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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 Ernie's, 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 his key. 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 J. (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.

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 witnesses of the shooting, said that he

cartridges in the pistol which Bryan had on the previous night.

D. H. STALLING'S EVIDENCE.

Durham H. Stalling 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.

E. J. 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 Shultz 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 someone 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.

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 Soltan. 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 a point six assistants each, and these six committees composed of representative men and women of the town will shortly make a widespread 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 committee, 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 requirements of the National home for library purposes. It is related that the committee is dead in earnest and feel that the work which they are undertaking is worthy the time and money of every citizen of New Bern. We have the best location for a permanent

SCHOOL NEWS OF THE WEEK

Graduating Class at Work on Their Essays. Several Grades Divided. Domestic Science Teacher Resigns.

The essays have been assigned the graduating class and this much talked of task is on. There should be no very great trouble in this work, which is the last requirement of the course in composition. All through the grammar grades the essentials of correct writing are drilled and illustrated. Then beginning with the 8 B Grade, we now have three years in which a more advanced study of composition is pursued. At least once a week, for this length of time, three years, a piece of English work is written, handed in, corrected, returned and afterwards discussed with the class and often with the individual.

In the Literature courses especially and more often, but in almost every course pursued in High School, topics for research and fairly long written work on the same are required. The task in this essay writing is to read widely on the subject assigned, for several weeks, then organize this information into a reasonable outline in accordance with the laws of good composition, planning then to write out, in the easiest best English possible, the facts thus collected. Of course copied work is not accepted, and as the instructor has been reading the written work of each pupil for three straight years, the style and ability of each is pretty well known. As the word essays implies, this work is a trial, a first attempt at formal finished writing.

On account of the crowded condition of the 8 B Grade, it has been necessary to divide the grade into two sections, and Miss Mamie Hunter Richardson was transferred and placed in charge of the new section. In order to provide a room, a partition was placed in the 8B Grade room, in the Griffin Building and the 8B and 7A put in the small rooms, permitting the 5A Grade to be transferred from the Central Building into the Griffin Building.

Miss Mollie Heath was transferred from the 1st Grade to the Advanced 1st, going up with the grade, and Miss Sara Richardson was placed in the lower section of the grade.

The 4A, 4B and 5B grades still have over fifty pupils each.

The trained bird and animal exhibit, which was given for the benefit of the Athletic Association on Monday afternoon, was very well attended and \$5.65 was realized to help pay the indebtedness of the Athletic Association.

On account of sickness, Mrs. Lyon Ferguson, teacher of Domestic Science, has been compelled to resign her position. Mrs. Ferguson left here sick, during the week of the snow and went to her home in Durham, and has not sufficiently recovered to take up her work during this term.

3:45 p. m. and 7:30 p. in entertainments at The Athens.

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 maccadamized 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 breach is repaired the less it takes to repair it. A very little attention given to our roads at the proper time, when they are properly built, will keep them in good repair.

The only preparation being necessary is some good road drag, 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 drag 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 with good roads, they would drag them at a cost not to exceed 20 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.

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2. It pays 4 per cent compound interest.
3. It receives small as well as large accounts \$1.00 and more.
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SALE A BIG SUCCESS

While we have had a great sale, we still have a hand a big stock of Mens and Boys Clothing, Overcoats, Ladies Coat Suits, Underwear, Dress Goods etc., that must not be carried over. We will close out all of this winter's stock regardless of cost.

We thank the public for their patronage and invite them to our store to inspect our New Goods that are arriving daily, and we promise to save you money.

No Fancy Prices On Our Goods, We Only Want to Make a Living.

J. J. BAXTER
ELKS TEMPLE DEPT. STORE

HORSES & MULES

Fifty head of fine Horses and Mules now in stock. Must be sold. PRICES AND TERMS REASONABLE.

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To get those Great Bargains at the Fire Sale--We offer Greater Bargains than ever.

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MARYLAND CASUALTY CO. OF BALTIMORE.

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Maintains Claim Department in North Carolina through which all claims are promptly investigated and satisfactorily adjusted.

SPECIAL FOR TO-DAY

We place on sale 25 doz. Misses Middy Blouse all sizes. A Value at 75c Sale Price 50c.

Just received 50 doz. Ladies Shirt Waist, \$1.25 Values, Sale Price 69c. An assortment that will appeal to any lady.

S. Coplon & Son
SELLS IT FOR LESS
LITTLE OUT OF THE WAY, BUT IT PAYS TO WALK TO COPLON'S

LUMBER FOR ALL PURPOSES

may be had from us. We are manufacturers selling direct to the public from our own retail yards, and can supply you with pine lumber of any grade or finish, at attractively low prices. Ask for our estimates on your requirements.

Broadus & Ives Lumber Co.

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AUTOMOBILE

GOOD CONDITION

ENNETT'S BOOK STORE

WE SOLICIT YOUR TRADE

on all kinds of coal—for heating and cooking in the house, for the furnace in shop or store, for steam engine purposes in factory or mill, fully confident of the quality of our fuel, its cleanliness and our facilities for prompt delivery. We will appreciate a trial order.

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