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witness.

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THE MEANS CASE IS BEING ARGUED BY COUNSEL TODAY BEFORE MAGISTRATE PITTS

duce Any Testimony, **Resting After Testimony** Introduced by the State.

ARGUMENT OPENED BY JUDGE OSBORNE

He Was Followed by Solictor Clement for the State -Mr. L. T. Hartsell, for Defense, Spoke Next.

Interest in the preliminary hearing of Gaston B. Means on a charge of mur-der, continues intense,

Before court opened at 10 o'clock all seats in the Court House were fill- Means. Miss Belle Means and Mrs. ed and crowds were standing in the Melvin to go along. Why did they alsies and every available space.

The defense did not introduce any testimony and the argument was opened at once.

F. I. Osborne stated that he had concluded after a conference with his associates that there was not evidence enough before the court to hold Gaston B. Means for action of Grand Jury. He denied reports that they had applied for a writ of habeaus corpus before a Judge of the Superior Court, Judge Osborne stated that no direct evidence had been put before the court as to the character of the defendant. He appealto Justice Pitts to hold before him in his deliberations the memory of the character of his client, who was known to him from childhood.

he away?

witnesses.

nt 11:35.

the discharge of his client.

In this case, with such character, the presumption of his innocence is made stronger because of the crime with which the defendant is charged. He called attention that physical facts were all the State had presented ; all the moral evidence was in favor of the defendant, he said.

Upon what does the State rely? The State has charged murder in the first degree, and it is that or nothingthere is no middle ground. He must olina had made a case any grand walk a free citizen or must sit in the jury would be bound to act upon, any electric chair.

The charge emphasises that he had calculated his plans, Judge Osborne said, had purchased the pistol, took advantage of the time when his companions were away, and slipped up behind her and shot her. The State relies only on the evidence of the two

experts here. Stripped of the womin's dence, the state scantal the warte would be evidence to show whether she billed barself memory a accident killed herself purposely or accidental-

In reference to the skill and knowledge of the two experts, Mr. Osborne said that the prosecution possibly lik-ed Dr. Schultze better. If the speaker had to judge between them, he said he would be unable to do so. As representative of his client, he

and it is no matter who the experts few hours before the crime was com

Dr. Burmeister, after giving full discription of the wound and showing ham that he was not picked up on ests for powder marks, coupled with facts were no burns or marks on had said that Mrs. King could head, had said that Mrs. King could not have shot herself. His theory is means home and when he left house not have shot nersen. The powder he had Mrs. King in auto. The street or skin burn. If he had found lights were then on. We know they we

The Defense Did Not Intro- make the first shot tell, because he would not have a chance for another conceive of such a possibility. one. For this reason he would have, held the gun as close to her head as he ever had been asked to bind over possible, and her hair would have a man of character on elroumstantial been singed. Mrs. King's ankle was broken due sponsible for much of the sentiment

to a twist. She was a heavy woman, with small bones. The bone was broken before her death. Her weight was thrown on the left foot, this could have been caused by slipping off the root, or after the shot went into the brain, her weight was thrown on the them 1 The fracture means nothing, unless

there was a struggle. If there had been a struggle there would have been an sperts here. and Dry would have heard outery, and Dry would have heard her. The outery could not have been silenced except by choking and the experts sny there was no marks on her Who is behind it ? throat.

On the evidence of the, tragedy testimony and there is no new evi-dence brought out. Capt. Bingham Gaston B. Means had called for Capt Bingham to go to ride. They went to said Gaston told him that Mrs. King the Means home and invited W. G. had shot herself "with that little ristol" instead of this little pistol. as the solicitor had said. want these people to go? Had a mur-Dry's evidence, he said, could not be der been planned, and were these want-ed as witnesses? How did he know

depended on. Dry said the moon was only about to hour high, and on thtt that Capt. Bingham was going to leave to look for rabbits? If there was such day the moon rose at 1:17 p. m. and at the time was passed the zenith. Why didn't the solicitor present the a scheme, he was bound to have Afton Means and Capt. Bingham in the testimony that Mrs. King's body had scheme. But Capt. Bingham is a States been straightened out and arranged witness and says he knew nothing. in the position it was found? Court How did Gaston Means know how long Capt. Bingham and Afton would had no evidence that the pistol had been in hands of defendant on that

evening. If the experts came to aid The coroner's jury of six men have the solicitor in the prosecution, their spt on this case and heard all the evitestimony was_impaired. dence presented here except the expert The court then adjourned until 2 The six jurors decided Mrs. King's p. m. Continuation of Evidence Yesterday.

death was accidental. Testimony of the experts does not agree, so why should the court accept? On the The following is the evidence provesterday following the repor duced strength of the evidence he asked for in the Tribune

Who said turn to the left?

Where did you go then?

I don't know who.

Judge Osborne finished speaking W. S. Bingham. On August 29 did you see Gastor Solicitor Clement addressed the court feans?

saying he would present State's side. Yes and said the magistrate was to decide Where? only whether the case should be in-Several times.

That afternoon about supper? vestigated by grand jury, or whether Yes, I was eating supper when an-utomobile came to my house and in

should be left unsettled. He claimed the State of North Cara minutes 1 heard a horn blow. ent out and found Gaston Means and case a magistrate would hold colored driver. He asked me to go to

The character of the defendant was ride. I told him to wait until I finish known by the nugistrate when a boy. ed supper. J got my 20 gauge gun and half dozen cartridges and got in the car and drove to Gaston Means' home The Solicitor knew it as college mate. But since he went to New York no one here knows how he made his living or He got out an dwent to the house. Mrs what changes may have taken place. Means, Mrs. Melvin, and Misses Kate It is busined, would in itself congoing and they said they were going o a plcture show.

Who went? target practice. He wanted a 32 callnd L ber, the hardest kind to handle, not get a revolver, which is easier to handle? Why did he want a gun shooting steel bullets? If he wanted it for Where did you go? the lady, to carry in folds of her skirt why did he want a big 32 caliber?

The pistol was in the hands of Gaston Means' Wednesday evening only a mitted. We show further from Capt. Bing-

To Misenheimer spring. Did you leave the Gold Hill road? Yes we took the old by-road to the street as casual friend, but auto ater trough. to his home and waited for him. Why What did you do then? Got out. Who?

Taking the evidence, the time and was lying with her head up hill, her place into consideration, he asked fort being about four feet from the that the court commit the defendant to the grand jury. Joilcitor Clement finished his Yes, it was light enough. Where-were Afton and Gaston ch at 12 o'clock Mr. L. T. Hartsell spoke of the Mmana? Aften had just gotten there when I Mr. L. T. Harrish spin and known Afton had just gotten there when means family, saying be had known did. Gaston was down on her right the father and children and knew side with handkerchief at her head. that none of them would do anything behind one's back. He could not What did you do? Got in the car and took the body to own. Where did you bring her? To the hospital. Where was the car? At the road where we turned in. alled him. in the case. It was not the people of How far down the road did you go Cabarrus County that brou about. What is the motive of Twenty-five yards. Was she dead? They say he squandered two millions of dollars and brought the papers Don't know. Did your examine to see if she was from New York but they have shown ad? none of them. Why don't they show There was no sign of life, but 1 uldn't tell. Did you get any blood our you? Somebody is behind sending these Why were they brought No. sere? Why has an Attorney General How was she lying on the ground? ere in a magistrate's court. They She was on her back, feet down hill,

hands by her side. I didn't pay much are all here an account of pressure rom outside of Cabarrus County. attention. Did you find any article of clothing? I found her hat. The experts disagreed in their Where? Near the head, How large was the hat?

I don't know. What was the color of the hat? It was dark. What did you do with it? Put it in the car. What else did you find? Hand bag. I put it in the car. Where was it lying? Near the hat? You did not find slipper or pistol? No. 1 saw there was no slipper of the left foot. Did you notice the foot? Looked as if left ankle was broken What did you do when you got to WH. Got out and went home Did you take out the hat? No Did you see it taken out? What time did you get to town? About 8 o'clock.

How fast did you come? About 25 miles per hour, as fast as

he road would permit. Did you see Gaston Means any more Yes. About 10:15 was at the Means

See him any more that night?

What was said in Gaston Means resence?

ody, and I said no. What else was said? He said something about going and

Yes. Afton and Gaston Means, Mrs. King Who shot? All of us, Did you know where you were go

Did she know how to handle it? Out the Mount Pleasant road to the She knew how to shoot.

> No, but shoots twice when you try to shoot once.

Onite a lot at Pharr's mill. What other arms did you see

32 S. and W. and rifle When did she shoot at Pharr's mill?

How many times did you got out

About 50 feet. At the time was it dark at spring the shade? Хея. Have you noticed condition of th ground? Yes Near the foot was there not a large of out of the ground? Yes; two or three inches. And other roots, too? Yes Is the place much frequented? Have barbeche there occasionally Rather public? Yes. How is the surface? Level or slop ing? Pretty steep hill. You put lady in car and went back and found hat about where head was lying? Yes Did you make search for pistol or slipper ? Notice her ankle? Yes Was she a very large lady? Yes Did she have on slippers? Y 6%. Court then adjourned until 2:30 p o'clock in the morning, Dry said that he look his horse over to the watering AFTERNOON SESSION When court convened at 2:30 o'clock, l'apt. W. S. Bingham took the stand for cross examination. He testified that he went in the automobile after supper to the home of W. G. Means, company with- Gaston Means, th colored chauffeur driving the car. At the Means home Mrs. Melvin was ask

sign of blood nearby, ed if she wanted to go for a ride, and The cross examinatin failed to get she declined, saving that she was go Dry to change his story in any particular, and it was in this cross examina-tion that was shown the ability of the ing to the moving picture show. Other members of the Means family were witness. He told in detail of his work on the day in question; how he went asked to go, and they declined. Mr. Bingham didn't remember who did the to the field for a load of corn; how inviting. When they reached the watering he had gone to the barn and fed the trough Captain Bingham said that he walked up the road to the bridge which stock, giving a list of the animals there to be fed; then he washed and was about 140 yards away. While he

vas at this bridge he saw an automoate until he had enough, he said, and did not know how long it took him to bile coming toward Concord, the engine of the machine fadicating that it finish his meal. All of this wa brought out with a view of fixing the was a Ford. The engine was still within hearing distance when he heard a exact time of the pistol shot at the pistol shot, and Gaston Means called

After the cross examination was ever, the solicitor asked the witness how it was he knew the time he went out on the porch. Mr. Dry stated that after supper he went into the bed room to get some smoking material which was on the mantle beside the clock. He looked at the clock at the time, and

that it took some time to get this ac complished. Another witness, who was not call

graduated from the Medical College of New York City in 1880, from the the Yackin Hotel. He was asked Roosevelt hospital in New York on whether or not he had the register of January 1., 1892; in 1892 and 1893 he stree wink wat brankful of August 19th.

took a post graduate course in Vienna being: "G. B. Means, New York, N. Y." and Mrs. James C. King, New York." was coroner's physician during 189 and 1897; from then until 1902 he was oroner's physician in Manhattan; and Andrew stated that there was no train due for Concord when they arrived in 1915 he was put in his present position. He is also at present the prothe hotel, and that they spent the night. essor of medical jurisprudence in the

They could not have come in from Asheville, unless the train from that medical department of Cornell Unipoint was three hours late ersits His experience has been abundant Charles S. Dry.

in the coroner's office since 1896, more than 5,000 autopsies having been per-formed by him, and he has seen an Charles S. Dry was the next witness called, and it is the general opin ion of those who heard him testify that he was the case. He told in simequal number performed. Dr. Schultze stated that since there ple manner what was asked of him, saying that he lived on the Gold Hill as no deflection when the bullet pass-

ed through the skull, it was necessary road, four miles from Concord. His that the barrel of the pistol be held ouse is 900 feet from the Blackwelto the point in the same direction as the track of the bullet. This, according to his opinion, was not possible withder spring by way of the road, but only

200 yards in a straight line. On the night of August 29th, Dry out the muzzle of the pistol being close said he had come in from work beto, or in contact with the head. Then

he had finished his supper, he went Ma the trees explained that his knowl-shiring, but it was somewhat change and hazy, and gave very little some. He had been on the parch three or four minutes, in company with his wife and children, said the witness, when he here the report of a pistic over near the spring. After the shot, he said he immediately heard some over near the spring. After the shot, which the pathologist declared were be said he immediately heard some impossible. He said that the presence one, in a low valce, calling, "Come here, of absence of powder burns and sign Captain, come here quick." This was ed hair was only necessary in determ of absence of powder burns and signrepeated about a dozen times. He also luging whether the muzzle of the webeated about a dozen times. It pring pon were close to or far away from ird voices to the left of the spring pon were close to or far away from king in an undertone, the voices the skin when the shot was fired. He talking in an undertone, the voices sounding as if the persons were walkreiterated that the shape of the hole ng toward the spring. This talking hole in the skull indicated that kept up about 15 minutes, according to bullet had not been deflected in its course, and that the track of the bul-About four or five minutes after the let through the brain was in the di-

pistol shot. Mr. Dry says that he saw rection in which the pistol was pointed when the shot was fired an automobile coming down the high-At the conclusion of the evidence of

way from Concord. He heard no one call for the car. He saw the car, it the expert witness, the State rested its case. The defense asked for a few its case. being about three-ynarters of a mile rom him, and was running at a speed minutes for a conference. They he estimated at about 35 miles per tired and in a short time came into judging from the short time it court with a request that the court took to reach the spring. It turned take a recess until 10 o'clock tomorrow, in the side road and drove up to the in order to give them time to confer tree near the watering trough before and arrange their defense. The state on the following day, about offered no objection to the request, and 11 court adjourned at 4:35 o'clock

Afternoon Session.

When court assembled this aftertrough to water him. The horse shied, something usustal for the animal, Dry began looking around, and finally oon E. T. Causier said the defendants papers were in charge of the district discovered a paper sack lying near the foot of the forked tree, and on the attorney agents from New York, and the only way to get them was by order sack was a pool of blood. There was no blood on the ground, and no other from Judge Webb restraining them from taking papers from state. The order demands all papers, documents etc. to be turned over to the sheriff. The sheriff served the papers and the demand was refused, saying the papres were in charge of solicitor and

attorney general On account of these conditions the defendant asks to be placed in custody of sheriff and held without ball.

The attorney general stated that the documents would be held, and that later went to his supper. He then when Judge Webb asked for a reekoming he would receive it.

TWO MEN KILLED IN IN EXPLOSION.

Explosion Occurred in Oil Tanker at **Richmond Early This Morning.** (By The Associated Press,)

Richmond, Cal., Sept. 25.-Two men vere killed early today in an exlosion which tore ou the terward vorks and superscineary. of the Standard Oil Tanker A. Moffett as she hay at her pier 'as e

The explosion, accelling to Mr. Brooks, superintendent at dictarond for the Standard Of Company, was probably caused by an explosion of gas while the men were cleaning the hold. More than 60,000 gallons of oil ing and his professional practice. He which had been pumped aboard, was damaged.

EIGHT BOMBS DROPPED IN LONDON LAST NIGHT

London, Sept. 25 .-- Reports from Centisch town said that about eight unlis were dropped in last night's raid. According to a telegram from the Essex coast town the first informa-tion of the raid came about 7:30 when the anti air guns opened fire and the groanings of the airplane's motors sould be heard.

IREDELL COUNTY NEGRO IS ELECTROCUTED TODAY

Charley Williams, Who Killed Deputy Sheriff, Executed in State Prison.

Raleigh, Sept. 25.- Charley Williams, a negro e eleter of having with- killed a deputy sheriff who att-mpted to arrest him at Morresville, fredell Givity last dune, was executed at the

Did he come to your house? Did he send for you? Yes He asked me if I had talked to any ret the gun. He said go and get it, and isked me to go. I didn't go. Cross Examined by E. T. Cansler. Did you take guis Did you shoot at targets? Did you ever see Mrs. King shoot he .25 calibre automatic) Yes, often.

Did it ever shoot when dropped?

Where did you see her shoot?

hoot

The first day she got the pistol.

All had gotten out but Mrs. King from Monday until Wednesday,

to him in a few seconds to come there quick When the party was ready to get into the automobile, Captain Bingham says that he picked up the rifle, and took the cartridges out of the maga-zine. He then snapped the rifle, and a curtridge which was in the chamber These two shots were the only it showed a few minutes after ones that he said he heard. o'elock. Dr. Otto H. Schultze. Dr. Otto H. Schultze, of New York On the redirect examination by So-licitor Slement, Captain Bingham told City, medical assistant to the district attorney of New York countk, was the

of putting the body in the automobile, saying that it was limp and so heavy next witnessed called by the prosecu-tion. He gave his educational train-

ed this morning in the list, was C. B. Andrew, of Salisbury, night clerk at

