

New Bern Weekly Journal

No 90

NEW BERN, CRAVEN COUNTY, N. C., TUESDAY FEBRUARY, 13, 1912—FIRST SECTION

34th. YEAR

JURY BOX FILLED. EVIDENCE BEING HEARD

In The Case of The State Against Baker Bryan. Two Hundred And Sixty Men Summoned as Special Venire. First Witness Placed on Stand at Four O'clock Yesterday Afternoon. Both State and Defendant Have a Large Number of Witnesses.

Taking of Evidence Will Doubtless Consume Today's Session. Dead Mans Clothing Figured at Yesterday's Session. Bryan Appears to be Very Nervous.

At 11 o'clock yesterday morning the 90 special venire men who were summoned by the Sheriff to be on hand had arrived and the work of selecting the remaining two jurymen in the case of the State vs. Baker Bryan charged with the murder of William Avery in this city last Christmas night, was taken up. When the court took a recess at noon, these two jurymen had not been drawn. Upon reconvening at 2:30 o'clock, the work was again taken up and within an hour Mr. George M. Wooten and Mr. Wm. Styrton had been selected to fill the two remaining seats on the jury. After a few preliminaries the work of hearing the evidence was begun.

DR. RHEM'S EVIDENCE.
Dr. Rhem stated that he knew Wm. Avery, had known him for 15 years. Performed an autopsy on his remains after he was killed. Round pistol found in his body which would prove fatal in the majority of cases. He removed the bullet and preserved it. Memorandum from a pistol shot wound was the direct cause of death. Stated that Avery was not of large stature, probably weighed 150 pounds. A number of persons were in the room when the autopsy was performed. On cross examination he stated that the course of the bullet was downward. Performed the autopsy during the afternoon of December 26th, between 2 and 4 o'clock, the body was at Simpson's undertaking establishment at the time. Noticed powder marks on a rose in the lapel of Avery's coat, bullet may have been "spent" bullet as far as he knew.

JOHN COLLETTE'S EVIDENCE.
John Collette was next placed on the stand by the State. He said that he was 22 years of age and had come to New Bern nine weeks ago with the Chester Amusement Company. Had been with them two weeks before coming to New Bern. Met Wm. Avery when he first came to New Bern. Was at 81 West St. on December 25th, was rooming there. Knew Baker Bryan by reputation but had never met him. Bryan lived about two hundred yards from where he (Collette) was rooming. Said that on the night of December 25th Will Avery and Morgan Shaw went out for a walk up West street. Stopped at a house on that street for a minute or two, went down the street until they reached Baker Bryan's house. When in front of the building Baker Bryan ran out and said what do you want and here. Shaw said to Bryan that they wanted no thing. Bryan then pulled a gun from his pocket and rushed at the three boys. He struck Collette and fired the pistol point blank at Avery. The three then ran down the street. Collette and Shaw ran around to the rear door of a building and pushed open the door. Went on through the house and found Avery on the front steps. He and Shaw picked him up and carried him inside and laid him on a bed. He then ran out jumped into a buggy which was standing outside and started for a doctor. On the way down town he met Officer Dwyer and told him of the shooting. When he returned to the house, Avery was dead. Stated that he was sure that Avery had nothing in his hand when Bryan fired at him. Didn't remember the exact hour but thought it was about 11 o'clock. Said he had been kept in jail since the shooting on account of the fact that he could get no one to stand his bond.

The witness was then turned over to the defendant for cross examination. For more than an hour they put him through a grilling fire of questions, the object could plainly be seen as an attempt to prove to the jury that his testimony was not reliable.

DR. R. D. V. JONES EVIDENCE.
Dr. R. D. V. Jones was next placed on the stand. He stated that he was the coroner for Craven county. Knew John Collette. Held inquest over remains of Wm. Avery. Collette was a witness and he had written his testimony. After examining witnesses he had held him for Superior Court and ordered that he be held as such in default of a bond he was placed in jail.

MORGAN SHAW'S STATEMENT.
Morgan Shaw, one of the young men

with Avery when he was shot, was next placed on the stand. His story was practically the same in the details of the shooting as that told by young Collette. Of the walk down West street in company with Avery and Collette and of the shooting of Avery by Baker Bryan and of the events which transpired during the next few hours. Shaw's story was told in a straight forward manner and despite the efforts of the defense they failed to find a single loop hole in it.

RALPH O'NEAL'S EVIDENCE.
Ralph O'Neal was one of the men with Baker Bryan on the night of the shooting. He said that he and two friends went up to house in which Bryan was staying. That they did not go inside but stood out on the outside for a few minutes. That within a short while Bryan came out and began cursing them and asked which one of them tore down his window shades. After an explanation Baker sent in the house for a drink of whiskey. He then went on to tell about the arrival of Collette, Avery and Shaw and the shooting and the conversation of Bryan afterwards.

JUDSON BAYLISS ON THE STAND.
Judson Bayliss, a young man who lives at Bridgton, stated that he was driving in that section on the night in question and that he saw Bryan shoot Avery and curse him and then walk back into the house.

At this juncture the Court took a recess until 9:30 o'clock this morning.

REAL ESTATE FOR SALE.
A good residence No. 7 Graves St. near the corner of Union. Easy terms will be given if wanted.
C. T. HANCOCK.

Will Have Plenty Company.
The Raleigh Times says: "Mr. Varner will be read out of the party if he is not careful. Any man who doesn't wear the collar of the Wilsonites is a traitor, to say nothing of being 'despicable and malignant.'"

Prizes at The Athens.
Last night The Athens awarded the following prizes, \$5.00 gold piece to Guy Gasking, \$2.50 gold piece to Mrs. J. H. Weddell, weekly tickets of admission to Miss Eva Armstrong, Mrs. Shobley, Miss Henrietta Sayer. There was great interest in the awards, by the large audiences present.

Another Brick Block For Craven St.
Mr. S. B. Parker has purchased of Dr. F. W. Hughes the vacant lot south of the Southern Express office on Craven street and is making preparations to erect a brick block thereon. The building will have a frontage of fifty two feet on Craven street and a depth of one hundred and fifty feet, two stories high, divided into two compartments, each below and above. The lower floor will be of concrete. Thus will be filled an unsightly gap between two splendid buildings.

HAVELOCK NOTES.
Craven County, Feb. 8.—We are having some cold weather now.

Mr. M. A. Hill spent Saturday in New Bern.

Miss Maud Tippett of Riverdale is visiting her cousin, Miss Bertie Cannon.

Mr. J. F. Goodwin spent Saturday at Newport.

Mr. A. D. Rooks spent Tuesday in New Bern.

Mrs. G. C. Pate and Miss Rena Gowan left Monday for South Carolina. Quite a number of their friends were at the train to bid them good bye.

Mr. G. C. Langdale who has been timbering for the Clark Lumber Co., left Tuesday for Trenton.

Mr. H. Roberts of Green Chapel, spent a while here last Monday.

Miss Lillie Russell spent Saturday and Sunday with her mother, Mrs. R. J. Russell and returned to her school Monday morning.

Mr. W. Y. Wynne has been right sick but glad to say he is better.

There was a "spelling bee" at the school house Friday evening and Miss Lillie Godwin was the winner.

THOSE WORK- ING IN MILLS

44,207 In Textile Factories In This State. Accused of Robbery.

Raleigh, N. C., February 9.—North Carolina's cotton, woolen and silk mills and knitting mills come in for interesting presentation in a chapter of the forthcoming annual report of Commissioner of Labor and Printing M. L. Shipman just made public. It shows 306 cotton, woolen and silk mills and 68 of the knitting mills. The cotton, woolen and knitting mills, have 3,332,812 spindles, 56,997 looms, 530 braiders, and 7,432 cards and use 136,652 horsepower and require an aggregate of 299,202,761 pounds of raw material. Employment is given to 54,207 people who provide support for about 153,647 people dependent on them. Reports from 75 per cent. of the condition of the operatives and 95 per cent. of the reports show the labor laws being observed. Wages for males range from 93 cents to \$2.60, and for females from 56 cents to \$1.35. The 65 knitting mills have a capital of \$3,043,126. They have 48,692 spindles, 7,762 knitting machines, 583 sewing machines and use 4,735 horse-power. Wages for males range 62 cents to \$2.29 and for females 51 cents to \$1.44. There are 6,475 employees reported.

William Hunter, the head waiter in the Wilson Cafe, which is connected with the apartments where the three men from Benson were asphyxiated Monday, was jailed here under \$1,000 bond, charged with stealing a revolver and \$100 from the three dead men. Only \$28 was found on him when he was locked in the cell, but the officers say they are on the track of important revelations.

The North Carolina Supreme Court announces 41 successful applicants for licenses to practice law out of the class of 51 that undertook the examinations when the court convened for the fall term Monday.

FARM FOR SALE
I offer for sale my 109 acre farm one-half mile from city limits, 1,836 feet fronting on Pembroke road. For particulars apply or write to John A. Boom, 164 Broad street, New Bern, N. C.

OFFICERS ELECTED FOR THE FAIR

Directors Met In This City Yesterday And Perfected The Organization.

The directors of the Eastern Carolina Fair Association company met in this city yesterday and elected the officers of the company and perfected the organization.
Mr. Clyde Eby was elected as president, Mr. L. H. Cutler, Jr., 1st. vice president, Mr. J. L. Williams, secretary, Mrs. A. T. Dill, as treasurer.
The following gentlemen compose the Executive Committee: Clyde Eby, T. A. Uzzell, L. H. Cutler, Jr., J. Leon Williams, B. B. Hurst T. G. Hyman, H. B. Craven, C. G. Ives, John Aberly, A. T. Dill, O. L. Dunn, H. K. Land, Ed. Meadows, Jr., J. V. Blades, and Charles Coplin.
It was decided that none of the officers are to receive any salary, except the secretary, and his salary is to be \$50 per month, and to start on Feb. 15th.
\$16,000 in stock has been subscribed for and it was determined that a subscription list be given each director and that each one use his influence to sell more stock as it is not deemed advisable to start the fair without at least \$25,000 or \$30,000.

Many Failures

But Parisian Sage Overcame Miss Kruger's Hair Troubles
PARISIAN SAGE is not guaranteed to grow hair on bald heads, but it is guaranteed to remove dandruff and itching scalp, and to stop itching scalp, or money back. Sold in every town in America by leading druggists for 50c a bottle.
"PARISIAN SAGE is the best hair grower and beautifier and dandruff cure. I lost all my hair through typhoid fever; I was almost baldheaded and my scalp was as sore as could be. I tried everything, but in vain. Finally I tried PARISIAN SAGE, and after using one bottle my hair started to grow, and has grown three or four inches inside of two months. I advise every woman who wants beautiful hair to use PARISIAN SAGE." Miss Meta M. Kruger, Brownstown, Minn.

NEWS FROM SWANSBORO

The General Writes Some Very Interesting Little Items This Week.

Swansboro, Feb. 9.—The survey on the proposed railroad line from here to Goldsboro is progressing fast, and it is quite likely Swansboro will, before long, be connected by rail with the outside world.
It is said that a canning factory will be established here soon. A Mr. Eisses, of Warsaw, is the promoter. It is proposed to can anything from an opossom to a racoon oyster, and all kinds of vegetables that grow in this section. We extend a glad hand of welcome to the enterprise.
A dentist is also to locate here soon. He has promised to give ye scribe a new set of teeth for advertising him, for all of which, the General stands greatly obliged.
Very few fish were killed by the late freeze.
We notice a good many white fields of cotton; some of them have not been picked at all this season.
We regret to chronicle the death of Mrs. Leah Newcomb, which occurred Tuesday of the snow. She had reached the great age of 90 years. She was housekeeper for the writer 31 years and died at his home. She married a Capt. Newcomb, of South Carolina, when she was 15 years of age, but he preceded her to the grave long ago. She was a consistent member of the Methodist church for 75 years, and was ever a devoted christian.

There are two mormon preachers proselyting in this section now. We know but little about their creed or belief, having only heard them one time. However, they are drawing great crowds.
There were two women elders around here a few days ago, but they could not secure a place wherein to preach, so they moved on to other parts.
General Willis, the famous house-mover, has moved five large houses during the past month.
This section offers a fine opportunity for home seekers. Land is cheap, only ten dollars per acre and a plenty of it for sale. There is no healthier country anywhere, the water is excellent and the soil will grow anything adapted to the climate. Fish, oysters and game are plentiful, and the people who live here are kind and hospitable. What we need is more people. The writer lives about two miles from town, and can count from his doorway 17 happy homes but there is room for 50 more. We have a fine little farm that we would like to let to some industrious farmer. It is an exceptional opportunity for a small family. With the farm are nets, boats and fine oyster garden.

Mr. Daniel Smith, of Bear Creek, died last week at the age of 84 years. He leaves a widow and one son, Mr. E. S. Smith, of Marines.
"GENERAL"

The State Board of Education yesterday apportioned the necessary appropriation to bring the school terms in the weaker counties up to the four months minimum.

WILL PURCHASE ITS OWN HOME

Circulating Library Committee Decide to Buy New Site on Middle Street.

At a meeting of the Library Committee held Wednesday night at the library rooms, it was decided after due consideration and discussion, that the library could not move forward one bit more until it owned a permanent home. An opportunity was presented to purchase the property between the Christian Science church and Mr. Hugh Lovick's residence on Middle street, now the home of Mr. Morris Sultan. The opinion of substantial business men, several of whom were present and entered into the discussion and the plans, was that the property is very desirable and the price reasonable; also that the amount required to put in it would never depreciate, but that because of the location, the property will increase in value all the time. Now the committee decides that the very best way to secure the funds necessary to purchase to purchase this property is to adopt the plans for similar public enterprises. The president appointed six captains from the regular library committee, who are to appoint six assistants each and these six companies composed of representative men and women of the town will shortly make a whirlwind campaign of the entire town for subscriptions for this great work. A clock will be placed in some convenient location and immediately after the daily meeting of the companies, the hands of this clock will be pushed up. The entire week beginning Tuesday the 20th of February will be devoted to this work until \$4,000 the amount necessary for the purchase of the home and lot and essential readjustment of the Sultan home for library purposes, is raised. The committee is dead in earnest and feel that the work which they represent is worthy the time and money of every citizen of New Bern. We have the best location for a beautiful and bustling city in eastern Carolina; we have the best and most beautiful streets of any town in the state; we have many exceptional advantages here in New Bern and let's get busy, subscribe liberally when the ladies and gentlemen come around and let's make our library the best anywhere. To provide a good home for this library is the next step necessary right now towards the best library.

VOICE OF THE PEOPLE.

SOME THOUGHTS FOR ROAD MAKERS.
Editor Journal.—We have had some very good roads during the dry months last year, but some of our public roads about Bellair have not been touched for repair in three years. A macadamized road lasts only a little longer than that with no repair at all; and of course our sand clay roads cannot be expected to last indefinitely with no repairs. We have had some system of road building, now cannot our commissioners give us some system of road repairs, and surely the sooner a branch is repaired the less it takes to repair it. A very little attention given to our roads at the proper time, once they are properly built, will keep them in good repairs.
The only preparation being necessary is some good road drags, at proper intervals used just at the right time all this mud tax can be avoided by the split log drag. One pair of mules with the drag, will do more good to the roads than two pairs with the road scraper. The scraper is almost a nuisance after the road is properly built, the drag doing much better work with less than half the cost.
We hope our roads will not be totally neglected now we are so near to the realization of good roads in our township.
Perhaps the county could furnish road drags at a cost of two or three dollars a piece, and have them distributed at intervals of 4 or 5 miles apart, and if the farmers wish good roads, they would drag them at a cost not to exceed 25 cents a mile and if done after every rain and while still soft, our roads would soon be clear of ruts and bumps.
We are paying taxes enough to have good roads, we think, and if not let us pay it, and have good roads.
D. LANE.

COLDEST WEATH- ER OF SEASON

Prevailed in This Section Sunday Night and Monday Morning. Snow Still Remains.

Five degrees above zero was the official record of the temperature in this city yesterday morning at an early hour. However, a number of individual thermometers which are claimed to be reliable, touched the zero mark. This is the coldest for the present season and also for several seasons past.
Combined with the extreme cold was the six inch snow which fell Saturday night. This of course made matters much worse. Particularly with travel. But few horses were taken out during the early part of the day and the few which were seen on the streets were having all that they could do to make any progress. Hundreds of waterpipes were frozen and consumers were caused much trouble. Many of these pipes burst and when they became thawed out there was a job for the plumber. There was a coat of ice far out into both the Neuse and Trent rivers and along the banks the ice was so thick that skating could be done with safety.
All of the roads leading into the city were in such a bad condition that travel over them was almost impossible and on account of this fact the rural free delivery mail carriers did not go out on their routes, however they will endeavor to go out today. The weather bureau predicts a rising temperature today and the majority of the snow will doubtless entirely disappear within a day or two.

The Mexican Rebels have continued their plundering expeditions.

WILLIAMS' KIDNEY PILLS
Have you neglected your kidneys? Have you overworked your nervous system and caused trouble with your kidneys and bladder? Have you pains in loins, side, back, groins and bladder? Have you a flabby appearance of the face, especially under the eyes? Too frequent a desire to pass urine? If so, Williams' Kidney Pills will cure you at Druggist, Price 50c. Williams' M'f'g. Co., Proprs., Cleveland, O.

The Republicans are preparing to advance on Feking on account of the two liberal terms offered the Manchus.

BAKER BRYAN PLACED ON WITNESS STAND

Said he Thought Revolver Was Loaded With Blank Cartridges. State Rests Their Case And Defense Puts on a Large Number of Witnesses. State Tears Down Much of Their Evidence.

Taking of Evidence Will Doubtless Consume Entire Session Monday. Arguments Will be Made Tuesday. No Civil Cases Will be Called Until Wednesday. The Days Proceedings.

With a court room packed to its utmost capacity the Baker Bryan murder case was resumed yesterday morning at 9:30 o'clock and continued until 5:30 o'clock in the afternoon.
A large number of witnesses were placed on the stand by both the State and the defense and much interest was manifested in the evidence given by them.
Judge Foushee stated just before the close of the day's session that the case would hardly be concluded before Tuesday afternoon and that no civil cases would be taken up until Wednesday. The following evidence was given by the witnesses:
MR. DAN SMAW'S EVIDENCE.
Mr. Dan Smaw was the first witness placed on the stand. Stated that he was in the embalming and undertaking business with Mr. H. K. Simpson. That he prepared Avery's body for burial and assisted in the autopsy. He then identified the bloody clothing which had been taken from Avery's body. Said he noticed the powder marks on a rose in the lapels of the coat. Did not examine the pockets of the coat and could not say whether there was any weapons in the pockets. That Avery was a man of small build and probably weighed 125 pounds.
DR. RAYMOND POLLOCK'S EVIDENCE.
Dr. Raymond Pollock stated that he was called to see Will Avery on the night he was shot. Found him at 81 West street in a back room on the second floor. Examined him and found a bullet hole in his breast. Was dead when he arrived. Was present at the autopsy and identified the coat worn by the dead man. He then told in detail of the course the bullet took after entering Avery's body and of finding the bullet beneath his right arm.

MR. F. B. AVERY'S EVIDENCE.
Mr. F. B. Avery, father of young Wm. Avery, was next placed on the stand. He said that he remembered the suit of clothes worn by his son on the night he was killed. He then identified the clothes on exhibit. Said his son was 23 years of age.
JODIE GODLEY'S EVIDENCE.
Jodie Godley, a young man who lives at Ernuls, said that he was with Ralph O'Neal on the night of the shooting. Saw Baker Bryan run to the window of his house. Then Bryan ran out and began cursing them. That he soon cooled down and sent into the house for whiskey. While they were drinking, Avery, Shaw and Collette passed by and that Bryan hailed them and called them some bad names. They answered him and that Bryan then ran up to them, struck Collette and shot Avery. The three boys then ran and Bryan followed them for a short distance. When he returned to the house he said "That's the way to treat the———" That he (Godley) and O'Neal then came on down town, **CHIEF OF POLICE LUPTON'S EVIDENCE.**
Chief of Police C. Lupton said that on the night of December 25th last he was called to Cedar street and found Wm. Avery dead at 81 West street. Then went to Bryan's house and placed him under arrest. That Bryan denied being out of the house since 8 o'clock. Then began searching for witnesses. Collette told him how the shooting occurred and of the events which happened immediately afterwards. That Morgan Shaw also made about the same statement as that made by Collette.
At this juncture the State rested its case and the defense began the examination of their witnesses.

CAPT. WAY'S EVIDENCE.
Capt. Way of the Salvation Army was the next witness placed on the stand. He said that he had visited the jail recently and had seen Baker Bryan and John Collette. Said that Collette had told him that he did not believe Bryan killed Avery on purpose and he was sorry he had to appear against him. Mrs. Way was placed on the stand and told practically the same story as her husband.
MR. W. H. GRIFFIN'S EVIDENCE.
Mr. W. H. Griffin, one of the members of the local police force, stated

cartridges in the pistol which Bryan had on the previous night.
D. H. STALLING'S EVIDENCE.
Durham H. Stallings stated that he was employed at W. T. Hill's sporting goods store as a salesman. That on Christmas night he had sold a quantity of fireworks to Raymond Duncan and Ed. Shultz, two of Bryan's friends. Also sold them several boxes of blank cartridges.
ED. SHULTZ'S EVIDENCE.
Ed. Shultz stated that he had been in New Bern about 10 weeks. Knew Baker Bryan and Raymond Duncan. Spent practically all of Christmas day at Edna Allen's house. That Bryan was in the house practically all of that day. Said he and Duncan came down town and purchased \$15 worth of cartridges and fireworks. That they went back to the house and spent some time in firing the cartridges. He then went into detail in regards to the murder. The substance of which was that Bryan did not know there was a bullet in the revolver when he fired at Avery. On cross examination the State showed that Schulz was a man with an unenviable reputation and in many ways tore down his evidence so that it was evident that it was unreliable.
Edna Allen, Rose Morris and Ida Rhodes who live on West and Cedar St. told of being in the house with Baker Bryan on the night of the shooting and of the celebration by the occupants of the house by shooting blank cartridges and fireworks. Their evidence consumed considerable time but in the opinion of many was immaterial. The cross examination of these women showed that they were women with not the least evidence of character and that they were associates of Baker Bryan.

CLAUD WHITFORD'S EVIDENCE.
Claud Whitford said he was with Ralph O'Neal at Edna Allen's house when the shooting occurred. Told of Bryan coming out and telling them that some one had thrown a fire cracker in the window. Bryan sent Raymond Duncan inside after some whiskey, that Avery, Shaw and Collette then came up and that Bryan said something to them and then pulled a gun from his pocket and fired. Did not remain any longer and did not know what happened next.

BAKER BRYAN'S EVIDENCE.
Baker Bryan said that on the night of the shooting he was at Edna Allen's house. That he picked pistol up and did not know it was loaded. Had been very friendly with Wm. Avery and would not have shot him for anything. At this juncture court took a recess until Monday morning at 9:30 o'clock.

ANNOUNCEMENT.
Fellow citizens of Jones County. Having been incapacitated for labor for the last seven years, and having spent the most of my substance in trying to regain my health, while yet feeble, I think I could perform the duties of an office as well as any other man who has health and not in need of the office, while giving an office to me would amount almost to charity.
And now therefore, I announce myself as a candidate for the office of County Treasurer and call upon my friends all over the county to come to my support. This will be a small matter for each one, but a great favor to me, and if you will elect me I promise to fill the office as well as any of the aspirants.
I ask my fellow citizens to consider my claim, and give me your support.
I am yours very truly,
SAMUEL S. HARRIETT.
Follocksville, N. C.
Feb. 12, 1912.

Wm. J. Bryan intimated recently his willingness to testify before the committee investigating the money trust.

On every can of this coffee you'll find this printed GUARANTEE: If after using the coffee you are not satisfied in every respect, your money will be refunded you the money paid for it.
LUZIANNE COFFEE
THE REEVE-TAYLOR CO.
NEW ORLEANS, U.S.A.

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And now therefore, I announce myself as a candidate for the office of County Treasurer and call upon my friends all over the county to come to my support. This will be a small matter for each one, but a great favor to me, and if you will elect me I promise to fill the office as well as any of the aspirants.
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