

other counsel for traverser, and also on behalf of traverser, that the foregoing statement of Ella Rusk Murray, under oath was not known by him or other counsel in the case for traverser or the traverser at the time said case was called for trial in the Circuit Court for Baltimore County, nor at any time during the presentation of the State's evidence, up until Sunday before the State closed its case in chief nor was said statement known by any of the aforesaid in time to lay proper foundations to contradict State's witness.

Febry. 13, 1918, sworn to before me this 13th day of Febry., 1918.

Wm. P. Cole, Clerk.

STATEMENT:—E. R. MURRAY.

(1)

On Monday, Aug. 13, 1917, about two-thirty in the afternoon, I was in my kitchen talking to the cook and the waitress, when Edith Credit, my laundress' daughter accompanied by another young woman whom I had never seen before, entered the kitchen, such a marked silence fell upon my servants at their entrance, that I was struck by the general air of constraint, and I left the kitchen presuming that there had been some kind of trouble among them, and in order that they might be relieved of my presence. My laundress, Margaret Queen, shortly followed me into the pantry and told me, that the other young woman with Edith was her daughter Mary (I subsequently found out that her last name was Perkins), and that she was in great trouble, for fear some of her own people would injure her, as she knew the man who had committed the "Brandon Murder." I asked Margaret why Mary had come to me, and she replied, that Mary had wished for my advice. I therefore sent for Mary, and took her into the library where she told me the following story:

That she got up rather late on the morning of August 8th last; that she got downstairs about nine o'clock, to find an oil stove smoking in the kitchen. That it took her, with Edith's assistance, some time to clean up the smoke, have their breakfast and wash the dishes. That she, Mary, then went into the front room to write some letters. That it was then about eleven

o'clock. That she wrote a letter to her husband, and if I recollect rightly, another letter, but of this last, I am not sure. That about this time, as she was finishing her letters that she heard a noise across the street in the house opposite. That she went to the window, with the idea that there was something wrong. That the noise continued, and that she saw a chair go by the window.

Then I asked Mary if she could see in the windows of the Brandon's house, and she said no, because Mrs. Brandon always closed the windows and pulled down the shades every morning, and that they were that way that morning.

I asked Mary how long the noise continued and she said from fifteen or twenty to twenty-five minutes, or thereabouts.

That she called to her sister to come to the front window, and that she, Mary, remarked to Edith, that something must be wrong, at the Brandon's and that "surely Brandon couldn't be having a scrap with his wife in her state of health."

That Edith came to the window and stayed, and then returned to the kitchen, and that presently the noise ceased.

That the front door of the Brandon house then opened, and that a colored man came out slowly, first his head, and that then he looked up and down the street. That he stood on the Brandon porch slowly closing the door behind him, and that he took a bottle out of one pocket and put it in another. My impression is here that Mary said the bottle looked like a whisky bottle, but of this I am not sure.

That Mary called to Edith to come and look at the rough-looking man on the Brandon porch.

That by the time Edith got to the front window that the man had come down the steps and was going up West street, and that Edith did not see his face, "only the side of his face," and that Edith said he looked like John Snowden, but that she could not be sure as she had not seen his face well.

Here I stopped Mary to ask what the man was like. She said, a very rough-looking man. I said, How was he dressed? Mary said: He had on dark trousers a light or white shirt (I

forgot which), open at the throat and chest, and a grey sweater with short sleeves.

I said to Mary: "Had you ever seen him before?" She said, "No, I never had seen him before." I said, "Do you live in Annapolis?" She said, "Not now; I've been in Boston for two years" (or thereabouts).

I said, Mary, was anyone else on the street when you saw this man come out of the Brandon house? It had struck me as odd that there should have been no one at such an hour on such a thickly built up street. Mary said, "No, Ma'am, the street was entirely empty;" I said, were there no people on the porches? She said, No, Ma'am. There was a man with a wagon selling vegetables a little while before and the ice man went by early, but while I heard the noise there wasn't anybody on the street. There was one lady: "name forgotten by me, but I think it was Mrs. Brown, who lived several doors from the Brandon's; she came out of her house, and started towards West street, seemed to have forgotten something, and went back into her house. While she was in the house, the man came out of the Brandon house and started up the street towards West street, and then Mrs. Brown came out of her house again and walked up the street behind him."

Mary said that she thought no more about the matter until that afternoon when Mrs. Brandon was found dead. That she then became so ill that her mother sent for Dr. Garcia. That she told him about what she had seen, and that he advised her to take the matter to the authorities, but added that if she did there might be a race riot. I asked Mary how many other people she had told, and she replied, "only two or three friends, and that they had all advised her to keep quiet about it." She said she could not make up her mind to tell, for fear people would think she was after the reward, but that her conscience would not let her rest. I told her she ought to tell the authorities, and she said she could not possibly do so, as she would certainly die if she had to appear in Court and that moreover she greatly feared that some of the rougher element of her own people would kill her and her family if she "Told". She said she wished she could see the lady detective, from New York.

I asked her if she had not already done so, as I heard Mrs. Hunniston was working on the case. Mary said that Mrs.

Hunniston had come to the house and had seen every one but Mary. I asked why, and Mary said because I was upstairs and Mrs. Hunniston asked if there were any more members of the family, and Edith said one sister, who is sick upstairs. That Mrs. Hunniston started to go upstairs, but did not do so. That she left the house and did not return.

I asked Mary how she knew the man who came out of the Brandon house was Snowden if she had never seen him before, and if Edith had only seen his side face. Mary said that one Monday morning, the 13th, that she and Edith went down to Parlett's Store to identify the man, and that they waited there until Snowden "came along," and that Mary then identified him to Edith, and that Edith said he was Snowden, Mary also said that Snowden wore the same clothes that he had worn when she saw him come out of the Brandon house, the dark trousers, light shirt open at the chest and grey sweater with sawed-off sleeves.

I asked Mary if she would like me to call Mrs. Hunniston on the phone; she said yes. I tried to get Mrs. Hunniston at Carvel Hall. The clerk said she had gone out that morning, and that I had better try the State's Attorney's office. I was very reluctant about doing so, as I wanted to keep out of the affair if possible. However, as Mary continued in the statement that she would die if she had to appear in Court, I called the State's Attorney's office, got him on the phone, asked for Mrs. Hunniston, declined to give my name, my voice is very deep and often taken for a man's over the phone. Mr. Green said "King, is that you? Why won't you give your name?" I assured him that I was not King, and rang off. I then called up the Rev. John Ridout, and with him went to the State's Attorney's office, where I told Mary's story as repeated herein above by me, in Mr. Green's private office, in the presence of Mr. Green and Mr. Ridout.

That night Mary and Edith were told to appear in the Court House and as Mary asked me to go with them, I did so, and was present when Mary identified Snowden. He wore the same clothes described by Mary as having been worn by him both on the morning she saw him come out of the Brandon house, and the morning of the day he was arrested.

During the time that Mary was telling me her story she seemed to be in a marked state of nerves and tears, but told

the story collectedly and positively. I did not think her nervousness unusual considering the situation, but I was later told by Edith that Mary had never been strong, and had always had trouble with her heart.

Ella Rusk Murray.

Action,

Annapolis, Md.,

February 3, 1918.

Sworn and subscribed to before me, T. Roland Brady, a notary public of the State of Maryland, residing in the City of Annapolis, this 4th day of February, 1918.

Witness my hand and seal notarial.

(Seal)

J. Roland Brady,

Notary Public.

ORDER OF APPEAL WITH AFFIDAVIT OF COUNSEL
THERE TO.

(Filed March 2nd, 1918.)

Mr. Clerk:—

Enter an appeal from the verdict and judgment in the above case to the Court of Appeals of Maryland.

A. THEODORE BRADY.

C. GUS GRASON,

Attorneys for Traverser.

State of Maryland,

Baltimore County, to wit—

I hereby certify that on this 1st day of March, 1918, before me, the subscriber, a notary public of the State of Maryland, in and for Baltimore County, personally appeared C. Gus Grason, attorney of record for the traverser in the above entitled