

TRAVERSER'S TWENTY-FOURTH 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, Nineteenth, Twenty, Twenty-first, Twenty-second and Twenty-third Bills of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, WILLIAM HERMAN POHLER, called on behalf of the State, testified as follows:

DETECTIVE HERMAN POHLER a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (Mr. Green): What is your business? A. I am a detective of the Baltimore City Police Department.

Q. How long have you been connected with the Police Department of Baltimore? A. Nearly 35 years.

Q. Were you called to Annapolis in reference to the death of Lottie May Brandon? A. I was, on the night of August 8th last.

Q. Do you know John Snowden? A. I know him now; I didn't at that time.

Q. Were you there the day he was arrested in Annapolis? A. Yes; I arrested him, with some other man.

Q. Did you hear him make any statement on that day—yes or no to that? A. I did.

Q. Whereabouts was the statement made? A. In Sheriff Sullivan's office in the Court House at Annapolis.

Q. To whom was the statement made? A. Made to you, State's Attorney Green.

Q. Do you recall what I said to Snowden before I asked him to make his statement? A. You told him that you wanted to know his whereabouts on that Wednesday, August 8th, and furthermore you told him he need not make any statement if he didn't want to, but he was willing to make the statement.

Q. Were there any inducements or threats or immunity from punishment made to him? A. None whatever.

Q. Were there any threats made by me or anybody else? A. None whatever.

Q. Was that statement free and voluntary? A. It was on the part of John Snowden.

(Mr. Green): Now, we are going to ask the witness to tell what the statement was?

(Mr. Grason): When did you see Snowden, first see Snowden? A. I saw Snowden the first time on August the 13th.

Q. On August 13th? A. On August 13th; yes.

Q. What time of the day? A. That was in the evening about, I presume, about 5 o'clock in the afternoon, I saw him on a wagon on the main street. He stopped at a fountain to water his horses on that afternoon.

Q. Who was with you? A. Detective, Kratz, Detective Dougherty and, I think, Deputy Sheriff Lee.

Q. Was there anybody with Snowden? A. There was another colored man on the wagon with him.

Q. Now, what did you do? A. That afternoon we received certain information——

Q. What did you do then? A. I wanted to explain to you——

Q. I don't want any explanation. I want to know what you did when you saw him at the watering trough? A. When at the watering fountain—we had gotten certain information about Snowden and also a description—he came driving down the

street in a wagon and a pair of horses that belonged to Parlett & Parlett. As he went to water his horses I went to him—I didn't know whether that was Snowden or not—and I said, "Did you deliver that load of ice to my place yet?" He said: "To what place?" I said, "I guess you are not the man." I said, "What is your name?" He said, "John Snowden." I got up on the wagon and took him down, and when we got down on the street I said, "We are officers and you are under arrest." And he never asked what he was arrested for and nothing else, and I took him direct from there up to the Court House to Sheriff Sullivan's office.

Q. What became of the team? A. I left it there.

Q. What did you do with the team? A. Left it standing there, in fact, we first went over, he had some money belonging to Parlett that he wanted to deliver over to him, he delivered the money to Parlett, and Parlett said he would look out for the team, and we walked up to the Sheriff's office.

Q. You say you caught hold of him, while he was in the wagon? A. I got up on the wagon and got hold of him and took him off the wagon.

Q. He got down, didn't he? A. He had to.

Q. He did do it? A. Yes.

Q. You were very determined in your actions? A. I suppose the same as anybody else, anybody is determined in the business they are engaged in.

Q. You walked from there to the Sheriff's office? A. Yes, the Sheriff's office in the Court House.

Q. Those other detectives were with you? A. Yes.

Q. And Mr. Lee, I think you said? A. Yes.

Q. Where did you take him? A. Took him to Sheriff Sullivan's office in the Court House.

Q. Did you say anything to him going up the street, you or any of the detectives? A. No, I only told him—

Q. Who was walking with Snowden? A. I had him by myself.

Q. Where were the other detectives? A. They were there, they also brought the other man along, that was on the wagon.

Q. Walking in front or behind you? A. Behind, I was in the lead.

Q. Did you handcuff him? A. No, sir; never handcuffed anybody.

Q. He walked along with you? A. Yes.

Q. You took him direct to the Sheriff's office? A. Yes.

Q. Who was in the Sheriff's office when you got there? A. I think we met Sheriff Sullivan and he walked in with us, in fact, he was there, I don't know whether at that time, but he came in there.

Q. Who was in the Sheriff's office when you took Snowden in there? A. I don't remember of anybody being in there at that time.

Q. You all went in together? A. Yes, sir.

Q. How long did you stay in there? A. We stayed in there until we took Snowden to Baltimore that evening?

Q. How long was that? A. Well, I guess that was probably two or three hours, I don't know the exact time.

Q. How long were you and the detectives after you got in the Sheriff's office, in there alone with him? A. It was some-time.

Q. Sometime before Mr. Green came in? A. Not very long.

Q. How long? A. I don't remember.

Q. Can't you give an idea? A. I cannot.

Q. Half hour? A. I can't give you that, Mr. Green can give that best himself.

Q. I am asking you? A. I don't remember.

Q. You don't know how long you were in the Sheriff's office, before Mr. Green came in? A. I don't; it was not very long.

Q. What did you do with Snowden, when you first came in the Sheriff's office? A. He sat there and we waited for Mr. Green.

Q. Is that all? A. And Mr. Green spoke to him.

Q. Was that all? A. Yes.

Q. It was you and Detective Dougherty and Detective Kratz and Mr. Lee and Mr. Sullivan there? A. Yes.

Q. All of you officers of the law? A. Yes.

Q. And you sat there? A. Yes.

Q. Didn't you say anything to Snowden? A. I talked to Snowden, yes.

Q. What did you talk to him about? A. Nothing in particular, I was waiting for Mr. Green to come and do the talking to Snowden.

Q. Didn't you tell him what you brought him up there for? A. Not until Mr. Green came.

Q. Did any one of you in there, one of the five, tell Snowden what you had brought him in there for? A. I don't think they did at that time.

Q. You were in there? A. Yes I was talking to him afterwards.

Q. You were in there? A. Yes, I was in there; I had charge of Snowden from the time I brought him in there until I took him to Baltimore.

Q. What did you say? A. I had charge of him until I took him to Baltimore.

Q. Do you tell the jury that you didn't or that nobody else said anything to Snowden until Mr. Green came in? A. I am satisfied they didn't because we were waiting for Mr. Green to do the talking.

Q. Did Snowden ask you to do anything why you brought him up there? A. No, sir; he did not; he never said, what am I arrested for or anything else.

Q. You had the other colored man in there, too? A. Yes.

Q. Did he say anything? A. No, sir; he was talking afterwards.

Q. He waited in there until Mr. Green came in? A. Yes.

Q. Did he ask you why you had him up there? A. I don't remember. I didn't have charge of him.

Q. You could hear what was said, you were all in there together? A. No, sir; not in that room, he was in another room.

Q. What? A. He was in an adjoining room.

Q. Were the doors open? A. Sometimes they were open and sometimes closed.

Q. When were they opened and closed, were you going in and out? A. I don't know why Sheriff Sullivan kept it closed.

Q. Why did he open it? A. I didn't ask him.

Q. You have no idea what was going on there? A. No, sir.

Q. Now, Chambers was not dismissed until after Mr. Green came there, was he? A. No, sir; not until after Mr. Green was there.

Q. How long afterwards? A. I don't remember when he went out, in fact I didn't talk to him at all, I never had any conversation with him whatever.

Q. Do you remember anything at all, what you talked to Snowden about before Mr. Green came in there? A. No, I

told him that we were going to keep him there until Mr. Green came, that Mr. Green wanted to have a talk with him and he sat there and waited for Mr. Green.

Q. Did you say anything else to him? A. No, sir.

Q. Is that all you said to him? A. That is about all.

(Mr. Grason): That is all.

(The Court): Do you object?

(Mr. Brady): No, sir.

(Mr. Green): Now, Mr. Pohler, tell what statement Snowden made there in your presence to me?

A. Snowden made his statement: he stated that he was working for Parlett & Parlett, and that on Tuesday, that was the day prior to the finding of the body of Mrs. Brandon, he went into the office of Parlett & Parlett, as was his usual custom to do that on Tuesday, among the men down there, he drew three dollars, he went home that night and went out, he said he got to drinking and sent two bottles of beer home by a man to Edna Wallace living at 56 Acton lane.

(Mr. Grason): Have you not a written statement?

(Witness): I would rather give it to you.

(Mr. Green): That statement was never taken down and signed by Snowden that he made to me.

A. I don't remember.

(Mr. Grason): Was it written?

(Witness): I don't think so.

(Mr. Green): It was not written then.

(Witness, continuing): He said he got in a crap game on Pleasant street with a man named Walter Young, John Frankline, Lovey Joe of Baltimore and some white sailor.

(The Court) : What was that ?

A. Walter Young and a colored man by the name of John Franklin, "Loving" Joe of Baltimore and some white sailor, and he said he won fifty cents, and that he had spent fifty cents and that made him even three dollars again ; he said he went home, he said he didn't remember what time he got home that night ; the next morning about twenty minutes of seven. Wednesday, he got up and he fooled around the house, he says, he and Edna Wallace had been on the outs and were mad with each other, and before he left the house, he gave Edna Wallace a dollar and ninety cents of the three dollars he then had in his possession. He left the house at a quarter of eleven o'clock on Wednesday morning, that was on August the 8th, he says he went down Acton lane,—now Acton lane is the street as you go along West street, passing the W., B. & A. Depot, before you get to Second street ; his house, naturally the back almost faces—

(Mr. Grason) : Were you asked to describe the location or what he said ?

(The Court) : Go ahead with what he said.

(Witness) : He said he went down Acton lane and crossed over a lot into a narrow street, which I found out was wide enough for a wagon to pass there, and he spoke to his niece, Ruth Isaac, who is about 21 years of age. I saw her afterwards ; he left there and walked up that street and went up a little hill to Second street, to where a minister who lives here by the name of Williams, he turned that corner and went up the street as far as West street and went over in Martin's saloon ; there he met Tobe Spencer (witness refers to memorandum) and Pink Johnson.

Q. (By Mr. Grason) : When did you make that memorandum ? A. I made it last night, when I was thinking over the names he told me.

(Mr. Grason) : We object to him using that any more.

(Witness) : I don't want it any further. He said he met them and went and got a bottle of beer and he asked these two men to have a bottle with him which they did, they took a bottle with him and he gave Mr. Martin's bartender a dollar bill

and he took out fifteen cents, that was when he entered the saloon, that it was about five minutes of twelve, noon.

(Mr. Brady): Did he say that was that time?

A. Yes, he said he remained there until five minutes after twelve, when he came out, he saw a mule down on the street up near the corner of Second street, he went up there and helped get the mule up, he then walked down West street toward Acton lane, and went down Acton lane and went home.

Q. Did he say anything about who he met on Second street?
A. He said in coming up Second street just as he got near West, he met Mrs. Baker and she said, "Hello, ain't you working," and he said "No"; she said, "You fellows have to work pretty hard," and he said, "Yes."

(Mr. Brady): Did you mean he said that or she said it?

A. She asked him the question and he gave that answer.

(Mr. Green): Mrs. Florence Baker?

(Witness): Yes.

Q. Did he say anything about having seen anybody else on Second street at all? A. He said that coming up the hill towards Preacher Williams house that he saw him on the back porch, he was stooping as if he was fixing something or doing some kind of work, but he had not seen anybody else as I remember he said on Second street.

Q. Was that on Second street that he saw Williams? A. In rear of the house on the porch.

Q. In the back part? A. Yes.

Q. He was coming up Shaw street? A. Coming up that small street.

Q. What did he say when he was asked how he accounted for all the time from quarter of eleven until twelve o'clock, when he was found in Martin's bar?

(The Court): Ask the question, was he asked?

A. He was asked that question and he could not make any reply; could not account for that time at all.

Q. Mr. Pohler, what, if anything, did you notice about Snowden's appearance that attracted your attention? A. He had some scratches on his face that appeared to be fresh scratches, and asked him how he got those scratches, why he said Edna Wallace scratched my face and asked him when and he said last Sunday a week.

(Mr. Brady): Do I understand this as a conversation that took place in the Sheriff's office at Annapolis?

A. Yes; he said last Sunday week, and said where were you and he said, I came home half past one, from my work—that was the Sunday prior to the 8th he had reference to, and he went in the yard and Edna Wallace got to sky-larking and scratched his face. He stated that two ladies, two colored women, one by the name of Burns was lying on the fence like and one on the other side hanging out the window and saw her when she done it.

Q. Did you ever hear that statement made by Snowden in the presence of Edna Wallace and what Edna Wallace said in Snowden's presence about having scratched his face?

(Objected to.)

(The Court): What is the objection?

(Mr. Brady): We would like to examine this witness about any statement made by Snowden in regard to the Wallace woman that took place other than the sheriff's office.

(The Court): This very statement as I understand it, that the scratches that were found on his face, that they were made in sky-larking about with Edna Wallace; the question is, did he reiterate that statement in the presence of Edna Wallace?

(Mr. Brady): And where?

(The Court): And what she said in his presence about it?

(Mr. Brady): What we object to, if it was made after he was taken to Baltimore City, I think we can show some things there very clearly what was done to him and how he was treated.

(Mr. Green): This is a statement of two people about it and what Edna Wallace said in this man's presence as to his statement that she had scratched his face.

(The Court): The proposition is this: The officer had testified to a statement he made about scratches on his face; the offer is that he made this identical statement in the presence of Edna Wallace and they want to know what she replied.

(Mr. Brady): Is she not the proper one?

(The Court): Well, that is one way of doing it, I don't think there is any trouble about this.

(Mr. Brady): At this time?

(The Court): Yes.

(Mr. Brady): And it is secondary, it is not the best.

(The Court): Let him answer it.

(Mr. Grason): As I understand it then, this is a statement not given on the evening he was arrested and talked to in the sheriff's office at Annapolis, but at a subsequent time in the presence of officers?

(The Court): In the presence of Edna Wallace.

(Mr. Grason): I understand the officers were there and we have a right, it seems to me, to know what was done by the officers at that time and what, if anything, was done by them to Edna Wallace, or to this woman before this statement was made.

(The Court): Well, you may do that; find the place, the circumstances and all about it. If this man and this woman were in the presence of the officers; I don't know whether she was in custody or not, but they were together with the officers at some other time and some other place, then you can inquire the same things, whether any promises, etc.

(Mr. Grason): I will ask you where at this meeting between Snowden and Edna Wallace took place?

A. It was in Marshal Carter's office, in the City of Baltimore.

Q. When? A. It was on the afternoon of August 15th.

Q. Two days after you arrested him? A. Yes; we went over to the jail——

Q. Just answer the question?

(Witness): You don't want to hear what I have to say.

(Mr. Brady): We will hear everything from you.

(Witness): We went over to the jail on August 9th and interviewed——

(Mr. Grason): I didn't ask you about that; just answer my questions and we will get along. This interview between Edna Wallace and Snowden took place in Marshal Carter's office in Baltimore on the 15th? A. On the 15th we brought Edna Wallace to Baltimore in an automobile.

Q. Was not Snowden in Baltimore? A. At that time; yes.

Q. At that time? A. Yes.

Q. When did you bring Snowden to Baltimore? A. Brought him on the night of August 8th.

Q. How long did you have him in Baltimore? A. I don't know how long.

(The Court): When?

(Mr. Green): He means the night of the 13th.

(Witness): Yes.

Q. You saw him on the 14th? A. Yes.

Q. How long? A. Not very long, I went down to Annapolis.

Q. Did you see him in the afternoon of the 14th? A. No, sir.

Q. What time was it—did you see him on the 15th? A. In the afternoon about four or five o'clock.

Q. Did you see him on the morning of the 15th? A. I don't remember.

Q. Don't you know whether you saw him or not? A. No, sir; I went down to Annapolis, I don't remember whether I saw him or not.

Q. You can remember all those details, these conversations, Mr. Polier, how is it you can't remember that you saw him on the morning of the 15th, the day you say the conversation between Edna Wallace and Snowden took place? A. I may have seen him. I won't say I did and I won't say I didn't.

Q. Who was present in Carter's office on the 14th, when you saw him? A. The 14th?

Q. Yes? A. I don't recollect seeing him on the 14th at all.

Q. Didn't you say you saw him on the 14th? A. No, it was on the 15th.

Q. Did not you see him from the time of the night of the 13th, when you took him to Baltimore until the 15th, when you had Edna Wallace there? A. I don't think I did.

Q. Will you say? A. I say I don't know whether I saw him or not.

Q. Did you bring Edna Wallace from Annapolis for this interview? A. Yes.

Q. What time did you leave Annapolis with her? A. Some-time in the afternoon.

Q. What time? A. I don't remember the time.

Q. Have you any idea? A. No, sir; I think we got in Baltimore in the neighborhood of four o'clock.

Q. How long were you at Annapolis with Edna Wallace before you left? A. Edna Wallace she was over in jail.

Q. Was she? A. Yes.

Q. Did you see her at the jail in Annapolis? A. I interviewed her there on the 14th and she made a certain statement.

Q. I am not asking for the statement, you saw her on the 14th? A. Yes.

Q. How long? A. We were over there quite a while getting her statement.

Q. Who? A. Detective Dougherty and Kratz and myself and Deputy Sheriff Lee.

Q. How long were you there? A. Sometime.

Q. Sometime might be a couple of hours and might be ten minutes, how long were you there? A. I can't give the exact time.

Q. Could you not say whether one, two or three hours? A. I could not give you that, but not three hours, probably an hour.

Q. This was on the 14th and you went down on the 15th to the jail to see Edna Wallace at Annapolis? A. No, we took Edna Wallace on the 15th to Baltimore, and John Green.

Q. Didn't you say you saw her on the 14th in the presence of these gentlemen? A. Yes, over at the jail.

Q. At Annapolis? A. Yes.

Q. And you went down on the 15th to get her? A. Went down and got her at Annapolis and took her to Baltimore.

Q. Who? A. Sheriff Lee, Detective Kratz and myself; I don't know whether Kratz was with us or not; Sheriff Lee and myself.

Q. You say you got in Baltimore somewhere along about four o'clock? A. About four or half past four as near as I can recollect.

Q. You went down to Marshall Carter's office? A. Yes.

Q. Was Snowden in Carter's office when you got there? A. He was brought in from the lock-up.

Q. By whom? A. I think I went over and brought him in myself.

Q. Did you bring him in immediately? A. Yes.

Q. Did you tell him that you had Edna there? A. When he got in there we did.

Q. He could see then for himself? A. Yes.

Q. Did you tell him before? A. No, sir.

Q. How long did you have—it was you and Kratz and what other detective? A. Sheriff Lee was there and myself.

Q. Anybody else? A. No, I think that was all, and Deputy Marshall House was there.

Q. That is four, anybody else? A. There may have been some others that I don't remember.

Q. How long did you have them in there? A. Not very long, probably 20 minutes or a half hour.

Q. What was said when you first took Snowden in where this woman was and by whom, who said it? A. Deputy Marshal House said to Snowden, do you know that man here, which was John Green, and he said he did, and he said, "what is his name?" and he said John Green.

Q. John Green? A. Yes, we brought him up from the jail to Baltimore and he said is that the man you saw running—

(Objected to.)

(Witness): He asked me what was first said there and I am trying to tell him.

Q. Regarding Edna Wallace? A. Edna Wallace had made a certain statement to me.

Q. I am asking you, was it made there? A. No, in jail.

Q. I am asking you what was first said to Snowden in the Marshal's office in Baltimore, in the presence of these gentlemen what was said first to him concerning Edna Wallace and who said it? A. Marshal House said, Edna, do you know this man, and she said, yes, John Snowden; and he said, Did you put those scratches on his face?

Q. How long after Snowden was brought in, was that said? A. A very few minutes.

Q. How many minutes? A. I don't know, as soon as we got in there, asked her the question. I could not tell you the exact minute.

Q. You asked the question as soon as you got in there? A. No. I am trying to explain the other part getting down to Edna Wallace, with Snowden, Snowden had made a statement about this man Green.

(Mr. Brady): You have not mentioned Green's name in the statement that was made by Snowden to Mr. Green in the Sheriff's office in the City of Annapolis, and therefore he asked you to eliminate Green at this time.

(Witness): Mr. Grason asked me what was said first in the Marshal's office.

Q. Concerning Edna Wallace? A. Well, Edna Wallace had made a statement to me over in the jail that on the strength of that statement I went then to Snowden I think on the morning of the 15th, and I told him what she had said, that she had not put these scratches on his face, now I am talking to Snowden—

(Objected to.)

(The Court): We don't want that conversation yet.

(Mr. Grason): I ask you again what was first said and when it was said, and how long after you brought Snowden out in the Marshal's office, was it that anything was said to him concerning Edna Wallace, and who said it to him? A. Marshal House, at once.

Q. At once? A. Yes, spoke to him at once.

Q. I will ask you if you knew before that whether Snowden was not roughly treated by the detectives in your presence?

(Mr. Hartman): What time?

(Mr. Grason): Between the 13th and the 14th.

A. He was not. I don't allow a prisoner to be treated roughly by any one. He is not by myself and I don't allow anybody else in my presence; I won't have it, and everybody will bear me out in that, and Snowden will bear me out in that, too.

(Objected to). He said he only saw Snowden a few moments on the 14th, how does he know what treatment he received from the detectives from the night of the 13th when arrested, until the Tuesday afternoon on the 15th, not in his presence.

(The Court): Of course you can only speak for yourself, when you were interviewing him, or at times when in the presence of others.

(Witness): I can only speak when he was in my custody.

(Mr. Brady): We will object to anything said by Snowden in the presence of the officers; unless we are able to go into the full time that Snowden was in the custody in Baltimore City from the night of the 13th until the time that he came in the office with Edna Wallace, which was Tuesday, or Wednesday, the 15th.

(The Court): What do you say to that?

(Mr. Green): We don't think—this witness is asked to detail a statement made between these two people in his presence

and he can testify only to what happened in his presence and with him or with those he was with; he can't be asked to testify to everybody that might happen to see Snowden; I don't know that it is possible that he could tell everybody that saw Snowden; but this man is asked to detail the conversation between Snowden and Edna Wallace in the Marshal's office on this 15th day of August, and the conversation or statement that Snowden made to me on the night of his arrest, in the Sheriff's office. Now, he has said that nothing was said to Snowden to intimidate him at the time he made the statement to me, and he has testified he brought the Wallace woman up from Annapolis to the Marshal's office and went over and got Snowden and this was the interview that occurred there between Snowden and the detectives and the Wallace woman on that day. It is not a question of what was done, or what might have been done or what was said to Snowden at some other time on some other occasion by somebody else, but this is an inquiry of what took place on this occasion about this particular circumstance and this particular inquiry to which we have directed. Suppose for the sake of argument that Snowden had been treated roughly on the day of the 14th, but not by this party, and on the 15th, he was brought over by Mr. Pohler and carried into the office and nothing said to him and no offer of inducement and no threat made to him and this conversation occurred between this woman and the prisoner; my brother can't say because forsooth something was done to him at some other time, that this conversation held on this occasion when nothing was done to him and nothing done by those men in the meantime that any talk he had with this man in the presence of this woman is not admissible. We don't think our brothers' objection is good for that reason. My brothers seem to want us now to go through and show everybody that went to Snowden and everybody that said anything to him and who that person was; if we have got to show that, it is almost impossible at any time to get any statement made at any time; this is not a conversation, this is a statement; it is impossible to get a statement because sometimes you could not show whether anybody else had seen him or not.

(Mr. Brady): Now, your Honor, there are somethings that have been said that are still doubtful; if there was a question in the minds of these people, when that statement was first made by Snowden as to the scratches and where he got them from, in the Sheriff's office, in the City of Annapolis, why didn't

they, there was the woman right within reach, four or five deputy sheriffs there to go after her, why didn't they go after the woman at that time and have her contradict him if any contradiction was made, but she is not brought there until the 15th, the evening of the 15th, and during that time, we want to show the cruel, the rough, the hellish treatment of this poor fellow, held there during that period, and yet we are fearful of what they say, but yet we must be careful in protecting our client, and I say it would be wrong three days afterwards and having the opportunity to examine this woman to have put it off for three days, knowing it and even though he said it, in the presence of Mr. Pohler, we must remember how he may have felt and how he was intimidated by reason of his cruel treatment which we expect to show and no matter who was there, he was trying to prove and to put himself in a position to prove himself innocent after a week of cruel treatment by the officers of the law.

(Mr. Green): My brother seems to have the wrong impression of this thing. We don't wish to show that Snowden admitted that she didn't put the scratches there. We expect to prove that he still said it. The only question involved here is whether or not she denied that and said she did not do it in the presence of John Snowden. Now, my brother has asked a question in the presence of the Court and jury, and I will tell my brother why we waited until that time, why we were in such a hurry; it was done because we feared the consequence to John Snowden, if we didn't get him out of Annapolis and to some other place, and it was mostly the colored people——

(Objected to.)

(Mr. Green, continuing): And we did send for Edna Wallace on that night.

(Mr. Grason): I ask you then, why didn't you try the case down there in your own county, if that is so?

(Mr. Green): I will tell you, Mr. Grason, and gentlemen of the jury, if you want me to tell it.

(The Court): Gentlemen, the proposition here is: The officer having testified that the prisoner at the bar accounted for certain scratches on his face, now the proposition here is to

show that he made the same statement in the presence of somebody else—the person whom he said inflicted those injuries—and that person denied it. Now, that is the object of the testimony; so you have here a witness that has testified, rather who has made certain statements, to wit, that she did make these statements and she had nothing to do with it.

(Mr. Brady): That is not the best testimony; is it not secondary? Here is the woman sitting here.

(The Court): I know it. Put her on the stand. If she testified to it, put her on the stand and then you know what you can do.

(Mr. Brady): Then you can impeach the witness.

(The Court): There is no trouble about that. I sustain the objection.

Q. Did Snowden subsequently make any statement about his movements or what he had done on that day, Wednesday, the night previous and, if so, what and where? A. No other statement; only that evening he was home he heard some woman saying—

(Objected to.)

Q. When was that? A. When was that?

Q. When did he make this other statement that you started to tell? A. I think it was the same night, at the Sheriff's office—the first he knew about this woman being killed was on Wednesday night.

Q. That was on the same occasion that you first told about his statement? A. Yes.

(Mr. Brady): In the Sheriff's office, in the City of Annapolis? A. Yes.

Q. In the presence of Mr. Green? A. Yes.

(Mr. Green): What did he say about when he got that, that afternoon or at night? A. That night he heard some women

on the sidewalk telling about a woman being found dead down on Second street, and he then went and told Edna Wallace about it.

Q. That was on Wednesday? A. On Wednesday night.

Q. Did he make any statement where he went after he got home where he was, or whether he went out? A. The only time he said he went out he went over to Weis's to get a bottle of beer, and Edna had to give him ten cents to get the beer with.

Q. Whereabouts were these scratches on his face? A. I think one was on the side here, and I think one down here (indicating); there were several scratches.

Q. Do you know whether a picture was taken of him there in Baltimore? A. I do not.

Q. Can you identify these pictures as a correct likeness of Snowden on the day of his arrest? A. Yes, they are about the likeness of him.

Q. And the way he was dressed? A. Yes; that is the first time I saw that.

(Mr. Brady): Did you say the day he was arrested?

(Witness): I don't know; that was the first day I saw those things.

Q. You say he looked that way when you arrested him? A. Yes.

(Mr. Green): Do those pictures there represent the scratches on his face as you saw them?

(Objected to.)

(The Court): He says, as I understand him, that these pictures represent the appearance at the time of his arrest.

(Mr. Green): Yes, sir.

(The Court): Now, you are going to offer those pictures now?

(Mr. Green): I am going to offer them. If my brother insists on objecting, we have the photographer here who took them.

(The Court): Do you object to the introduction of the pictures?

(Mr. Brady): I have always understood that when you offer evidence such as this, in order to have it to be good evidence, that the party, the photographer in a case of this kind, would have some authority—that is my idea—from the Court or from the jurisdiction where the crime is committed. Not every Tom, Dick and Harry can come forth and get some picture and then have it introduced in evidence.

(The Court): A picture is a picture. You say you have the photographer here who made it?

(Mr. Green): Yes.

(The Court): Who is he?

(Mr. Green): The official photographer of the Police Department of Baltimore.

(The Court): I was going to say there were certain scratches on the face, when arrested, and the officer said this is a good picture of him at the time he was arrested.

(Mr. Green): Yes, sir.

(The Court): Now, you offer the pictures, and let it go at that.

CROSS-EXAMINATION.

Q. (By Mr. Brady): Mr. Pohler, you are identifying this picture as being the picture of Snowden the evening you made the arrest? A. He appeared that way; that is the first time I saw the picture just now.