard the case in the United States circuit court before Judge Munger.

The jury which heard the case in the United States circuit court went out at 2 o'clock Friday afternoon and did not arrive at a verdict until 10:30 Saturday morning. The verdict was:

We, the jury in the above mentioned case, find in favor of the plaintiff and against the defendants. The damages to be paid by the defendants to the plaintiff are \$7,500, and we also award the plaintiff the costs of the suit, the sum of \$5,000.

The jury was composed of twelve substantial business men from various parts of the state, Omaha being represented only in the person of M. J. Greevy. At the first session of the jury Mr. Greevy was unanimously elected foreman of the jury. The general sentiment of the jury at the outset was for large damages, but a compromise was finally made on the aggregate of \$7,500.

The trial of the case began thirteen days ago, with some of the ablest legal talent of Omaha employed on both sides of the case. Miss Frizzell's attorneys were Constantine J. Smyth, formerly attorney general of Nebraska, and Ed P. Smith. Mr. Root's attorneys were John H. Webster and Harry C. Brown, both of Omaha.

Case Has Remarkable History.
The case is a notable one, particularly through the prominence of the principal defendant, Joseph Cullen Root, the founder and sovereign commander of the great fraternal organization, Woodmen of the World.

The suit grew out of the publication of an alleged libelous attack on Miss Agnes Frizzell, of Fort Smith, Ark., in "The Tidings," the official organ of the Woodmen Circle, in its issue of October, 1899, in which it copied from the Fort Smith Times an article charging Miss Frizzell with desecrating a grave of a former member of Oak Grove lodge of the subject order. The article arose from a dispute over the erection of a monument over the grave of the deceased member. Immediately following the reproduction of the Fort Smith Times' article appeared an editorial in the Tidings commenting upon the alleged grave desecration, and it was this article to which Miss Frizzell took exception. In October, 1900, she filed a suit in the United States circuit court for the district of Nebraska for \$50,000 damages for libel against Joseph Cullen Root, who, she claimed in her petition, was the owner and publisher of Tidings and hence was responsible for the offensive editorial.

General Cowin Withdraws.
The case came to trial in December, 1901, with General John C. Cowin of Omaha as Miss Frizzell's attorney. The trial lasted several days and a verdict was rendered by the jury in her favor for \$14,000. The verdict Judge Munger, before whom the case was tried, deemed excessive and directed that unless Miss Frizzell filed a remittitur of \$8,000 of the amount awarded by the jury the cause would have to be retried. This would have let the judgment stand at \$6,000. After a reasonable length of time General Cowin filed the remittitur, to which Miss Frizzell disagreed. General Cowin carried the case to the attorney to the United States circuit court of appeals, but it was remanded back to the United States circuit court, where the trial originated, for a new trial. It is this trial which has been concluded and the award of \$7,500 and costs. General Cowin withdrew from the case when his client refused to accept his action.

Miss Frizzell and her attorneys have not yet indicated what they will do further, nor have Webster and Brown yet announced their intention to take the case. It is thought that they will do so.

OMAHA THE WRONG PLACE

Not an Inviting Field for Idle Slot Machines, as They Are

Tabooed.

A man has written City Clerk Elbourn from South St. Joseph asking him to describe the "slot machine" situation in Omaha and say whether he would like to place one there which he would like to place here. Mr. Elbourn told the inquirer he would have to look elsewhere, as slot machines are strictly tabooed here and have been for a long time, together with music boxes in the saloons.

Marriage Licenses.

The following marriage licenses were issued up to noon December 3:

James V. Kelly, Omaha, to Anna Polter, Omaha, 23.
James V. Kelly, Omaha, to Anna Polter, Omaha, 23.
Frank Cepel, South Omaha, to Agnes Fensel, South Omaha, 21.

Mortality Statistics.

The following births and deaths have been reported to the Board of Health during the twenty-four hours ending on Saturday:

Births—Andrew Hodge, Tenth and Paul, boy; William T. Edgill, 167 Locust, boy; Harry E. Rohn, girl; Jess Lauritzen, 15 G street, girl.

Deaths—William Earl Schmitt, 2388 De-

Uricol the Only

Cure for Rheumatism

If you are suffering from rheumatism there is a chance for you to become absolutely cured. You may cure yourself and do so quickly if you will lay aside your prejudice and skepticism.

Sherman & McConnell, the Omaha druggists, 10th and Dodge Sts., carry Uricol, the California remedy, and we hereby authorize them to guarantee a cure.

Uricol cures rheumatism in the only possible way it can be cured. Uric Acid and Urates are the cause of rheumatism.

These are deposited in the tissues, blood vessels and joints of the body. These deposits must be dissolved and eliminated from the system before a cure can be accomplished.

Uricol is a solvent of these and tones up the system, stimulates the kidneys, liver and bowels and thus drives them from the system.

Write us today for booklet, containing recommended diet for rheumatism.

URICOL CHEMICAL CO., Los Angeles, Cal.

ELKS' MEMORIAL SERVICES

W. J. Bryan and Judge Sammis Will Speak and Excellent Music Is Arranged.

The Elks of Omaha lodge No. 25 will hold their annual memorial day today, the services beginning at the Orpheum theater at 10:30 o'clock. Elaborate preparations have been made for this solemn occasion. W. J. Bryan is to be one of the orators and Judge J. D. Sammis of Lemars, Ia., is the other. Particular pains have been taken with the music and the program commences with the playing of the services will be made of really solemn worth.

Among those who are to furnish music for the solemnity are Mrs. Ada Markland, soprano soloist of Dr. McIntyre's church in Chicago; Mrs. Zoe Pearce Park, contralto soloist from the First Methodist Episcopal church, Evanston, Ill.; D. H. Wheeler, Jr., tpmor, and Charles S. Haverstock, bass, soloists of All Saints' church in this city; Robert Cascardi, the violinist, and C. R. Miller, C. P. Moriarty, E. C. McCormack and T. F. Swain, composing the orchestra. The memorial committee is composed of D. B. Welpton, Dan J. Riley, R. B. Howell, Lyle I. Abbott and William I. Kierstead. The program follows:

PART I.

Largo.....Orpheum Theater Orchestra.

Opening Ceremonies.....The Elks.

The Vacant Chair.....Root.

Ceremonies.....Elks Quartet.

Exalted Ruler and Officers of Lodge.

Great Ruler of the Universe.....Brothers.

All seeing and benign.....Brothers.

Look upon us and bless our work.....Brothers.

Oh, hear our prayers for the honored dead.....Brothers.

While we live, let us be true.....Brothers.

The memories of the great men.....Brothers.

Invocation.....Brothers.

Acting Chaplain Bro. A. Elliott Miller.....Brothers.

Chaplain.....Brothers.

Violin Obligato.....Mrs. Cascardi.

Oh, Rest in the Lord.....Mrs. Cascardi.

Bro. J. S. Sammis of Lemars, Ia., Lodge.....Brothers.

Memorial Hymn.....Brothers.

Mixed Quartet.....Brothers.

Adagio Pathetic.....Brothers.

Mixed Quartet.....Brothers.

Closing Ceremonies.....Brothers.

Doxology.....Brothers.

Praise Him who reigns above.....Brothers.

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SPECIAL NOTICES

Advertisements for these columns will be taken until 12 m. for the evening edition and until 5 m. for the morning and Sunday edition. Rates 1-2-3 a word first insertion; 1-2-3 thereafter. Nothing taken for less than 200 for the first insertion. These advertisements must be run consecutively.

Advertisers, by requesting a numbered check, can have answers addressed to a numbered letter in care of The Bee. Answers so addressed will be delivered on presentation of check.

MISCELLANEOUS

Omaha Plating Co., 1608 Harney, Tel. 2335.

\$5.00 Brings an Edison Phonograph into your home. See it at the Capitol Ave. Tel. 2335.

Machines, all makes repaired. Neb. Cycle Co.

OUR speciality is plated garments. We make them complete, from the most simple to the most elaborate. Come and see and talk it over. The Goldman Plating Co.

JOS. F. BILZ makes sweaters for \$3.00.

NO GOWN is complete unless it is trimmed with our fine single, double or triple bow.

SPECIAL attention given architects' plans and specifications. Contractors should investigate. Low and High, 533 East 10th. Bk. 1000.

JOS. F. BILZ sells gentlemen's furnishings.

TRY KELLY'S TOWEL SUPPLY, Tel. 2335.

SMOKE PRIDE OF HASTINGS, Best 10-cent cigar on earth. R-377.

CITY SAVINGS BANK pays 4 per cent. on all deposits. R-478.

Machines, all makes repaired. Neb. Cycle Co.

ARTISTIC electro plating. Omaha Plating Co., 1608 Harney.

J. E. WALLACE, taxidermist, 605 S. 14th. R-479.

HENRY—He sells fountain pens. 1607 Far.

IF YOU want to buy, sell or rent property, borrow money, see note or account, call at R. N. Y. Life Tel. 133. Glover & Son.

DRESHER, Omaha's fashionable tailor.

J. A. F. BILZ has underwear for ladies.

OMAHA PLUMBING CO., Tel. 2346. John Morrey, Mgr. Res. Tel. 2346.

GYLMER, leading palmist, 715 N. 23d.

SEWING machines rented, 75c a week. Neb. Cycle Co.

THE Parisian craze in box plated ruchings in all their different styles. Even the latest fashions have adopted them. Look out for plated and ruched hats next spring. The Goldman Plating Co.

ADV. CUTS—WHEATON, in Bee Bldg. R-383.

NICKEL plating. Omaha Plating Co., 1508 Harney.

JOS. F. BILZ, that is the place.

OMAHA School Supply Co., 1611 Howard St. R-380.

24 hand machines \$5 up. Neb. Cycle Co.

CITY STEAM LAUNDRY

211 SOUTH 17th. PHONE 254.

ALL our stored machines for sale. Expressmen's Del. Co.

EXPERIENCED grocery clerks, and no others, can get work. Main-Cas Co. R-382.

IF YOU are in need of a position, call and have a "heart-to-heart" talk with HART, THE EMPLOYER, 923 N. Y. Life. R-384 D3.

Western Barber's Institute means the best barber college, 14 and Dodge Sts., Omaha.

WANTED—Five good boys with wheels. 212 S. 13th St. R-122 D9.

DRESHER BROS. make more clothes than any three firms in Omaha.

JOS. F. BILZ sells yarns.

MEN TO LEARN barber trade; free railroad fare upon our failure to convince you of the best of the trade and only one year's tuition. Write for catalogue Omaha, Neb. R-229.

WE remove dirt only. Chicago Laundry.

WANTED—By well established school in Illinois, a telegraph and writer, competent to assume entire control of the business. Salary \$100 per month. Must be able to make independent investment. Address J. J. O'Brien, Chicago. R-384 D6.

DRUG CLERKS, Knies, R. P. N. Y. Life. Bldg. R-400.

SAY, fellows, how is this? How to win at cards taught in ten days. One hundred system. Easily learned; can win enough in one hour to pay for whole system. Practical. Barber College in Omaha, Neb. R-122 D9.

WANTED—Ready boy to set type; state experienced; want to start first. Omaha Plating Co., 1608 Harney. Tel. 2335.

FOUR experienced heavy hardware salesmen; \$100 a month and expenses; none other need apply. Hart, 923 N. Y. Life. R-384 D3.

WANTED—press feeder, Chicago. Apply quick. Will pay telephone message if we hire you. Morton Printing Co. Bell phone 84, Nebraska City, Neb. R-384 D3.

PROMPT attention. Chicago Laundry.

MEN we teach the barber trade in few weeks by our method of constant practice and expert instruction. Tools donated. Diplomas given. Can nearly earn expenses before finishing. Call or write. Moler Barber college, 1320 Douglas. R-384 D3.

Machines, all makes repaired. Neb. Cycle Co.

CAR fare refunded in case our college is not as represented. Western Barber's Inst.

ENERGETIC workers everywhere to distribute circulars, samples and advertising matter. Good pay. No canvassing. Co-operative Advertising Co., New York. R-604 D4.

WANTED, traveling representative for Nebraska. Salary \$50 monthly and all expenses. Address Road Manager, 110 Canton Bldg., Chicago. R-604 D4.

DRESHER BROS., tailors, 1515 Farnam St.

WANTED good, intelligent selector to sell clothing, hats, shoes, etc. Good salary and commission to capable man. Yearly contract. References: R. D. Robinson Company, Los Angeles, Cal. R-384 D3.

WANTED—At once, a drug clerk with two years' experience; must speak German with no bad habits; not registered. W. J. Maxwell, Ayova, Iowa. R-384 D3.

WANTED, everywhere, men willing to distribute samples, tag signs, etc., at \$3 daily. Permanent. No canvassing. Commercial Distributing Service, Chicago. R-384 D3.

TRY the Chicago Laundry.

WANTED—MALE HELP

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