

TRAVERSER'S SIXTEENTH BILL OF EXCEPTIONS.

After the occurrence of the matter set out in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, DR. WALTON H. HOPKINS, a witness on behalf of the State, testified as follows:

DOCTOR WALTON H. HOPKINS, continued:

Q. (By Mr. Green): When you saw the body of Lottie May Brandon, in Washington, on what day was it? A. It was the Wednesday following.

Q. What do you mean? A. The Wednesday following the day she was found dead.

Q. Whereabouts did you see the body? A. In the autopsy of the Emergency Hospital, in Washington.

Q. Who was there with the body? A. There were two undertakers there.

Q. (Mr. Brady): Where from? A. Two undertaker's Mr. Sargo, was one; I don't know who the other one was, an assistant I suppose.

Q. What was the first thing done, where was the body when you first got to the hospital? A. The body was in the casket in the autopsy room of the Emergency Hospital.

Q. What was the first thing done?

(Objected to anything concerning the second autopsy.)

(Mr. Green): I have not gotten to that, I want to show the condition of the body.

Q. What was the first thing done after you got there in reference to the body, you say the body was in the casket? A. Yes, the first thing the undertaker removed the top from the casket, took the body out of the casket and put in on the table.

Q. In what state of preservation was the body? A. Very good.

Q. Were you present at an autopsy that was held immediately? A. I was.

Q. Did you assist in the autopsy? A. I did.

Q. Who else? A. Dr. Carr, the Deputy Coroner of Washington, performed the autopsy, I assisted him, Dr. Joseph C. Joyce of Annapolis was there, Dr. Nesbitt, the Coroner of the District of Columbia was there, and one or two house physicians of the Emergency Hospital, I don't know their names, and the Morgue Keeper of the District of Columbia. I think Mr. Dougherty of the Baltimore Detective Force was in the room.

Q. Give, please, the Court and jury a detailed description of what you did and the findings of the autopsy performed on that night?

(Objected to.)

(Objection overruled.)

(Exception noted.)

(The Court): I should probably say here so that you understand, the Doctor is a witness in this case, and the question is to show the cause of death. Now, the Doctor has testified what he has found in chief, and he will be cross-examined by the other side, and the value of his testimony is, of course, a matter for the jury.

To which ruling of the Court the traverser by his counsel excepted, and prays the Court to sign and seal this, his Sixteenth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

TRAVERSER'S SEVENTEENTH BILL OF EXCEPTIONS.

After the occurrence of the matter set out in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Sixteenth Bills of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the witness DR. WALTON H. HOPKINS, continuing, says:

DR. HOPKINS' testimony continued:

(Witness): After the clothes were removed an examination of the exterior of the body was made and the various wounds that I mentioned that I found in the autopsy in Annapolis were still present. There was one wound made under the armpit, I think it was the right arm, where the undertaker had injected his embalming fluid. After noting those wounds, an examination was made of the hands.

(Objected to. Special objection.)

(The Court): For what reason?

(Mr. Brady): I don't know. I will at this time object and ask the Court's ruling.

(Objection overruled.)

(Exception noted.)

To which ruling of the Court the traverser by his counsel excepted, and prays the Court to sign and seal this, his Seventeenth Bill of Exceptions, which is accordingly done this day of April, 1918.

(Exception refused.)

F. I. D.

TRAVERSER'S EIGHTEENTH BILL OF EXCEPTIONS.

After the occurrence of the matter set out in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Bills of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness DR. WALTON H. HOPKINS, continuing, says:

(Witness, continuing): Especially the finger-nails under which there was dirt seen, and this was done by a large magnifying glass, and the finger-nails from the first three fingers of the right hand were removed and the finger-nails from the first two fingers of the left hand. After that Dr. Carr opened the scalp, removed the skull and examined the brain, in which nothing was found. Then the heart and lungs were examined, and found to be normal, and the intestines—there were several openings or holes in the intestines evidently made by the undertaker in the embalming.

(Objected to.)

(Witness): Well, there were several holes in the intestines that were not there when I saw her in Annapolis. All of the abdominal organs were examined, the kidneys, and all found to be normal. After that we went to the laboratory of the Emergency Hospital, where Dr. Carr examined the finger-nails, secretion under the finger-nails, in the laboratory, and from this secretion and from this dirt we found—

(Objected to.)

(Mr. Grason): We don't want him to give any evidence that Dr. Carr thought was there.

(Mr. Green): I only want to tell what you saw.

(Witness): I saw Dr. Carr put some of these finger-nails in water, and after a few minutes the finger-nails were removed and the water was dried over a gas flame, and the glass slide with this substance, put under the microscope, and Dr. Carr examined it and asked me to look through it, and after looking—

(Objected to.)

(The Court): The objection is good, unless the Doctor shows his familiarity with a microscope, and has had occasion to make these investigations before.

(Witness): I own a microscope, but I am not expert in those things.

Q. You have a microscope? A. Yes.

Q. When you looked through this, was it plainly visible to the naked eye what you could see, through the microscope; could you see what was there? A. Yes.

Q. Are you familiar enough with what you saw there to state what it was?

(Objected to.)

(Objection overruled.)

A. I think so.

(Mr. Grason): Let him detail his familiarity.

(Mr. Green): He can't do that without telling what he saw, and I don't want to do that.

(The Court): I think in this character of testimony you ought to show the witness is perfectly familiar with it.

Q. Are you familiar with the formation of the human skin?
A. To a certain extent.

Q. Are you familiar enough to know the difference in the skins of the different races?

(Objected to.)

(Objection overruled.)

(Exception noted.)

To which ruling of the Court the traverser by his counsel excepted, and prays the Court to sign and seal this his Eighteenth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

TRAVERSER'S NINETEENTH BILL OF EXCEPTIONS.

After the occurrence of the matter set out in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth and Eighteenth Bill of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness DR. WALTON H. HOPKINS, continuing, says:

A. Well, the only way I can answer that is by saying I can tell one epithelium from another epithelium, but I could not distinguish all of the varieities.

Q. Can you distinguish plain epithelium from pigmented epithelium? A. Yes.

Q. Can you testify beyond any Joubt as to what you saw through that microscope?

(Objected to.)

(The Court): Let him answer that. Not what he saw, but what he could distinguish.

(Mr. Green): Of what you saw there?

(Witness): I know what I saw there, but I could not say that I could say it without doubt.

Q. Anything you saw there? A. Some things I saw there I don't know what they were, and some things I do know what they were.

Q. Could you tell anything that you recognized beyond any doubt? A. Yes.

Q. Are you familiar enough with the hair or the beard of a man to be able to tell that when you saw it beyond a doubt? A. I think so.

Q. You say you can beyond a doubt tell the difference between plain epithelium and pigmented epithelium? A. Yes.

(Mr. Green): Now, I think if we confine the Doctor's testimony to these particular facts, and I will do that, I think his testimony is permissible.

(Objected to, for the reason that we have stated and especially for the reason and that this man having been under arrest, we feel he should have had a representative there and notice should have been given him so that he could have seen it was properly carried out and conducted.)

(Objection sustained.)

(Mr. Green): I want to make the offer, if it pleases the Court.

(Mr. Grason): Objected to; Dictated to the stenographer.

(Mr. Green): I will take my direction from the Court and not from you.

(The Court): We have a rule to that effect here. The reason I sustain the objection to that, the Doctor has not shown, in my judgment, sufficiently qualified, with the microscope and its uses to qualify him as an expert in this case. The Doctor is very modest about it himself, he does not claim to be an expert.

(Mr. Green): (Dictated to the stenographer): I offer to show by this witness that he could see through the microscope hair representing such hair as would come from a man's beard, and that he could see pigmented epithelium.

(Objection sustained.)

Q. After you examined the wounds shown on the subject's neck, both in Annapolis on the night of Wednesday the eighth

of August and at the Emergency Hospital in Washington, on the night of the fourteenth what did those wounds show as to what degree of force was used in causing those wounds and why, the reason for your answer?

(Mr. Brady): If he knows.

(Mr. Green): He can't answer if he don't know.

(Witness): There was a good deal of force.

(Mr. Grason): We object to the question.

(Mr. Brady): Is he qualified sufficiently to determine that?

(The Court): I rather think he has been, he described the wounds very carefully when he was on the stand.

(Objection overruled.)

(Exception noted.)

To which ruling of the Court the traverser by his counsel excepted and prays the Court to sign and seal this his Nineteenth Bill of Exceptions which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

TRAVERSER'S TWENTIETH BILL OF EXCEPTION.

After the occurrence of the matter set out in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness, DR. WALTON H. HOPKINS, continuing, says:

(Witness): The wounds had the appearance of being put there with a good deal of force because the tissue was bruised and contused.

Q. Bruised and contused? A. Yes, sir.

Q. What in your opinion, would have made such bruises? I am talking about on the throat.

(Mr. Granson): We don't think that is a matter that calls for an expert opinion. The jury is capable of determining that as well as the Doctor.

(The Court): It is a very usual thing to ask a physician who examined a wound what condition the wound was in and then in his judgment, what kind of an instrument might have produced it, whether a sharp instrument, blunt instrument, I think the question is all right.

(Exception noted.)

A. It looked to me like it had been made by the pressure of fingers.

Q. Why?

(Objected to.)

(Objection overruled.)

(Exception noted.)

To which ruling of the Court the traverser by his counsel excepted and prays the Court to sign and seal this his Twentieth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

TRAVERSER'S TWENTY-FIRST BILL OF EXCEPTIONS.

After the occurrence of the matter set out in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large Witness DR. WALTON H. HOPKINS, continuing, says:

A. On account of the arrangement of the neck and the impression at the forward end of what appeared to be finger-nail prints.

Q. Was there any perceptible difference in the appearance of those wounds at the time you saw them at the Emergency Hospital in Annapolis, or at the bedside of the dead woman on the night of August 8th, and the time of the autopsy in Washington on August 14th? A. Practically no difference, except that the skin of the whole body was hard.

Q. That was due to what? A. To embalming.

Q. What is the general effect of embalming fluid in the preservation of the tissues of the body? A. They are to preserve and harden the tissues.

Q. Would the embalming fluid have a tendency to prevent a proper examination of the subject?

(Objected to the form of the question.)

(Objection overruled.)

A. No, sir.

CROSS-EXAMINATION.

Q. (By Mr. Brady): Doctor, if I recall your testimony taken last week some time, I think you said you saw the body of Mrs. Brandon about nine or ten o'clock, is that right? A. Between nine and ten I said.

Q. Would you be so good as to state the position of the body at the time that you saw it, just as you saw it, that is at the home? A. When I saw it, she was lying on the bed with the head to the foot of the bed. She was on her back with the left side of her head turned towards the bed one leg was straight and the other was slightly bent at the knee.

Q. You don't know that that was the position of the body when it was first seen by Mr. Brandon? A. No, sir; I don't know that; I only know what I saw at that time, Mr. Brady.