

this honorable Court to grant a further extension until some time in the future that the Court may deem necessary.

And as in duty bound.

A. THEO. BRADY,

C. GUS GRASON,

Attorneys for Traverser.

State of Maryland,

Baltimore County, to wit:—

I hereby certify that on this 27th day of April, 1918, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared A. Theodore Brady, counsel of record for the traverser in the above entitled case, and made oath in due form of law that the matters and facts set forth in the foregoing petition are true to the best of his knowledge, information and belief.

As witness my hand and notarial seal.

(Seal)

Isabel R. Dunphy,

Notary Public.

ORDER OF COURT.

Ordered by the Circuit Court for Baltimore County this 29th day of April, 1918, for the filing of the bills of exception in the above case, be and it is hereby extended until the 15th day of May, 1918.

FRANK I. DUNCAN.

STATEMENT OF COURT.

(Filed September 24th, 1918.)

To the Honorable the Judges of the Court of Appeals:—

In view of the gravity of this case and some irregularity in the proceedings after the verdict, I file the following certification.

1st. The prisoner was convicted of murder in the first degree, with capital punishment, on January 31st, 1918, and was sentenced to be hanged on February 13th, 1918.

2nd. That on March 2nd, 1918, defendant's counsel filed an order for an appeal, and on same day secured an order of Court extending the time for filing their bill of exceptions for thirty days.

3rd. That on March 23rd, 1918, counsel for defendant secured a further extension to file their bill of exceptions to the 15th day of April, 1918.

4th. That on the 12th day of April, defendant secured a further extension to file their bill of exceptions to the 30th day of April, 1918.

5th. That on the 29th day of April, 1918, defendant secured a further extension to file their bill of exceptions to the 15th day of May, 1918.

6th. That before the 15th day of April, 1918, counsel for defendant submitted their bill of exceptions to me as the trial Judge in their present shape. I inquired in view of the large number of exceptions in the record, to wit, sixty-six, whether they had been agreed to by counsel representing the State. Upon receiving a reply in the negative, I told counsel that the bill of exceptions should be presented to the State's Attorney for Anne Arundel County for approval. Whereupon the record was delivered to Hon. Nicholas H. Green, the State's Attorney for Anne Arundel County, on or before April 12th, 1918.

7th. That on the 27th day of April, 1918, the record was again brought to my office in its present shape without any agreement between counsel having been reached.

8th. That I then handed the record to George Hartman, Esq., State's Attorney of Baltimore County, with the request that he go over the exceptions with Mr. Brady, and I did not hear any further from them until I received the record in New York City, about the 12th day of August. Before acting on them there, Mr. Charles S. Williams, of counsel for the defense, called on me and requested the return of the record in order to go over it with Mr. Green, the State's Attorney for Anne Arundel County, with whom he insisted there would be no

doubt of his reaching an agreement. I did not see the record again until I reached home about September 16th, when it was returned by Mr. Williams for my action, no agreement having been reached.

8th. I was away from Court by reason of illness and in Atlantic City and New York City from July 5th to September 16th, 1918.

As witness my hand and seal this 23rd day
of September, A. D. 1918.

(Seal)

FRANK I. DUNCAN. (Seal)

BILL OF EXCEPTIONS.

TRAVERSER'S FIRST BILL OF EXCEPTIONS.

Mr. Green, on behalf of the State, made the opening statement to the jury, and after explaining the allegations in the indictment, said, in part, as follows:

The crime as we expect to show you, gentlemen of the jury, was a most heinous and diabolical one in its conception and its perpetration, was devoid of all decency and without the slightest recognition of the laws of man or God. The State expects to show you gentlemen that on the 16th day of October, 1916, a young couple, who were then living in Washington, were married. The following first of January 1917, they came to the City of Annapolis to take up their abode. They rented a house on what is known as Second Street, at No. 29. Second Street, gentlemen of the jury, is a street that leads from West Street to Murray Hill. West Street is the main artery leading into the City of Annapolis from the outlying country, and runs as far as what is known as St. Anne's Church Circle, Annapolis. Annapolis being laid out with a number of circles and streets radiating from these circles as it were the spokes of a cart wheel. This Second Street is located probably 800 yards from Church Circle and possibly an equal distance from the City limits. Just before you reach Second Street on West Street is what is known as Acton Lane, possibly in the rear of Second Street 200 yards. That street does not back the houses