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GUILTY OF MURDER IN THE SECOND DEGREE IS VERDICT OF JURY THAT TRIED VANN And Twenty-Five Years in The State Prison At Hard Labor Is the Sen- tence Imposed By Judge Lane

DEFENCE WILL TAKE AN APPEAL

His Face Blue with the Strain of the Trial Benjamin Vann Hears Jury Return Verdict Against Him and Shudders Under Judge's Sentence-- The Case Still A Mystery and Verdict Meets With Popular Approval

On Wednesday morning shortly before ten o'clock a verdict of guilty of murder in the second degree was brought in against Vann, and at about eleven thirty o'clock the prisoner was sentenced to thirty-five years in the penitentiary.

Court had been called to convene at a quarter past nine, but counsel for the defense was late. The court room was filled by the appointed hour and there was a short and nervous wait on the part of court and spectators before the last stage in the battle for the man's life could begin.

At about half past nine however, W. M. Bond made his appearance pushing his way thru the crowded aisle toward the bar, and he was followed in less than two minutes by Judge Ward.

While waiting for court to open Vann sat apparently composed. For once the inevitable quid of tobacco was not in evidence. Vann's jaw was motionless. His face naturally dark was almost blue, as if from cold. He folded and refolded a handkerchief which he held in his hands.

The face of the guilty man when the jury returned their verdict, was inscrutable. But he covered his mouth with his fan. One standing behind him could see that his mouth up to this time held rigidly closed was working and twitching with feeling.

From time to time, too, his mouth could be seen to contract as he labored for self control.

Apparently, however, the greatest shock came to him in the sentence of Judge Lane. For a second his face was convulsed and he shrank as if for a blow. Upon hearing the sentence, the defense immediately asked the court to note an appeal.

Vann's mother was absent during this last session of the court. She collapsed Tuesday. Neither were his sisters present for the final act of this drama. Following the judge's charge on Tuesday night they were led from the court room weeping as for one whom had laid in his grave. They did not appear again. Mr. and Mrs. Layden, the parents of the murdered boy, were present. They expressed themselves as satisfied with both the jury's verdict and with the sentence.

Judge Lane's words in passing sentence upon the prisoner were serious and impressive. He spoke of the heavy burden of responsibility that had been on his mind from the beginning of the trial. He declared that in passing sentence upon a prisoner he could

not permit himself to be swayed by sympathy or sentiment: that if he had thought himself one to be so swayed he would leave the bench. "On the other hand," he said, "if I thought myself one who could feel no sympathy for the unfortunate, I would leave the bench." Judge Lane then stated that he concurred with the jury in its verdict, and that he was about to pass a sentence upon the prisoner which, while it would deprive him of his liberty, until he was a man of full maturity, would yet set him at liberty in time to enable him to redeem his wasted life. If there is error in the sentence that I am about to pass," he said, it is all the side of mercy. Many thought from the language that the term of imprisonment would not be above fifteen years. There was evident approval however, when the judge's final words fixed the time almost at the limit allowed by law for offense. Yet few would have asked for an additional five years to be added to the prisoner's sentence. As he sat there, one pudgy hand from which extended tapering, slender effeminate fingers, resting on the table before him more than a boy and yet hardly a man, evidently in ill health, one could not help but feel that his sentence was all that and perhaps more than he would be able to bear. Helpless, friendless, under the ban of a heavy sentence he passed for the last time from the court room.

Judge Lane, who passed sentence upon Vann, is under thirty five. When, in the latter part of July word reached Elizabeth City of the mysterious disappearance of young Oliver Layden from the Belvidere section, the Advance was the only paper that featured the story. The Advance reporter made a special trip to the Belvidere section to get the details of the disappearance; and until the body was found some three weeks later this was the only paper in which the facts, substantially as they have since been brought out on trial had appeared.

With the discovery of the body, however, the matter took up additional interest and this week as the trial came on the case has attracted much attention and has been given wide publicity. So far as the defense was concerned, practically nothing was brought out on the trial that had not already appeared in the Advance. But the defense sprung a decided sensation on Monday of this week when they put the

prisoner on the stand, and admitting the killing of Oliver Layden by Ben Vann, undertook to show, by the defendant's unsupported testimony, that he deed was done in self defense. Vann's story was about as follows: On Thursday morning, July 11th Cliver Layden came to Vann's home and asked Vann to take a trip to town with him. Vann agreed to do so and Oliver waited for him at the house until Vann had dressed and had gone to the store for his wheel. The two then set out for Elizabeth City.

But on the way to the store Vann had obtained a pistol from a neighbor, named Lamb. Vann testified that he told Lamb he would take the pistol to Elizabeth City and, if it did not cost too much, have it repaired and buy it.

When Vann got back home, he and Layden set out for Elizabeth City making several stops on the way. The route taken, according to Vann's testimony, and the stops made, were the same as had already been set forth in the testimony of the prosecution. The two reached Elizabeth City early in the morning, hot, dusty and fatigued. They went at once to Bagley's stables to rest. Leaving their wheels in front of the stables, the two boys went back into the rear; and there a difficulty occurred. Oliver had worked for Vann in the latter's store; for which at this time Vann was due the boy \$4.50. But Vann had sold Oliver a wheel for which the boy had not paid.

While in the rear of the stables Oliver asked Vann for the money due him. Vann reminded Oliver of the amount due on the latter's wheel, which amounted to about thirty dollars.

Oliver said that it had been the agreement that this wheel was to be paid for in the fall. Vann admitted this, but said that it had also been agreed that Oliver's work in the meantime should go on the debt. This Layden denied, calling Vann a liar. Hot words followed and finally Vann, offended, declared his intention of returning home without spending any money on Layden. Then Vann testified, Layden declared: "If you do that you'll never see the sun set again."

Vann, thereupon, started home, followed by Layden. Just before the two reached the railroad, Oliver passing Vann took the lead and kept it until they reached a part of the railroad.

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THE ALKRAMA OPENS SOON.

A DESCRIPTION OF ELIZABETH CITY'S NEW THEATRE AND SOMETHING OF WHAT MAY BE EXPECTED WHEN IT OPENS NEXT MONTH.

On McMan St. just back of the big Kramer Building, carpenters, contractor and managers are busy at work on the brand-new up-to-date theatre that the Hinton Brothers are erecting under the supervision of Mr. J.P. Kramer, for the managers, Messrs Kramer and Nutter.

This building, for which the public have been clamoring for several years will be one of the prettiest, most comfortable and most convenient theatres that can be found in the state. It will be steam heated, and supplied with the newest devices for lighting and ventilating. The color scheme inside will be white trimmed with meteor gray, and the exterior will be two colors of pressed brick, with cornice and wood work to match.

There will be four boxes in the new theatre, and it will have a seating capacity of 750. The galleries at the end of which, near the stage the dressing rooms are located, will seat several hundred. Inclined floors will insure to the audience even on the back seats a full view of the stage, in fact, special care has been taken that every seat in the house, upstairs or down, shall command a good view of the actors and the play represented. The inside dimensions of the theatre are 50 x 100 feet and the ceiling is 26 feet high. The stage is the same size as the one in the Granby theatre in Norfolk, the opening being 16 x 26 feet and the stage itself 22 x 24 feet. The orchestra will enter the theatre from a door under the stage.

The managers, Messrs Kramer and Nutter will spend about \$2,500 on the seats and scenery in the theatre. A new moving picture machine has been ordered and will cost about \$300 and will be used for the first time on the night of the opening of the new theatre. The machine will be installed in the gallery, at a distance of 80 feet from the stage. The drop curtain for the stage of the Alkrama is a beauty. The scene depicted thereon is copied from the well known picture, Christmas Eve, at Mt. Vernon. A crowd of merry young people in the quaint, bright costumes of Colonial days are holding high festival in the stately drawing room at Mt. Vernon. In the centre of the room hangs a big bunch of mistletoe, beneath which a gallant youth has nearly succeeded in enticing a (seemingly) unsuspecting maiden. Washington and his lady are standing near, and the great general relaxing from his usual austere demeanor is smilingly watching for the usual denouement that follows when a man, a maid and a sprig of mistletoe are brought in close proximity.

Mr. Benton and Goodfellow are the artists, whose skillful brushes have painted the curtain, and the scenery to be used in the new theatre, will be a product of their talent. These gentlemen have had a great deal of experience in scenery painting. Mr. Benton painted the scenes for the Ben Hur tableaux in one of the great New York Theatres several years ago.

Messrs Kramer and Nutter are negotiating for a grand opening attraction to be presented early in October, and other first class productions will follow later. Indeed, the public may

feel sure that nothing will be presented on the stage of the Alkrama to which the most cultured and refined audience could object. A good play will be rendered by high class artists once a week, and on the other evenings, the moving pictures will furnish the public with still greater attractions than those with which Messrs Kramer and Nutter now delight the town.

Much of the prosperity of our town is due to the enterprises established in Elizabeth City by the Kramer Brothers who are among our best and most progressive citizens.

To Mr. Allen Kramer, who has for years, had at his heart, this project which he has at last brought to a successful consummation, the town is indebted for the erection of this handsome, up to date theatre. The patronage which the public will undoubtedly give this new enterprise will prove that the building of the Alkrama fills a long felt want.

Secretary Lamb of the Fair informed us that he had closed a deal with the manager of Robert G. Fowler, "The World's greatest Aviator."

He will make two flights daily during the fair. Applications for concessions are being received daily. No privilege has been granted for the restaurant as yet. A local bidder will be preferred.

A feature in the Albemarle Agricultural and Fish Association Fair that should attract wide attention is the trotting races which are to occur on the three principal days of the Fair.

The committee on the races are C. W. Stevens, M. B. Sawyer, and P. V. Scott. These gentlemen will see to it that all preparations are made to carry out the program of the races for the fair in every detail. Over \$1500 in purses will go to the winners of these races and there are to be three races every day of the fair.

AEROPLANE FLIGHTS AND INTERESTING TRACK RACES

Contract with Noted Air Man Concluded and splendid Program of Races expected---Purses Aggregate Over \$1500.

MR. ELI ELLIOTT DEAD

Hertford, N. C., Sept., 26--Mr. Eli Elliott, brother of Rev. Josiah Elliott of this town died at his home here on last Tuesday, September 24th. His remains were laid to rest in the cemetery here yesterday, his grave being beside that of his wife. Mr. Elliott lived in the same house with his brother, and died in the latter's arms. The devotion between these two has been marked and beautiful to see. Mr Elliott had been failing in health for some time, but had been confined to his room for only about a week. From youth he had been a faithful and consistent member of the Baptist Church, and had been a deacon in his church for many years. He came to Hertford about thirty years ago and has held that office in this church here ever since. He was active in all church work besides, having served as superintendent of more than one Country Sunday school in this section where Sunday school workers were scarce. Two of the schools that he served in this way were Center Hill and Great Hope. Mr. Elliott was especially fond of the Advance and read with particular zest the contributions by "Bob" Peele. He is survived by a son and two daughters. The daughters are Mrs. L. W. Norman and Mrs. W. M. Maddry. The son is living in a distant state and was unable to reach his father's bedside or burial.

WELCH--WINSLOW

Belvidere, N. C., Sept., 25th--A quiet, but very pretty home wedding was celebrated at the home of the bride's parents, Mr. and Mrs. Robert J. Winslow at Belvidere, N. C. on Wednesday September 18th when their daughter, Miss Elizabeth Winslow became the bride of Mr. William H. Welch, of Tyner N. C.

The home was beautifully decorated with house plants, asparagus and goldenrod. Shaded candles cast soft radiance over the lovely scene. Only a few relatives and friends of the bride and groom witnessed the ceremony which was performed by Rev. Josiah Elliott of Hertford N. C.

The bride was given in marriage by her father and was charmingly gowned in a modish suit of blue cloth with hat and gloves to correspond.

Miss Lucy White of Belvidere was maid of honor and Miss Lucy Byrum of Sunbery was bridesmaid. Both wore beautiful lingerie frocks and carried bouquets of goldenrod and asparagus.

Mr. Earl Welch acted as best man for his brother and Mr. Joe Winslow, brother of the bride was groomsmen.

Following the ceremony a delightful luncheon was served, after which Mr. and Mrs. Welch left for a trip to the beautiful "Sapphire County."

MISSIONARY INSTITUTE TO MEET

The Missionary Institute of the Elizabeth City Division will meet with the Ahoskie Baptist Church on October the 9th and 10th. All delegates are requested to send their names to Mrs. J. C. Jenkins Ahoskie, N. C. not later than October 1st.

CHAMBER OF COMMERCE MEETS

The Chamber of Commerce holds its regular monthly meeting in the Court House to-night. A good attendance is desired and urged.

Mr. Loyd Berry of Belemore was in town Tuesday.

LYCEUM COURSE TICKETS

Season tickets for the Lyceum Entertainment Course for the coming winter are being sold today under the direction of the Board of Education and Prof. Sheep.

A liberal patronage for the season's entertainments is bespoken and to that end it is urged that all friends of clean, wholesome, entertainment in Elizabeth City get in on the ground floor by buying season tickets, \$550 worth must be sold to insure the course.

Capt., and Mrs. R. R. Cox of this city are taking a trip in Virginia where they will probably be gone for two or three weeks.