

DEFENSE IN MEANS CASE AT CONCORD OFFERS NO TESTIMONY AND ARGUMENT IS IN PROGRESS

Counsel for Gaston B. Means, Charged With the Killing of Mrs. Maude A. King, Contend There is Not Sufficient Evidence to Warrant the Court in Holding the Defendant for Superior Court—Judge Frank I. Osborne Opens Argument in Behalf of the Accused Man and Takes Issue With the State's Experts—Solicitor Clement Makes the First Speech for the Prosecution.

ORDER DIRECTING THE SURRENDER OF SEIZED PAPERS

(By Associated Press.)

Concord, Sept. 25.—Counsel for Gaston B. Means today obtained an order from Circuit Judge James L. Webb, at Gastonia, directing that all documents seized in Mean's apartments in New York, including the alleged second will of James C. King, be delivered to the Clerk of the Court of Cabarrus county.

The order was signed by Gaston B. Means and Mrs. Mary C. Melvin as plaintiffs and directed against John Dooling of District Attorney Swann's office in New York, and other New York officials aiding in the prosecution of Gaston B. Means.

(By Associated Press.)

Concord, Sept. 25.—At the opening of the second day of the preliminary hearing of Gaston B. Means, charged with the murder of Mrs. Maude A. King, the defense announced in court that it would offer no evidence but would argue for a dismissal. The State closed its case yesterday. It was announced that no habeas corpus had been applied for.

Frank Osborne, of Charlotte, opened the argument for the defendant, informing Magistrate Pitts that the defense would show that the State had not established a case on which to bind Means over on a charge of murder. After preliminaries had been announced, Mr. Osborne said it was necessary in this case to show the character of the defendant.

"I could call on your honor to testify to the good character of the defendant," Mr. Osborne said. "You have known him all his life. He added, 'I ask you, therefore, to take into consideration the character of defendant in making your decision.'"

"The State," he declared, "has not brought direct evidence to show that Means was connected with the death of Mrs. King. The State claims the defendant killed Mrs. King," said Osborne, "and if such a crime has been committed it calls for a charge of first degree murder."

Mr. Osborne then briefly described the State's theory that Means killed the woman. He said: "The State has no direct evidence to connect the defendant with the killing of Mrs. King. The State's case rests only on the statement of these experts," referring to Dr. William H. Burmeister, of the coroners office, of Chicago, and Dr. Otto Schultze, of District Attorney Swann's office, New York. Both of these men, after qualifying, gave it as their opinion that it would have been a physical impossibility for Mrs. King to have shot herself in the back of the head. Continuing, Mr. Osborne said: "The State has not shown that the pistol which killed Mrs. King was in the hands of the defendant when the woman died. He then began to analyze the testimony of Dr. Burmeister, taking issue with him on his findings. "Dr. Burmeister based his whole case on the fact that he found no powder burns," Mr. Osborne claimed. "If he had found powder burns or stains he would have admitted the woman killed herself."

Mr. Osborne said that Dr. Schultze, by experiments, came to the conclusion that the woman could not have killed herself without his taking powder marks into consideration. The only thing on which these experts agree is that the woman was not accidentally shot.

Mr. Osborne then began an extended discussion of experiments which the State's experts made. "The theory of the experts that Mrs. King could not have brought the pistol muzzle to bear on the spot where she was shot in the back of the head rests upon the supposition that when the weapon was discharged she held it in her right hand and fired in an unusual manner. Who told these experts the pistol was in the hands of

AFTERNOON SESSION OF THE KING CASE

The Testimony of Captain Bingham and Others Taken in the Justly Celebrated Concord Case.

(By T. C. Linn, Jr.)

The afternoon session began at 2:35. Captain Bingham, who was being examined when the morning session closed, again took the stand and told about the scene at Blackwelder's spring on the night of the death of Mrs. King. In reply to questions by Solicitor Clement he said that when he heard Gaston Means call for help, he came as fast as possible to the spring. On reaching there he saw Captain Bingham then went over to Mrs. King, could tell that she was injured, but did not see the wound.

"I'd better go for a doctor," he stated that he said.

"Put her in the automobile and take her to town," Gaston is said to have replied.

"How long did it take you to put Mrs. King into the automobile," asked Solicitor Clement.

"I don't know," answered Captain Bingham laconically. "Seemed like about four hours."

"Didn't you testify in the coroner's investigation that the street lights were on when you started out target practicing?" questioned Mr. Clement.

"I don't think I did," answered Captain Bingham.

The solicitor then picked up a type-written account of the coroner's investigation and read an excerpt in which Captain Bingham had testified that the street lights had been on.

The counsel for the defense objected to the question with the result that Captain Bingham answered it had been half daylight and half moonlight. Thereafter he was dismissed.

D. W. Andrew, night clerk at the Yarkin hotel, Salisbury, N. C., was then called upon, being asked by Solicitor Clement whether he remembered if Gaston Means ever registered at the Yarkin hotel. He replied that he did and, upon being asked to produce his register, opened it and showed that Gaston B. Means and Mrs. James King, both names in Means' handwriting had registered at the hotel on the night of August 18.

"Where did they come from," asked the solicitor.

"I don't know," said the clerk "no train was due at that time."

"They couldn't have come from Asheville, could they," asked Mr. Cansler, for the defense.

"The train would have had to be three hours late," replied Andrew. He stated his belief that Means and Mrs. King had come to the hotel by automobile this was information given him by his porter.

Charles Dry, next called to the stand, testified that he lived on the Concord-Gold Hill road about four miles from Concord. His house, he said, was about nine hundred feet

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CASE AT CONCORD ONE OF INTEREST

Difference of Opinion as the Case is Proceeding and Outcome as Viewed by the Outsider.

EVIDENCE WAS TAKEN BY STATE MONDAY SITTING

Solicitor Clement Made a Strong Presentation of His Case at the Hearing Before Magistrate.

A report came out of Concord last night that the defense in the Means case had applied to Judge Webb for a writ of habeas corpus for their client. The report said that Attorney E. T. Cansler of the Means counsel had gone to Gastonia for this purpose. Later the Charlotte Observer got in touch with the Charlotte attorney and he denied that he had done any such thing, though he admitted that he had gone to Gastonia. Judge F. J. Osborne, at Concord, also issued a denial to the same effect.

Defense Was Taken Unawares.

After several hours of evidence the state in the Means case rested and court adjourned till this morning. The state had introduced evidence to show the improbability of the Means story of the killing and to show sufficient cause for holding Means for the Superior court. Solicitor Clement said late in the day that he had no intention of introducing further evidence until another move made it advisable. He considered that he had offered evidence sufficient to show probable cause and to hold the man for trial. The unexpected turn of the state—resting its case so unexpectedly, rather puzzled the defense and the adjournment of the court was followed by the conference of the numerous attorneys for the defense.

Court House Packed.

The Cabarrus county court house was packed to the roof yesterday. Men, women and children earnestly desired to get into the auditorium where Esq. C. A. Pitts was hearing the evidence which would go to bind Gaston B. Means over for trial for his life. One man was injured in the crush and women shouldered vigorously with members of the stronger sex to get within hearing of the court. Numerous evidence was at hand to show that there was considerable feeling. Much anti-Means sentiment was shown as the case was being heard, so much so that the cheering brought the magistrate to his feet to demand order and threaten the disturbers.

Gaston Means sat with his numerous attorneys and was accompanied by members of his family. Representing Means are the following lawyers: Messrs. Osborne and Cansler, of Charlotte, Frank Armfield, of Monroe, and Messrs. Means, Caldwell, Hartsell, Manus and Williams of the Concord bar. With the solicitor sat the assistant district attorney, of New York, and Attorney General Manning.

Clement a Strong Force.

Solicitor Clement was strong in his presentation of the case. The young solicitor was as calm as could be, simply moved along with ease and precision. He held his own with any and all comers and moved to his purpose as one who knew his objective and how to reach it.

Many Visitors in Concord.

The attorneys of neighboring towns showed their keen interest by attending the hearing. There were cars and cars parked along the main street. Between the line of cars on either side the moving traffic picked its way cautiously and the pedestrians hurried to catch the latest development. If one got within the court house his exit was the signal for an interview. From Statesville, Salisbury, Albemarle and Charlotte were many visitors. Among these were many numerous lawyers who wanted to see and hear the case at close range.

Difference of Opinion.

Quite naturally there were many opinions. Some thought the magistrate would hold Gaston Means, others doubted it. Some thought the evidence was sufficient and others expressed the opinion that it was

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"THE BEST I HAVE, I GIVE TO YOU"

MEANS BOUND OVER TO THE GRAND JURY

Concord, Sept. 25—The defense in the case of Gaston B. Means consented this afternoon to having Means bound over to the Grand Jury.

ARGENTINE BREAKS WITH GERMANY

Buenos Aires, Sept. 25.—The Chamber of Deputies today voted in favor of a rupture with Germany.

TOBACCO FOR THE AMERICAN SOLDIERS

Iris Theatre Will Collect Funds and Send to the American Soldiers Tobacco—Money Placed in Jar at Theatre Will go to Buying Smokes for Soldiers.

The Iris theatre has a jar out in front of the show house into which contributions may be made for the campaign to send tobacco to the men in the trenches. All over the land this campaign is being waged. The money is used to buy cigarettes, tobacco, pipes and chewing tobacco to be sent to the American soldiers in the trenches. The American soldiers will soon be in the trenches and the "smokes" bring much cheer and comfort to the men. The tobaccos are bought in a large wholesale way and 25 cents sent to the buying organization buys 45 cents worth of tobacco.

Those who wish to make a contribution to this cause may do so by dropping the money into the jar at the Iris. The money thus contributed will be taken care of by the theatre and properly forwarded to the proper persons and used to buy tobacco for the American soldiers.

RED CROSS MEETING.

There will be a meeting of the local chapter of the Red Cross tonight at 8 o'clock in the Community Building. All members are urged to be present.

WILLIAMS IS PUT TO DEATH TODAY

Iredell Negro Who Shot and Killed a Deputy Sheriff Was Electrocuted This Morning.

RESPIRE WAS GIVEN TO REPAIR THE MACHINERY

Previous to That the Negro Had Been Given a Respite in Order to Seek Pardon.

(By Associated Press.)

Raleigh, Sept. 25.—Charlie Williams, a negro convicted of having killed a deputy sheriff of Iredell county who was attempting to arrest him last June, was electrocuted in the state prison here this morning. The negro had been given a respite by Governor Bickett in order to give the authorities time to repair a defect in the machinery at the prison. Previous to this he had been given a little time by the governor in order that he might have time to prepare further defense in his case.

Accident Postpones Execution.

Raleigh, Sept. 24.—An accident to the powerful dynamo that supplies the current for the electric chair in the death chamber of the state's prison this morning had the effect of necessitating a 24-hour respite for Charlie Williams, the Iredell county negro doomed to die for fatally shooting a deputy sheriff in that county. It was when the dynamo started up this morning to test it out for the electrocution, which was to take place about 10:30 o'clock that a vital part of the apparatus was burned out and it was feared that it would not be possible to repair the damage in time for electrocution today; hence the appeal to Governor Bickett for a respite. However the damage was all repaired before noon and all is in thorough readiness for tomorrow, according to the prison authorities.

Williams had already benefited by a ten days' respite that was obtained from Governor Bickett at the instance of negro ministers who became interested in the prisoner and wanted to undertake to make out a case that would justify the governor in commuting the sentence to life imprisonment. This fell through, however, and there is no indication that there will be any interruption in the electrocution Tuesday morning.

Case of Local Interest.

Charlie Williams is the negro who several months ago shot and killed Deputy Sheriff John Miller, of Iredell county near Mooresville when the officer went to serve a warrant on him for some trivial offense. He was caught after an all day and night man hunt in which Sheriff Krider and other Rowan officers participated. He was tried at Statesville, convicted and sentenced to death, but was granted a respite in order that friends might

GERMANS ACTIVE NORTH OF VERDUN

Guns Are Still Bombarding General Petain's Chaume Wood Position—Other Attacks Made.

GREAT DEAL OF ARTILLERY WORK ON BRITISH FRONT

Surprise Attack Is Made On British Post Northeast of the City of Lens, But Repulsed.

(By Associated Press.)

The double air raid on England by German Zeppelins and airplanes last night resulted in the death of fifteen persons and the injury of more than seventy. Nearly all of the casualties were caused by airplane division, two machines of which reached London. The bombs of the airplane feet accounted for all of the killed and all but three of the injured according to official report today.

On the French front in Northern France the Germans are keeping up the activity north of Verdun. Their guns are still bombarding General Petain's Chaume wood position where the German infantry attacked yesterday but failed to drive the French from any portion of their line. A new attack was delivered last night in the Beaumont region to the southeast of Chaume wood and in this liquid fire was employed by the Crown Prince's troops. Here they again failed to gain ground and suffered heavy loss from the French fire.

The British front has quieted down considerably from the state of mark activity prevailing for a week or more. Nevertheless a great deal of artillery work is in progress, notably in Flanders and London mentions especially the energy being displayed by the German guns north and east of Ypres.

Further south in the Lens region a surprise attack has been made on the British post northeast of the city of Lens and was repulsed, while on the Somme front the British raided a trench.

Liquid Fire Attacks Repulsed.

Paris, Sept. 25.—Liquid fire was used by the Germans in their attack on the French on the Beaumont line front last night. The attack was repulsed with a heavy loss to the Germans. This was announced in the days official announcement.

Mr. William Wallace, of the 4th company Coast Artillery, is in the city, having been called to Thomasville on account of the critical illness of his sister. Mr. Wallace came to Salisbury this afternoon for a brief stay.

intercede in his behalf, and the date of execution advanced to September 24th. Monday an accident to the electric apparatus in the death chamber delayed the execution until today.

300 MORE MEN ARE TO BE EXAMINED

Local Exemption Board Makes Third Call on Rowan Men for Physical Examination Army

MUST REPORT THURSDAY, FRIDAY AND SATURDAY

One Thousand and Two Had Previously Been Called, This Making a Total of 1,302.

The local exemption board for the new national army has issued a call for three hundred more men from Rowan to present themselves for physical examination. One hundred of these to appear at the Federal building September 27th, one hundred September 28th and one hundred September 29th, this being Thursday, Friday and Saturday of this week.

In the two previous examinations one thousand and two men have been examined and this call totals one thousand, three hundred and two, out of three thousand five hundred registered June 5th. The following is a list of those called for this week, the star in front of name indicating colored.

- *Aaron D. Thompson, 215 N. Jackson St., Salisbury, N. C.
- *Edgar C. R. Trexler, R8, Salisbury, N. C.
- *William Ransom, 823 E. Morris St., Salisbury, N. C.
- *Charlie Hargrave, E. Spencer, N. C.
- Walter Hope Spry, Glass, N. C.
- *Calvin Smith, R. 4, Salisbury, N. C.
- Columbus A. Braton, Salisbury, N. C.
- Maurice E. Miller, 130 W. Hender son St., Salisbury, N. C.
- Adam M. Vannabro, R6, Salisbury, N. C.
- Wade Stephen Bost, R1, Salisbury, N. C.
- Luther Mack Overcash, China Grove, N. C.
- *Junius Tracy, Dorset Town, Spencer, N. C.
- Everett L. Kritzer, 405 Carolina Ave., Spencer, N. C.
- Charles G. Saba, 318 N. Main St., Salisbury, N. C.
- *Frank Lyster, Cleveland, N. C.
- H. H. Rink, 110 E. Bank St., Salisbury, N. C.
- Chas. A. Peck, 503 Hill St., Salisbury, N. C.
- Walter Mitchell Rodgers, Glass, N. C.
- David L. Hoffer, R9, Salisbury, N. C.
- *George Randle, Granite Quarry, N. C.
- Guy Preston Karriker, Mooresville, N. C.
- *Earl Mason, 527 E. Henderson St., Salisbury, N. C.
- *David Walker, 311 N. Church St., Salisbury, N. C.
- Burley Davis Shoe, Rockwell, N. C.
- Thomas Lee Shides, 131 E. Fisher St., Salisbury, N. C.
- James Parker Gardner, R2, Barber, N. C.
- Verna E. Lane, Long St. E. Spencer, N. C.
- John Thomas Morrison, Landis, N. C.
- Claude Logan, 20 Cooper St., Salisbury, N. C.
- Earl Fox China Grove, N. C.
- William Ramsey Culbertson, Woodleaf, N. C.
- George Franklin Bostian, China Grove, N. C.
- Henry Adam Morris, China Grove, N. C.
- P. Farnest Clik, Woodleaf, N. C.
- John Wm. Bringle, Granite Quarry, N. C.
- Richard Fuller Hamilton, R1, Salisbury, N. C.
- Luther Ernest Little, Cleveland, N. C.
- Junior S. Phelps, E. Horah St., Salisbury, N. C.
- J. Clark Morris, Granite Quarry, N. C.
- Earl Council Goodman, N. Church St., Salisbury, N. C.
- P. Price Surratt, 4th St. Spencer, N. C.
- Maurice Hurman Rickmond, 309 W. Council St., Salisbury, N. C.
- James S. Myers, 31 Park Ave., Salisbury, N. C.
- Charlie S. Sheets, 519 N. Shaver St. Salisbury, N. C.
- John Wm. Pethel, Kannapolis, N. C.
- John White Menius, R3, Salisbury, N. C.
- Richard H. Pence, R2, Salisbury, N. C.
- John A. Beaver, Kannapolis, N. C.
- Charley B. Sharpe, Vance Mill, Salisbury, N. C.
- *Clarence Eddleman, R8, Salisbury, N. C.
- Lewis G. Rainey, Empire Hotel, Salisbury, N. C.
- Charlie B. Fisher, R6, Salisbury, N. C.
- Sidney O. Sowers, 200 W. Lafayette St., Salisbury, N. C.

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