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## Preliminary Hearing Today of Gaston B. Means Charged With the Murder of Mrs. Maude A. King Near Here August 29

### TRIAL OF GASTON B. MEANS FOR THE MURDER OF MRS. KING MOVED BEFORE ESQ. C. A. PITTS

Solicitor Clement is Assisted in the Case By Attorney General Manning, Attorneys Dooling and Ambrose

WEDDINGTON FIRST WITNESS ON STAND

Mr. Means is Represented By F. I. Osborne, E. T. Cansler And Frank Armfield, With Members of the Local Bar

The preliminary hearing of Gaston B. Means on a charge of the murder of Mrs. Maude A. King began in the court house here at 10 o'clock this morning. Long before the hour crowds began to assemble at the court house and when the doors were opened every seat and all the aisles were filled in a few minutes. Many were turned away for lack of even standing room. The case was brought before Police Justice A. B. Palmer, and Mr. Means is represented by the following attorneys: Frank Armfield, F. I. Osborne, H. R. Williams, L. T. Hartwell, M. H. Caldwell, E. T. Cansler and J. L. Crowell.

Solicitor Clement is being assisted by C. B. Ambrose, of the Department of Justice, Attorney General J. S. Manning, Jno. T. Dooling, of New York, and P. C. McDuffie, of Atlanta.

The following is a list of the witnesses summoned for the State: Dr. Burnmaster, Dr. Schmitz, Dr. MacFadyen, Capt. Jones, W. S. Blingham, M. F. Ritchie, Miss Bertie Beugard, L. A. Weddington, Chas. S. Dry, Mrs. Chas. S. Dry.

The Solicitor announced that the State was ready. Judge Osborne, of counsel for the defense, presented a motion to move the hearing before another magistrate, which was granted by Police Justice Palmer. The Police Justice asked for a list of magistrates, and the case was moved before Justice of the Peace C. A. Pitts.

An order was issued to the sheriff to conduct all depositions. The defendant's counsel then announced that they were ready and entered a plea of "not guilty" for their client. The Solicitor then called in the witnesses to be sworn. Miss Hoover was sworn in as court stenographer.

The first witness to be examined was L. A. Weddington, he undertaker who had charge of the embalming and burial of the body of Mrs. Maude A. King. Mr. Weddington was examined as follows:

Question: Did you see Mrs. Maude A. King on the night of August 29? Answer: I did. Where? In the hospital. Did you move the body to the undertaking rooms? Yes. Who was present when you moved her? Dr. MacFadyen and my assistant. Who was present when the body was prepared? Assistant and myself and Mr. Wilkinson later.

Who made arrangements? Afton Means called me. Did you prepare the body? I did. What were the wounds? There was a wound on the head and a fractured ankle. Describe the personal appearance of Mrs. King? Rather large woman, weighing nearly 200 pounds; dark hair; about five feet, six inches tall.

What did you do with the body? Prepared body for shipment and placed it in casket. Describe casket? Copper interior; outside of wood. Where was it placed? In the casket.

Did you place name plate on casket? Yes, Maude A. King. What did you do with the body? I shipped it first to Asheville. Did you accompany it? Yes. Who else? Afton and Gaston Means and Mrs. Melvin.

What did you do in Asheville? Took the body to an undertaker's establishment. Did Mrs. Robinson see the body? Yes. What time did you arrive in Asheville? At 4:30 Friday.

What time did you leave Concord? At 8:40 on August 30. How long were you in Asheville? Until 8:30 Friday night. Did you say Gaston B. Means accompanied you there? Yes. What were the instructions there about the disposition of the body in Gaston Means' presence? None.

Did Gaston Means give any instructions as to the disposition of the body? He instructed me to take the body to an undertaker and he would let me know what to do. Then what instructions from Gaston B. Means? Did you take the body to Chicago? Yes. Why? I was ordered to do so. Who gave the order? Mr. Gaston B. Means said they had decided to take it on to Chicago. When you got to Chicago what did you do with the body? Carried it to Jordan & Co. took it to the cemetery and put it in the mausoleum.

### Did you get a receipt for the body? No. Have you seen the body since? No. Who were present? Undertaker, Mr. Means and rector. Who accompanied you to Chicago? Gaston B. Means and Mrs. Melvin. Did you go on the same train with the body from Asheville to Chicago? To Cincinnati. Why? The body was on a train about two hours ahead.

What did you do with the apparel from Mrs. King's body? Placed it in a box and Brandon or Miss Belle Means took it to the Means' home. What time? At 11:30 Thursday. What clothing was put in the box? The clothing she wore. Can you describe the dress? No.

Condition? Upper part bloody. Other part? Didn't notice. Have on slippers? No. Did you see her hat? No. Do you know if she wore hat? What kind of dress did you put on her? Lace over dress, cream or white. Where was wound in head? About one half inch from left ear, on line with ear.

What size wound? Very small. Did you plug hole? Yes; cotton and wax. Which ankle was broken? Left. Who suggested stopping at Cincinnati? Don't know? Who suggested phoning or telegraphing there? Mrs. Melvin. How long were you in Chicago before the body was placed in the vault? It arrived Sunday at 9:30 and placed in the vault about 2:30.

What were your instructions on leaving Concord? Go to Asheville. Did you know you were going on to Chicago? Yes. The body was in your control here August 29, and you kept it all night? Yes. There was no cross examination of the witness.

Dr. Henry Burnmaster, of Chicago, was then examined. Name? Wm. Henry Burnmaster. Where do you live? Chicago. What's your position? Chief coroner's physician of Cook county, Illinois. How long? Approximately two years. How long coroner's physician? Since 1912.

Where did you pursue studies and experience? Graduated in medicine at the University of Michigan in 1907; general practice for two years; abroad at the University at Vienna 29 months and several months at Berlin, and returned to Chicago for research work for one year. Then at the University of Chicago, where I have been since. Am pathologist at St. Joseph hospital at Chicago.

How many autopsies per year do you perform? From 700 to 900 yearly. Have you assisted others? My total experience is about 10,000. Were many of the cases gun shot or pistol shot? A considerable number. Did you perform an autopsy on the body of Mrs. King? Yes, September 6. What did you find?

You found this bullet and steel packet from this wound? Yes. Please produce. This was done and he explained the parts. In your opinion, what size and kind of bullet? 25 calibre steel jacket. In my opinion, in what kind of pistol is such a bullet fired? From any kind of pistol, 25 calibre. Could it be fired from a 25 calibre gold? If it had a proper shell. Have you made any tests? A 25 calibre steel jacket bullet is similar to State what tests and conclusions. A 25 calibre Colt made; tests on white blotter to find range at which powder would stain and burn. What did it do? The gun was held from 1-2 to 1 inch and then up to 10 inches to find how far burns would occur. At a distance of 10 inches I still got burns. I concluded, if true, it would be impossible for this wound to have been self-inflicted.

How did you examine the exterior? With a magnifying glass. Cross Examined by Cansler. On whose authority did you make an autopsy? On coroner's. Why did the coroner investigate? Have no information. You don't know why? No. Who got the order of court? He did. Who assisted in the autopsy? No one.

You found this bullet was divided into three parts to different parts of the brain? Yes. What caused this? When it went through the skull it split. Where was the steel nose? In the back of the brain, about 1-2 inch inside. Where was the balance of the steel? About half way in. Where was the lead? On the right side. Any deflection possibility when it struck? Was as if a bullet struck the skull but not in this case. Could you tell why it was in three parts? Because its force had been spent to a considerable extent and the heavier parts went further than the light ones. Which is the largest portion. The back part. After you made the examination you concluded, of course, right off, that the wound was not self-inflicted. In about five minutes. You published the first report that this woman was killed by another person? No. I gave it as my opinion. Are you in the habit of coming this far to testify outside of Illinois? The coroner sent me. Who are paying your expenses? The county. How many autopsies, gun-shot? Twenty-five to fifty. Who were the others? Those of suspicious deaths. Did you ever examine a corpse with a wound like this and ranged the same as this? About 15 or 25. What is about your science that gives you more information than others? Can tell it automatically. Doesn't require experience to put

the hand behind the left ear? No. No experience to place Colt behind ear? Yes. You think experiments for powder burns necessary? Why did you select blotter? Usual thing, so I can see powder grains with the naked eye. Didn't get animal skin of any kind? No. Know what similarity would have been? Yes. Any similarity in skin and blotter? Some. Made micro examinations to see if powder in skin? Magnifying glass. Why? To find them, if there. You had already made up your mind? On account of absence of furms and powder and signed hair, I had. The track of bullet and no external evidence that the pistol was held close? Yes. If you had found burns you would not have sworn that the wound was not self-inflicted? If hair had been over place could powder gone through the hair and embedded in skin? Yes. If the ear was covered also would there have been powder marks? I have performed autopsies when powder went through the hair and embedded in the skin. It may have been black or other powder? So you think if the hair had been over the place grains of powder would have gone through to the skin, if indicated by self? I believe so. Would you have found hair signed at what distance? Depends on the charge of powder in the shell. Assume fired out of a Colt 25. How far pistol from wound would leave no signed hair? Would say within inch or 1-1 1/2 inches from wound. At two or three inches? I think so. At four inches? Can't say. Have no way of telling how far away this pistol was except external evidence? No. You say that ankle was fractured while woman was living? Yes. Why do you say so? Because of hemorrhage on account of fracture. What time was autopsy held? September 6, began between 7 and 8 o'clock. M. F. Ritchie. Did you see Gaston B. Means on the 27th of August? Yes. He came in Monday morning. Conversation, and who was with him? Afton was with him and spoke with him. Gaston asked to see a pistol, 32 calibre automatic, for shooting target. I told him I had a 25 calibre, and asked if that would be as good. He took and looked it over, but didn't answer. He still had a 32 calibre. Some time during the evening. Before he went shooting I told him there was no 32 in Charlotte. He said, all right, he would keep the 25 calibre. Did he buy any other gun? No.

We had wired Friday evening for a 25.20 Martin. It came Monday and he came Tuesday and got the rifle. In the meantime he got a 22 S. and W. from my brother. The only gun I sold him was the little gun and rifle. He paid me Tuesday morning with a \$50 bill. When did you see him again? On Tuesday and on Wednesday Wednesday morning and afternoon. What was he doing? In the morning I sold him cartridges. On Wednesday afternoon he came to have the automatic oiled up. What time? After dinner, I got mine at 1 o'clock I kept the guns oiled each day. The Solicitor showed the Gold 32 and Colt 25 to Mr. Ritchie. Cross Examined by Cansler. Came in the store and paid \$50? What amount did he owe you? 43.50. You weren't scared of the bill? No. Did a strange man buy pistols? No. You oiled automatic on Wednesday afternoon? Yes. Had oiled all other guns, too? Oiled to make shoot properly? Yes.

INDIAN SOLDIERS ARRIVE AT CAMP JACKSON. Their Coming is Expected to Give Another Race Problem to Solve. (By The Associated Press.) Columbia, S. C., Sept. 24.—Among the recent arrivals at Camp Jackson is a contingent of fourteen Cherokee Indians from Bolson county, North Carolina. Two members of the Bolson Board No. 2 accompanied the Indians here to explain their social status to the officers. These Indians were formerly called Croutan, the name being changed to Cherokees by Legislative enactment, and they claim to be descendants of John White's lost colonies. They have separate schools and associate on terms of equality with the white people. Their coming here is expected to give officials another problem to solve.

AMERICAN TROOPS ARE NEAR FIGHTING LINE. For Military Reasons It Cannot Be Known Where These Men Are. Somewhere along the British line in France, Sunday Sept. 23.—On a battlefield which merges into the fighting line are encamped many American troops that are removed from the rest of the men who form part of Endeavour's Expeditionary Force in France. For military reasons it is important not to tell the world just where these men are, who they are, and what they are doing, to further the interest of the Entente countries allied cause, it may be said that they are a credit to the Stars and Stripes which the first time in history is over a camp of American soldiers in this part of the western world. The Associated Press heard these men here and sought them out. They are a fine looking lot and nearly two months hard work in the open.

PERMIT FOR EXHUMATION OF MRS. BINGHAM'S BODY. Dr. Chas. T. Nesbitt so Announces—Will Give Statement to Newspapers. (By The Associated Press.) Wilmington, Sept. 24.—Dr. Chas. T. Nesbitt, county officer, announced today, that he had issued a permit for the exhumation of the body of Mrs. Robert W. Bingham. He told the mayor that he would issue statement to the newspapers and explained that he held information that he had been told that they thought a crime had been committed. Statement Issued. Wilmington, Sept. 24.—Arnheim Kenan, brother-in-law of Mrs. Bingham, who is the Wilmington Attorney, issued a statement today declaring that "members of her family" had had an autopsy performed and "the result and regular way" on "advice of leading physicians. Said they were justified in this action" by the facts and circumstances relating to Mrs. Bingham's illness and death as disclosed to them." Result of the autopsy has not yet been made known to them he added.

NO GOLD EXPORT TO SPAIN. Treasury Officials Carrying Out the Government Policy. (By The Associated Press.) Washington, Sept. 24.—Treasury officials carrying out a government policy governing the conservation of gold have virtually decided upon a policy prohibiting the export of gold to Spain. No gold had been licensed for export for Spain since President Wilson's proclamation became effective, except several small shipments already aboard the steamers.

He that will not look before him must look behind him.

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A warrant for Gaston Means was issued late Saturday at the request of Hayden Clement, solicitor of the fifteenth judicial district, after a conference with representatives from the office of District Attorney Swann, of New York, and with federal and local officials. These officials went over evidence that had been obtained from the New York and Chicago offices, and also examined several witnesses from this city. M. F. Ritchie, of the Ritchie Hardware company, from whom the two pistols and the repeating Marlin rifle were purchased, was called for examination, and also Capt. W. S. Blingham, a member of the automobile party.

The solicitor after further conference, then made the following statement to the representatives of newspapers: "After an investigation of the law, I find some of the court's hold that a second inquest on the same body may not be held by the coroner without the verdict rendered upon the first inquest having been set aside or quashed. If the coroner and his jury were to hold the defendant at the second inquest, the defendant would immediately take out habeas corpus proceedings before a judge, and allege that the second inquest was invalid" on the ground that the coroner and his jury had already held an inquest, which had been returned to the Clerk of Court, and which was standing as the coroner's verdict, it not having been quashed or set aside.

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After the conference, the officials made a trip to Blackwelder Spring the second spot about three miles from this city were the tragedy occurred there went over the events of the fatal night. They were accompanied by Captain Bingham, who rehearsed the evidence he had given at the coroner's inquest and pointed out the positions of the various members of the automobile party when the shot was fired that killed Mrs. King. Immediately after the warrant was issued, it was handed to Sheriff Howard W. Caldwell, who served it on Gaston Means, and held him in custody. About 11 o'clock, after a conference among the attorneys for the defense, Means was lodged in jail.

Judge Manning On His Way To Concord. Salisbury, Sept. 23.—Attorney General James S. Manning came to Salisbury tonight and was in conference with Special Federal Agent C. B. Ambrose over the Gaston Means case. He plans to go to Concord tomorrow morning to assist the state in the prosecution. Mr. Manning stated tonight "of magnitude" as to justify him in participating. Before coming here the attorney general conferred with Governor Bickett, who was heartily in sympathy with Mr. Manning's purpose to throw the weight of the state behind the investigation.

A Harvard professor says American literature will quicken with the war. It is becoming so quick already that the press can scarcely find space for the output.

The experience of America in exterminating rattlesnakes ought to urge on the destruction of submarines.

WARRANT ISSUED LATE SATURDAY FOR GASTON MEANS FOR MURDER OF MRS. KING

By Solicitor Clement Late Saturday Afternoon After Conference With Federal And Local Officials. STATEMENT MADE BY THE SOLICITOR Means Lodged in Jail to Await Trial Today.—Officials Made Trip Saturday to Blackwelder Spring.

A warrant for Gaston Means was issued late Saturday at the request of Hayden Clement, solicitor of the fifteenth judicial district, after a conference with representatives from the office of District Attorney Swann, of New York, and with federal and local officials. These officials went over evidence that had been obtained from the New York and Chicago offices, and also examined several witnesses from this city. M. F. Ritchie, of the Ritchie Hardware company, from whom the two pistols and the repeating Marlin rifle were purchased, was called for examination, and also Capt. W. S. Blingham, a member of the automobile party.

The solicitor after further conference, then made the following statement to the representatives of newspapers: "After an investigation of the law, I find some of the court's hold that a second inquest on the same body may not be held by the coroner without the verdict rendered upon the first inquest having been set aside or quashed. If the coroner and his jury were to hold the defendant at the second inquest, the defendant would immediately take out habeas corpus proceedings before a judge, and allege that the second inquest was invalid" on the ground that the coroner and his jury had already held an inquest, which had been returned to the Clerk of Court, and which was standing as the coroner's verdict, it not having been quashed or set aside.

"It is at least a debatable question as to whether or not the coroner has a right to reopen the matter. Therefore, in order to avoid all technicalities and complications, I have called off the second inquest of the coroner, and have notified him that it would not be necessary for him and his jury to attend, but as I have sufficient evidence to hold Gaston B. Means for the murder of Mrs. King, I have had a warrant issued for Mr. Means, returnable before A. B. Palmer, police justice of the city of Concord, on Monday morning September 24, 1917, at 10 o'clock, at the court house, this being the same time and place the coroner's inquest would have been held. The witnesses that were subpoenaed to go before the coroner's inquest are not released, but required to attend and appear at the preliminary hearing before the said magistrate on Monday morning at 10 o'clock.

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