

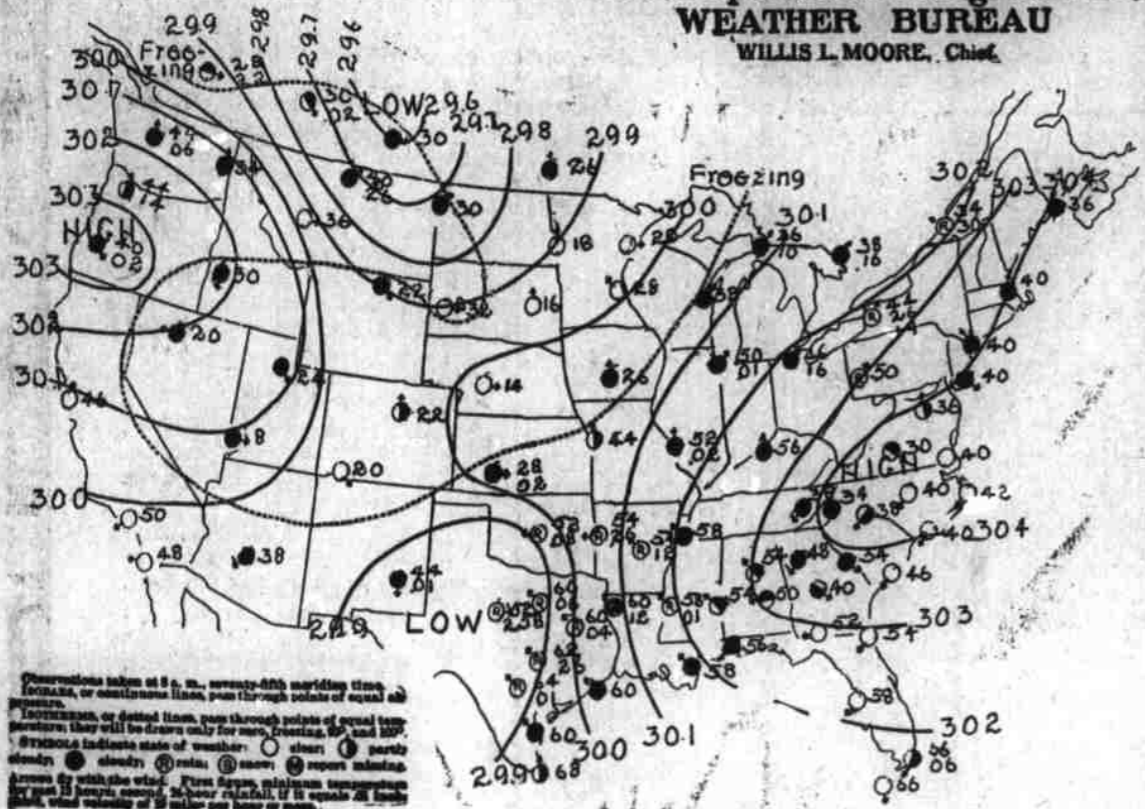
Peerless-Fashion Co.

51 Patton Ave.

**OFF
25
Per Ct.**

**On All Coats
On All Suits
On All Dresses
On All Gowns
On All Furs
On All Caps
On All Waists**

U. S. Department of Agriculture WEATHER BUREAU WILLIS L. MOORE, Chief



THE WEATHER

| TEMPERATURE | Lowest | Highest |
|--------------|--------|---------|
| Asheville | 34 | 64 |
| Atlanta | 48 | 66 |
| Augusta | 34 | 70 |
| Charleston | 46 | 66 |
| Charlotte | 38 | 66 |
| Jacksonville | 54 | 70 |
| Key West | 66 | 72 |
| Knoxville | 38 | 62 |
| Louisville | 58 | 72 |
| Mobile | 58 | 72 |
| New Orleans | 58 | 82 |
| New York | 40 | 58 |
| Oklahoma | 52 | 56 |
| Raleigh | 40 | 66 |
| Savannah | 52 | 68 |
| Washington | 36 | 62 |
| Wilmington | 48 | 68 |

Forecast until 8 p. m. Sunday for Asheville and vicinity: Rain tonight or Sunday; warmer tonight. For North Carolina: Rain late tonight or Sunday; warmer tonight; moderate northeast to east winds.

Summary of Conditions.
Atmospheric pressure, although decreasing, continues relatively high along the eastern seaboard, with fair weather generally noted from Georgia northward to Maine.
Unsettled conditions continue over central districts and the advance of a storm from western Texas will influence for rain in this vicinity late tonight or on Sunday, with a further rise in temperature tonight.

R. T. LINDLEY,
Observer, Weather Bureau.

STATEMENT OF FINANCES OF CITY FOR SIX MONTHS

**Balance of \$6708.52 in Bank
About Half of Budget
Drawn.**

| Departments | Expend. Balance |
|-----------------|-------------------------|
| Police | \$12,332.65 \$12,616.38 |
| Fire | 4,794.19 4,205.51 |
| Sanitation | 10,116.84 14,885.16 |
| Water | 7,314.18 4,685.82 |
| Market | 611.08 388.95 |
| Streets | 10,277.32 9,722.18 |
| Sewers | 1,925.53 925.53 |
| Street Lighting | 7,594.05 7,405.95 |
| Parks | 484.93 165.67 |

At the meeting of the board of aldermen last night the city clerk read the semi-annual statement of the city's financial condition and the receipts and disbursements from June 1 to December 1. This statement included an itemized account of all moneys received and disbursed in each department in that time, and the summary is as follows:
Balance June 1, 1911.....\$ 65,915.60
Receipts, June 1 to Decem-
ber 1, 1911.....594,669.27
Total.....\$660,584.87
Total disbursement for the
same period.....653,876.35
Balance in Battery Park
bank.....\$ 6,708.52
A statement was also prepared for the benefit of the members of the board to show the amounts already expended in each department and the balance to be used during the next six months from the budget set aside by the board for the several departments. This statement shows that the expenditures in most of the depart-

ments have not exceeded the calculations of the board, although a few are over half drawn, and the sewer fund is overdrawn. The statement in detail follows:
Departments. Expend. Balance.
Police.....\$12,332.65 \$12,616.38
Fire.....4,794.19 4,205.51
Sanitation.....10,116.84 14,885.16
Water.....7,314.18 4,685.82
Market.....611.08 388.95
Streets.....10,277.32 9,722.18
Sewers.....1,925.53 925.53
Street Lighting.....7,594.05 7,405.95
Parks.....484.93 165.67

Away Goes Catarrh

Where there's catarrh there's thousands of catarrh germs. You can't get rid of catarrh unless you kill these germs.
You can't kill these germs with stomach medicine or sprays or douches because you can't get where they are.
You can kill these germs with HY-OMEI, a penetrating antiseptic air that you breathe a few times a day directly over the raw, sore, germ-infested membrane.
For catarrh, asthma, croup, coughs, colds and catarrhal deafness Hyomei is sold on money back plan by Smith's Drug Store. Complete outfit \$1.00. Extra bottles of HY-OMEI if afterwards needed only 50 cents. Remember, HY-OMEI does not contain morphine, cocaine or any drug that could possibly do harm.
Spark Guards and Fenders at Cost. Brown-Weaver Hardware Co. 250-21

IMAGE SOUR, GASSY, UPSET STOMACH REGULATED

Propositions of Property Owners Not Accepted and Jury Ordered.

NORTH MAIN STREET WIDENING CONSIDERED

Whiskey License Granted to Grant's Pharmacy, Damage Cases and Other Matters.

Street Superintendent J. T. Bostice made a report last night to the board of aldermen concerning the agreement he had been able to reach with the property owners on Charlotte street and Montford avenue for property on these two thoroughfares necessary for the proposed widening for other switches of the Asheville Electric company. This report showed that nearly all the parties had been seen who have property abutting on the part of the streets to be widened and the sum asked by those on Charlotte street amounted to approximately \$7500. The Montford avenue property owners asked \$2500; there is not as much property to be considered, however, on the latter street. The board thought it best to appoint a jury to pass on the damages on Charlotte street and the jury was ordered appointed. One or two of the property owners on Montford had not been seen so that matter was held over until the next meeting.
It will be remembered that the Electric company asked the board last spring to see what arrangement could be made with the property owners on Charlotte, Montford and Merrimon for the proposed widening; and it promised to bear all the preliminary expenses, whether the proposition should be accepted or not. A jury was appointed and the necessary property was condemned and valued by this jury. Its report was accepted for Merrimon avenue but the others were rejected. About two weeks ago the matter was taken up again, and the board asked Mr. Bostice to confer with the property owners, as the agent for the city, and see what arrangement could be made and if a jury would be necessary.

North Main Street.
A motion was introduced by Alderman Fitzpatrick to have a jury appointed to assess damages and benefits on property on North Main street from the corner of West College street to J. H. Jenkins' store for the purpose of widening the street. It was decided by the board not to pass the motion last night but to let it pass the first reading and take it up again at the next meeting of the board. In the mean time Mr. Bostice was instructed to see the people whose property is involved.

W. E. Shuford reported that he had been able to get about nine-tenths of the property owners on Southside avenue to sign an agreement to pay their paving assessments, which were reduced from \$3.87 to \$3 per front foot and all interest refunded, provided the assessments are paid in full within 90 days. The board then passed a motion to the effect that all the property owners on that street be notified that if they pay their assessments within this time they will have the benefit of these reductions, otherwise the assessments will stand in full. This will include those who signed the agreement and any of the others who wish to take advantage of it.

A report was laid before the board as to the propositions that the property owners on Haywood street, from Government street to Broad avenue, would agree to having a sidewalk constructed on the west side of the street. The amounts asked by the different ones varied widely, and the approximate cost of the sidewalk to the city, according to these agreements, would be \$2000. It was decided to refer the matter to the street committee.

The recent paving that has been done on Magnolia avenue, Flint street, Arlington street and College Park place was reported by the street committee to be in good condition and was accepted.

Bay Auditorium Curtain.
A communication was read from S. A. Schloss, the lessee of the Auditorium, concerning the curtain there. He said that he had understood that everything in the house went with it, and that he had never received any money for advertising from the company who owns it. He stated further that the building would have to have a curtain and that a new one would cost about \$200. Corporation Counsel Glenn said that he thought that about the best way out for the city to buy the curtain for \$50, at which price the owners offered it some time ago. A motion to take such action was passed.

City Engineer R. M. Lee made a report of the condition of the several new concrete sidewalks that have been laid and noted several places that were not in good shape. The board ordered that the clerk notify the contractors of these defects and that they would be held responsible for them.
Fenrose Baldwin asked for a license to sell whiskey on prescription at Grant's pharmacy from January 1 to July 1, and the request was granted with only one dissenting vote.
The matter of receiving the streets that were recently opened by F. A. Sumner through his residential park and that water lines be laid through some of them was referred to the street and water committee.

Sewer Committee Reports.
The sewer committee made quite a number of reports concerning adjustments and it developed in most of these that the parties complaining of these assessments were really not in a position to have their property connected with the sewers in question and therefore the assessments could not be held against them. Following this, the suggestion was made that in future the city engineer find out what property can be connected and what cannot and make such notations on his reports, so that the board can charge the assessments to the people who derive the benefits.
The report of the street committee as to land to be secured from J. L.

Just a Little Diapepsin Ends Indigestion in Five Minutes.

The question as to how long you are going to continue a sufferer from indigestion, Dyspepsia or out-of-order Stomach is merely a matter of how soon you begin taking some Diapepsin. If your Stomach is lacking in digestive power, why not help the stomach to do its work, not with drastic drugs, but a re-enforcement of digestive agents, such as are naturally at work in the stomach.
People with weak Stomachs occasionally and there will be no more indigestion, no feeling like a lump of lead in the stomach, no heartburn, Sour risings, Gas on Stomach or Belching of undigested food, Headaches, Dizziness or Sick Stomach, and, besides, what you eat will not ferment and poison your breath with nauseous odors. All these symptoms resulting from a sour, out-of-order stomach and dyspepsia are generally relieved in five minutes after taking a little Diapepsin.
Go to your druggist and get a 50-cent case of Page's Diapepsin now, and you will always be able to put mile with a hearty appetite; and what you eat will taste good, because your stomach and intestines will be clean and fresh, and you will know there are not going to be any more bad nights and miserable days for you. They freshen you and make you feel like life is worth living.

Owens and wife for the purpose of widening Adams street near its intersection with Southside avenue was accepted.
The petition by several of the business houses to allow the city to put mile posts within the city limits was not recommended by the street committee, to which the matter had been referred.

Market House Damages.
The joint market house and police committees reported to the board the amounts of damages that they considered equitable to the people occupying stalls in the city market, who claimed damages on account of the work recently done on the police court room. These damages were as follows: Lutz Meat company, \$40; Penland Meat company, \$45; J. B. Jackson, \$10; and Mrs. Lynch and son, \$20. J. L. Guy asked for damages in the sum of \$25 and this claim was also referred to the joint committee.

Unsafe Buildings.
The building inspector reported that there were two buildings in the city which he considered to be in an unsafe condition. One of these is a house on Roberts street belonging to J. F. Jenkins, and the other is on South Main street and is the property of Mrs. S. E. Buchanan. The matter was referred to the public safety committee to decide what is to be done about them.
On request of George Greenlee, colored, it was decided to extend an invitation to the colored grand lodge of Masons to hold their 1912 convention in this city.

Building Permits.
The following building permits were granted:
Mrs. L. M. Jones, seven-room residence at Arboreale, park, estimated cost \$4000.
P. H. Lowe, addition to residence on Woodfin street, estimated cost \$150.
R. F. Mills, three-room residence on Pine street, estimated cost \$350.
P. H. Thrash, addition to residence on South French Broad avenue, estimated cost \$1000.

While they last \$5.00 Gillette Safety Razors \$2.75. Brown-Weaver Hardware Co. 250-21

THE MARKETS

New York, Dec. 9.—After almost a week of falling prices, the stock market advanced this morning, continuing the upward movement which began before yesterday's close. Opening gains were extended after the market absorbed some profit-taking sales.
Cotton Steady; Ruling Higher.
New York, Dec. 9.—The cotton market opened steady at a decline of 1 point on January, but generally 2 to 6 points higher on covering by yesterday's sellers. The market was a moderate seller on the advance. The market's tone continued steady, active months ruling about 2 to 4 points net higher during the middle of the morning.
The cotton market closed steady, prices 1 to 5 points higher.

| | Open. | Close. |
|------------------------|---------|---------|
| Atchison | 105 1/2 | 105 1/2 |
| Am. Smelting | 71 | 70 1/2 |
| Atlantic Coast Lns. | 136 | 136 |
| Brooklyn Rapid Transit | 75 1/2 | 75 1/2 |
| Baltimore & Ohio | 101 1/2 | 102 1/2 |
| Amal. Copper | 61 1/2 | 61 1/2 |
| Canadian Pacific | 29 1/2 | 29 1/2 |
| N. Y. Central | 105 1/2 | 105 1/2 |
| Colorado Fuel & Iron | 36 | 36 |
| Cheapeake & Ohio | 72 | 72 |
| Erie | 30 1/2 | 30 1/2 |
| Great Northern pfd. | 126 1/2 | 127 |
| Mo., Kans. & Texas | 29 1/2 | 29 1/2 |
| Louisville & Nashville | 155 | 155 |
| National Lead | 155 1/2 | 155 1/2 |
| Missouri Pacific | 49 1/2 | 49 1/2 |
| Norfolk & Western | 106 1/2 | 106 1/2 |
| Northern Pacific | 116 1/2 | 116 1/2 |
| Pennsylvania | 112 1/2 | 112 1/2 |
| People's Gas | 109 1/2 | 109 1/2 |
| Rock Island | 24 | 24 |
| Rock Island pfd. | 45 1/2 | 45 1/2 |
| Reading | 148 | 148 1/2 |
| Am. Sugar Refining | 115 1/2 | 115 1/2 |
| Southern Pacific | 110 1/2 | 110 1/2 |
| St. Paul | 109 1/2 | 109 1/2 |
| Southern Railway | 29 | 29 1/2 |
| Tennessee Copper | 35 1/2 | 35 1/2 |
| Union Pacific | 171 1/2 | 170 1/2 |
| U. S. Steel | 62 | 62 |
| U. S. Steel pfd. | 108 1/2 | 108 1/2 |
| Wabash | 41 | 41 |
| Wabash pfd. | 18 1/2 | 18 1/2 |

NEW YORK COTTON.

| | Open. | Close. |
|----------|-------|--------|
| December | 3.96 | 3.94 |
| January | 3.85 | 3.86 |
| March | 3.72 | 3.73 |
| May | 3.51 | 3.53 |
| July | 3.30 | 3.32 |
| October | 3.05 | 3.06 |

Spot 3.20.

A Gift Center

Wide preparations have been made to help you fill your gift list—throughout the large department you'll find every section ready to make your gift shopping a pleasure.

The Spirit of Xmas

Is displayed in every section. Gifts for practical minds. At most reasonable prices. Your dollars will do wonders at this store.
Big Clearance on Coat Suits. Furs bear liberal reductions. Millinery at 1-3 off regular prices.

THE STORE THAT SAVES YOU MONEY!
The Asheville Dry Goods Co.

If the Patient Dies, No Fee for Surgeon, is Jury's Decision

Verdict Given for Defendant in Suit to Recover for Performing Operation, but It Is Set Aside by the Court, Who Says Question Is of Argument.

New York, Dec. 9.—That a surgeon is not entitled to his full fee when his patient dies when undergoing an operation was in effect the novel meaning of a verdict rendered by a jury in the Municipal Court of the Seventh district before Judge Marks. The latter refused to accept the verdict, and ordered that the case be placed for retrial on Wednesday next.

The suit was brought by Horace J. Schwart of Saratoga Springs, the executor of the estate of the late Dr. Charles Jewett, who was one of the most prominent surgeons of Brooklyn, and connected with the Swedish Hospital. It was alleged by the executor that Benjamin Praskin, a wealthy manufacturer and wholesale dealer in feathers, at No. 215 Greene street, had agreed to pay Dr. Jewett \$300 for an operation performed on Mrs. Praskin, on April 3, 1910, and that Mr. Praskin had given a check on the Corn Exchange Bank in payment, but immediately afterward had ordered payment stopped.
According to Charles Dushkind, counsel for Mr. Praskin, the check was obtained "by trick and device," and was not intended to be given for that amount.

Decided on Operation.
As testified, Mrs. Praskin had been ill for several days and had called in Dr. Abram Brothers of Brooklyn, now dead, but who had been her physician for several years. When peritonitis set in Dr. Brothers advised an operation and called Dr. Jewett for a consultation.
Dr. Jewett said an immediate operation was necessary to save Mrs. Praskin's life and told her husband she should be taken to the Swedish Hospital. Dr. Hein, Dr. Brothers' assistant, alleges that Mr. Praskin was told the cost of the operation would be \$300, which he agreed to, and Mrs. Praskin was removed to the hospital that night.

The next day, according to Mr. Praskin's story, he and other members of the family were in a waiting room at the hospital awaiting news of the result of the operation. Dr. Hein finally appeared. Mr. Praskin said, and said the operation was successful. He then asked Mr. Praskin for the money, and the latter, in his joy at his wife's supposed recovery, signed his name to a check and left the amount for Dr. Hein to fill in.
Shortly after, Mr. Praskin says, a nurse came to him and said his wife had died on the operating table.
How Check Was Obtained.
Dr. Hein, the only one of the three doctors now alive, admitted he received a blank check from Mr. Praskin and had filled in the amount himself. He said that when the operation was being performed Dr. Jewett told him to go to Mr. Praskin and ask for the \$300, saying he did not know who Praskin was or that he was financially responsible. When Dr. Hein returned with the check, he says, Dr. Jewett then told him to go to the bank to have it certified.
At the bank the teller refused to certify the check because the date had not been filled in, and when it was returned to Dr. Jewett the latter deposited it in his own bank.
Mr. Praskin, who says he was of the opinion that the check was intended for Dr. Brothers, and that it would be filled in for about \$25, after thinking over the transaction, decided to stop payment on the check, and notified the bank to do so. Dr. Jewett allowed the amount to stand on his books without trying to collect it. After his death suit was brought for the estate.

Judge Marks instructed the jury to disregard the circumstances by which the check was obtained and to consider only whether Mr. Praskin had agreed to pay Dr. Jewett \$300 for performing the operation. When the verdict was announced William C. Rosenberg, counsel for the executor, moved to have it set aside on the ground that it was contrary to the testimony. Judge Marks took this view and ordered the retrial.

COMPETENT JUDGES
Beauty Doctors Endorse Herpicide.
Women who make a business of beautifying other women come pretty near knowing what will bring about the best results. Here are letters from two, concerning Herpicide:
"I can recommend Newbro's Herpicide," as it stopped my hair from falling out, and, as a dressing it has no superior. (Signed)
"Bertha A. Trullinger, Complexion Specialist."
"29 1/2 Morrison St., Portland, Ore."
"After using one bottle of 'Herpicide' my hair has stopped falling out, and my scalp is entirely free from dandruff. (Signed)
Grace Dodge, 'Beauty Doctor.'
"195 Sixth St., Portland, Ore."
Sold by leading druggists. Send 10c. in stamps for sample to the Herpicide Co., Detroit, Mich.
One dollar bottles guaranteed. Smith's Drug Store, special agent.

SHRINER'S NEXT MEETING IS TO BE HELD HERE
Several Gentlemen of This Section Are Elected as Officers in Oasis Temple.
It will be learned with interest here that Asheville was selected as the meeting place of the Shriner's for 1912 at yesterday's session of the convention of the members of the Oasis temple in Charlotte; and also that several local men were honored in being elected to office in the organization. W. F. Randolph was chosen as the representative to the Imperial council, which is to be held in Los Angeles; Dr. C. P. Ambler was elected assistant rabbin; Dr. C. E. Cotton of Black Mountain was elected as ceremonial master. The coming of the convention to Asheville was due largely to the efforts of J. L. Alexander, proprietor of the Battery Park hotel. There are over 1200 members of the temple and Asheville is considered fortunate in getting the convention.
Among the matters disposed of yesterday by the temple was the donation of \$1000 to the Masonic home at Greensboro.
Genuine stag handle carvers reduced from \$1.25 to 68c. Brown-Weaver Hardware Co. 250-21
An Absent-Minded Professor.
A very absent-minded professor was busily engaged in solving a scientific problem when the nurse hastily opened the door of his library and announced a great family event.
"The little stranger has arrived, professor."
"Eh?" said the professor.
"It is a little boy," said the nurse.
"Little boy, little boy," mused the professor. "Well, ask him what he wants."—Ladies' Home Journal.

Only One "BROMO QUININE," that is **Laxative Bromo Quinine**
Cures a Cold in One Day, Grip in 2 Days
E. W. Brown



WHETHER you want a suit or overcoat, be it blue, black, grey or brown, we've so many smart fabrics to choose from that you can't help being suited. Clothes to your order with all the mark of Fashion's latest styles, without a strain on your pocket-book. Our style portfolios show what's strictly proper for now. Now is the time to look.

Suit or Overcoat to order.....\$20.00 up
SHIRTS to order.....\$2.00 up

ELIAS & HOPSON

18-19 Electrical Bldg. Opp. Postoffice.