## PAGE TWO

Home Baked Bread, Biscuit, Cake, Pastry. Fresh, Tasteful, Healthful, and Economical when made with

No Lime

No Alum

Royal is the only baking powder made from Royal Grape Cream of Tartar

BAKING

## TEXT OF THE DECISION IN SMITH HOTEL CASE

Decision on Appeal from that of Judge Peebles, by Justice Walker.

The opinion handed down by the Supreme court in the Smith estate hotel case, in which case, incidentally a re-hearing has been granted in so far as the former commissioner, C. H. Miller, is concerned, is interesting and follows

Elizabeth A. Smith vs. C. H. Miller. Walker, J. 1. Estates Contingent Remainders

Sale Of, Statutes, Constitutional Law. Revisal, Sec. 1590, providing for the

sale of contingent remainders, is constitutional and valid.

Contingent Estates, Remainders Sale Of. Interests Safeguarded. Void Decrees, Reinvestments, Fund in Hand, Uncompleted, Investment, Sale Of, Liens, Notice, Procedure, Appeal and Error.

In an action brought under the pro visions of Revisal, Sec. 1590, to sel certain lands devised to E. for life and a contingent remainder to her children, it appeared that to further a scheme to erect a hotel on one of the city lots, the court had decreed the of certain other of the lands and had appointed a commissioner to act in furtherance of its object. The lands were sold and the proceeds applied

the lands were decreed by the court to house to a capacity house by the Hutbe sold, and their proceeds to be liketon-Balley Stock company. This story. wise applied; but that these would not is one which has been read and resufficient for the purpose; and that read by almost every one; it never when erected the hotel would not be fails to bring heart-throbs and even tears to the eyes of the sympathetic, desirable investment, especially in the unfurnished condition in which it then would be left. Held, 1. The deand although it has been written and although it has been written and played many years it never grows if it is thought that the society can do cree of the further sale and reinvestold.

ment was void, not meeting the statu-There are no words of criticism to ery requirement that the interests inoffer for its splendid production last should be properly safe-guardnight, but rather words of of commendation for the excellent way in which each member of the cast has intered; 2. that the court was without authority to order a reinvestment of preted and so thoroughly acted, out funds not then available, but depending upon the outcome of future sales their several parts. Each one apof the land, and of this notice was implied to third persons; 3, that the peared as though they had been espec ally selected and trained for their role purchasers at the sale of the land dein this play alone, and yet the reperrived a clear title thereto; 4, that the toire of the company contains a long commissioner came under no personal liability to the contractor or material list of plays, which are put on from night to night in a pleasing manner. men of the hotel building; 5, that en-Tonight the company will appear in dorsers of a note made to procure he four act comedy drama, "A Southmoney for building the hotel, had no claim on the hotel lot; 6, that the orn Princess," at which Mr. Bailey has

xtended another invitation for ladies ommissioner sell the hotel lot and eport to the court, and the proceeds to attend free, provided they are ac-companied by a person holding a paid reinvested and held for the divisees 30 cent ticket, if secured before 6 the extent of the value of the lots clock p. m. After the production of and th ecosts of improvements thereon this piece the drawing will take place for the Morris chair, which is valued ree from the claims of material men, tc.; 7, that the claim of priorities of at \$10. There will be another aterial men among themselves may drawing Saturday night at which time ot arise, in this case, as the hotel there will be given away a handsome 100-place dinner set, valued at \$25. property may not bring sufficien to pay the amount to be paid to the dev-isees, and this question will not be These prizes can be seen in the win-dow at Burton & Holt's furniture store, Patton avenue and Battery Park Appeal from Peebles, J., June term, Place. 1908, of Buncombe, by Engineering

There will be a ladies' and chil- remedy that kills the dandruff germ dren's matinee Saturday afternoon to which all school children will be ad-clean people of this country have awakened to the fact that dandruff is mitted for 10 cents and in addition will receive a bag of candy. The bill unnecessary; that falling hair and on this occasion will be "Tempest and itching scalp can be quickly stopped, Sunshine."

a

About One Application per Headache, Heartburn, Gas and Indiges-Day to Place Children tion vanish and you feel fine Under Its Care.

in five minutes.

At the meeting of the directors of the North Carolina Children's Home You can eat anything your stomach craves without fear of Indigestion or the North Carolina Children's Holes society to be held at Greensboro March 3, the advisability of establish-ing a receiving home for children will be taken up and discussed. The idea ally. Dyspepsia, or that your food will ferment or sour on your stomach if you

CHILDREN'S HOME CERTAINLY ENDS Society's Work Stomach Misery

be taken up and discussed. The idea is to have a place where the children which are received by the society. may be taken care of until they are placed in homes. The North Carolina Children's Home society, incorporated, is supported entirely by voluntary contributions and is purely charitable in its work. The board of directors numbers some the best known busi-hess and professional men in the state. The society, through its state super-

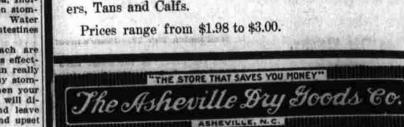
hese and professional men in the state. The society, through its state super-intendent. William B. Streeter, is en-gaged in the work of placing children in homes and seeing that they are provided for. The society covers a field which is not covered by other orphanages, either fraternal or de-mominational. These orphanages, at least some of them, will not receive a child while its father is living, nor will they take a child, except between the ages of six and twive years, and there are certain other restrictions which sometimes keep them from re-ceiving very needy children. And the fact that practically every orphanage in the state is filled throws considera-by more work upon the Children's start taking now, and in a little while you will actually brag about your healthy, strong Stomach, for you then can eat anything and everything you want without the slightest discomfort or misery, and every particle of im-purity and Gas that is in your stombly more work upon the Children's Home society. ach and intestines is going to be car-ried away without the use of laxatives or any other assistance.

Demands Increasing Rapidly. In conversation with a Gazette-

Should you at this moment be suf-News representative this morning Mr. Streater stated that the demands upon the society are increasing rapidly. During the past week he has received fering from Indigestion or any stom ach disorder, you can get relief with-in five minutes. applications from persons in various parts of the state to take charge of until they can be placed.

The Society's Work.

Since its organization in 1903, and month. Before a child is received by p to December 1, 1909, the society the society to be placed in some home had received 364 children, placed 349, and it then had on hand 15. Of the the condition of its parents, if such 349 children placed, seven had died, eight had been adopted, two placed the child some good by taking charge in institutions, 39 restored to relatives of it, the formalities are gone through 31 became self-supported, four girls with necessary to giving the legal custody of the child to the society. This child is then cared for until a suitable home can be found for it. married, and 259 children had been placed in homes subject to visitation by the agents of the society. The total of applications for children that



STYLISH S

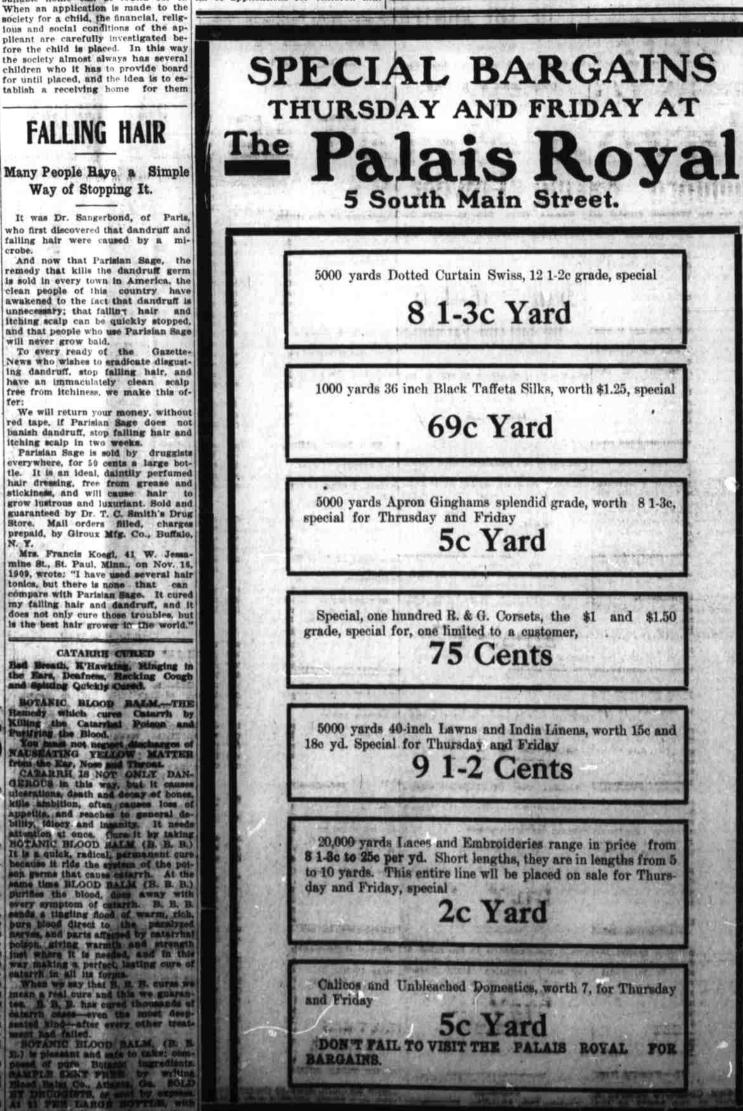
Special \$6 Voile Skirts

\$3.98

Just Received our Beautiful Line of Ladies' Pumps for Spring Wear, in Gun Metal, Suede, Patent Leath-



Wednesday, February 23, 1910.



nine children. The applications aver-age about one each day, or 30 per

THE ASHEVILLE GAZETTE NEWS.

ding of the hotel, but onl having funds sufficient to erect the ikeleton work of the hotel, other of

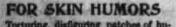


Was Surprising - Inflammation Re-duced in a Few Hours and Cure Soon Followed - Bcy's Torture had Been Intense for Years-Friend's Child had Eczema, Too,

## MOTHER TELLS HOW CUTICURA CURED BOTH

"When my boy was six years old, he fored terribly with eczems. He could ther six till nor lie quictly in bed, the itching was draafful. He would faite spots by scratching with his and that only made them worse. A ctor treated him and we tried almost mything, but the screms secured to read. It started in a small place on a lower extremities and spread for two are until it very nearly covered the dis part of his leg to the knes. "Finally I got Outieurs Phile and we them according to directions. I different in the morning and that swen-before I put my boy to bed, I used en again and the improvement even those few hours was surprising, the hammation scemed to be so much less. and the Phile and the Scap and boy was cured. My son is now in esvenicemth year and he has never a return of the scenens. "I took cure of a friend's child that d ensume on its face and limbs and T at the cure of a friend's child that d ensume and it has pover returned. in the coopmend the Colucura Heme-

a if has power return mend the Coticurs Re-mend the Coticurs Re-reserved the Coticurs Re-reserved the Coticurs Re-mend the Coticurs Re-reserved the Coticurs Re



ARE TO BE RESISTED Southside Avenue Property **Owners Will Take Case Up** to Supreme Court.

ow passed upon

company and S. I. Bean company.

COLDS CAUSE MEADACHE

LAXATIVE BROMO Quinine, the

world wide Cold and Grip remedy re-moves cause. Call for full name.

Look for signature E. W. GROVE, 25c

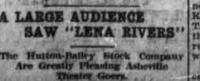
PAVING ASSESSMENTS

The Supreme court will be invoked o determine the validity of the assessments against property on Southside avenue by reason of the paving several years ago of that thorough fare. Arrangements have been made for a test case and the matter will probably go to the Supreme court in the spring. Those property owners on Southside avenue who object to the assesaments have retained Wells & Swain and Frank Carter to represent will look after the city's interest.

The complainants allege that the asone reason. The chief point probably that will be raised by the complainants through their counsel will have to do with the requisite number of signers to the petition asking for the paving of the street, the allegation being that the required number of property own-ers did not sign. In this connection it will be contended that C. H. Miller, former commissioner for the Smith cetate, signed for the estate and that he was without authority to do so. It will be further argued that the as-sessment of \$4 per front foot is prac tically confiscatory; that the city in improving the svenue caused to be built several expensive culverts and and the costs of improvements thereof against the property owners. Another objection to the assessments relates to the method of assessment. City Tax Collector Bartlett, who has

been preparing to sell property on Southaide avenue under execution for the paving assessment, will hold up pending the determination of the test

In the event that the contestants should be successful the city would be forced to bear the entire expense of the paving of Southside avenue.



Are G

To every ready of the Shakcepezre News who wishes to eradicate disgust-"A horse-a horse! Me kingdom for ing dandruff, stop falling hair, and have an immaculately clean scalp a hor-r-rse!" screamed Richard III., rattling the hilt of his tin sword in orfree from itchiness, we make this ofder to add to the racket. fer: "Machine broke down again?" in-We will return your money, without

The "Weaker Sex."



Miss Forty-I don't see why the men call us the "weaker sex." I'm sure they seem to be the ones that are afraid to marry.



Seriousness of a Bad

All Asheville cliffens shows you how to avoid them. Mrs. U. S. Bryson, 31 Carter street. Asheville, N. C. says: "I have no hesitation in recommending Doen's Kidney Pills as I know they are a ro-lable remedy. Some time ago I was in a bad way as the result of sharp pains in my back. The kidneys serre-tions were also unnatural and I came to the conclusion that my kidneys needed attention. Learning of Doan's Kidney Pills I procured a box at Dr. T. C. Bmith's Drug Store and began their use in accordence will the di-rections. It was not long before I was fosting better in every way." For sale by all dealers. Price 50 conts. Yoster-Milburn Co. Burnto, New York, edit agents for the United States.

quired a gallery god maliciously.- red tape, if Parisian Sage does not Cleveland Leader, red tape, if Parisian Sage does not itching scalp in two weeks. Parisian Sage is sold by druggists everywhere, for 50 cents a large bot-tle. It is an ideal, daintily perfamed

FALLING HAIR

Way of Stopping It.

falling hair were caused by a

will never grow bald.

And now that Parisian Sage,

crobe.

hair dressing, free from grease and stickings, and will cause hair to grow lustrous and uxuriant. Sold and guaranteed by Dr. T. C. Smith's Drug Store. Mail orders filled, charges prepaid, by Giroux Mfg. Co., Buffalo.

Mrs. Francis Koegi, 41 W. Jessa-Mrs. Francis Koegi, 41 W. Jessa-mine St., St. Paul, Minn., on Nov. 18, 1909, wrote: "I have used several hair tonics, but there is none that can tonics, but there is none that can compare with Parisian Sage. It cured my falling hair and dandruff, and it does not only cure those troubles, but s the best hair grower in the world."

CATARRH CURED h, K'Hawking, Mis galekty Canid.

BOTANIC BLOOD BALM .--- THE

CATARRH IS NOT ILY DAN-

People Fail to Realize

diccy and in a st once. ( IC BLOOD a that caur BLOOD blood.

The constant aching of a bad back, The weariness, the tired feeling. The pains and aches of kidney ills. Are serious—if reglected. Dangerous urinary troubles follow. An Asheville citizens shows you low to avoid them.