

tle men who committed this dastardly act. We expect to show you that he grabbed that woman from the rear, choked her into insensibility, threw her upon that bed and then ravished her, and that then with the feeling that a dead woman tells no tales, hit her in the head and left her there for dead.

If we show you these things, gentlemen of the jury, if we show you these facts and those circumstances we shall unhesitatingly ask at your hands, in the name of the peace and good order of society, in the name of morality and decency, and proper respect for the public administration of justice, "guilty of murder in the first degree."

To which statement counsel for traverser objected and noted an exception.

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

(Exception refused.)

FRANK I. DUNCAN.

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#### TRAVERSER'S SECOND BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first bill of exceptions, all of which is hereby made a part hereof, as fully as if the same were herein repeated at large.

VALENTINE N. BRANDON, a witness called on behalf on the State and after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where are you living now, Mr. Brandon? A. Washington, D. C., 914 Sixth street.

Q. How old are you? A. 21.

Q. When were you married? A. October 16th, 1916.

Q. Who did you marry? A. Lottie May Haislup.

Q. What was her residence? A. 2329 Virginia avenue, N. W., Washington, D. C.

Q. Where were you employed at the time you were married?  
A. The day before I was married I left a position at the Agricultural Department and the day after I was married I started at the Experiment Station.

Q. When did you come to Annapolis to live? A. October 17, 1916.

Q. Where did you live when you first came to Annapolis? A. The first night, it was after dark when I got there, I spent at the Maryland Hotel and I roomed for about a week or so on Hanover (?) street and finally moved to a place known as Danmyers on Main street.

Q. When did you go to live on Second street? A. New Year's day, the first of January.

Q. 1917? A. 1917, yes, sir.

Q. What place did you rent then, where were you located?  
A. No. 29 Second street.

Q. What was the nature of your holdings then, what did you rent? A. Rented the downstairs floor of three rooms and bath and cellar and back yard.

Q. Who lived there with you? A. My wife.

Q. What was her name? A. Lottie May Brandon.

Q. In Annapolis, Anne Arundel County? A. Yes, sir.

Q. What was the condition of your wife on the first of August, 1917? A. Well, she was in good health and cheerful.

Q. What other condition was she in? A. Well, she was about to become a mother.

Q. In what length of time? A. About a matter of six weeks, maybe two months.

Q. Do you recall the morning of the 8th of August, Wednesday morning, August 8th, 1917? A. Yes, sir.

Q. Just tell the Court and the jury, if you please, what you did during that day, what time you got up in the morning, what you did, what time you left home, where you went, where you spent the day, what time you arrived back home and what you then found? A. I got up about a few minutes before seven, ate breakfast, just before breakfast I went out to the baker's to get a loaf of bread and some milk.

Q. What did you take with you when you went to get the loaf of bread and the milk? A. My wife gave me a dollar bill and I went to the baker's and they could not change it that early in the morning and I took the dollar home and the bread and milk and gave it to my wife and told her she could pay that later in the day and after breakfast left the house a little after eight and caught the ferry launch about 8:30.

Q. Who went over with you in the launch, do you remember the people? A. Quite a number, I don't remember many of them.

Q. Do you remember any of them? A. Mr. Stewart, Mr. O'Neill, Mr. Benezy, Mr. Vandebear, Mr. Babel.

Q. What time did you reach the Experiment Station? A. About quarter of nine or twenty minutes of nine.

Q. What was your work then, what kind of work? A. Stenographic work and clerical work.

Q. In whose office? A. Captain T. W. Kinkaid.

Q. Rear Admiral? A. Rear Admiral T. W. Kinkaid.

Q. You have placed yourself at the Experimental Station about what time? A. About twenty minutes of nine.

Q. In what office, whose office? A. In the office of Rear Admiral T. W. Kinkaid.

Q. Go on from that time, what you did during the day and whether you remained and up to the dinner hour? A. I stayed

at work there until lunch time and had an hour for lunch and then went a swimming alongside of the station there.

Q. What time was that? A. That was about 12.30, I guess would be, little over half hour.

Q. Where did you go after lunch?

(Mr. Grason): What is the idea of this?

(Mr. Green): We are leading up to the finding, the discovery of the crime.

(The Court): Well, I suppose the particulars with which he accounts for what he did is what is being objected to; there is no special objection, except saving time.

(Mr. Grason): We want to know the object of the State.

(Mr. Green): We think that is the shortest way to go ahead.

(The Court): I see no objection to it except that it seems a little waste of time.

Q. What time was your lunch hour? A. 12:30 to 1:35.

Q. Where did you go after lunch? A. After I came in from swimming I went back to the office and ate my lunch and continued work until 4:30.

Q. You left the Experimental Station on what boat? A. On steamer that leaves there 4:32.

Q. Where did the boat take you? A. Took us directly across the river to what is known as the Maryland Avenue float, at the foot of Maryland avenue and Naval Academy.

Q. Where did you go from there? A. Directly home.

Q. Now tell what you did when you went into the house? A. I entered the front door and called my wife and whistled to her and I didn't get any response and I went in the second room and saw her lying on the bed and thought she had fainted or was sick, I spoke to her and touched her shoulder and she didn't

answer me, so I became alarmed then and went out and had the neighbor to call a doctor.

Q. What neighbor? A. Down to the bake shop and they tried to telephone for a doctor and could not get a doctor right away and so I went and told Mrs. Birch and she went down to the house while I went over to try to get a doctor some where, but didn't have much success in getting one and in front of the baker's Mr. O'Neill happened to come along and he said he would go get a doctor and by that time I got back to the house and a doctor was just going in then.

Q. Did you see your wife after that? A. Not until late that evening I got in there, the doctor went in to the middle room and shut the door and left me in the front room with some of the neighbors; I didn't know really what happened until late that night when several detectives came around and took me with them and I identified the body of my wife.

Q. Did you see your wife's body after that night? A. Yes, sir.

Q. You know when the pictures were taken of your wife's body? A. Yes, sir.

Q. Whereabouts were they taken? A. In the Undertaker's establishment, Mr. Sardon's.

(Mr. Grason): Were you there?

(Witness): No, sir; not when they were taken.

Q. Can you identify those photographs as a good likeness of your wife? A. Yes, sir.

(Objected to.)

(The Court): He says he can identify those pictures?

(Mr. Green): Yes, sir.

(The Court): That is as far as it has gone.

Q. Did you see the condition of her throat? A. Yes.

Q. Does that photograph represent the condition of her throat? A. Yes, sir.

Q. Does that photograph represent the condition of her throat and neck? A. Yes, it does.

(Mr. Green): Now we offer those photographs in evidence.

(Mr. Brady): Objected to; the photographs having been taken, unless it is shown they were taken and at what time they were taken, if taken after the arrest of this man, of course, unless they can show conclusively to the Court that there was no possibility of tampering with that body and that notice had been given to the defendant. I feel, that in accordance with the rules of evidence, that that should not be admitted or anything pertaining to the condition of the body and as I say, unless the State can show conclusively, that any tampering could not have happened, I might say right here, as the question no doubt will arise very shortly, and to admit to the Court that we, the defense, know very little about what the prosecution has to show or prove, in fact we know nothing, there was never at any time any inquest or preliminary hearing in this case at any time, and we are at a loss to know what we have to prove and we are grabbing at straws and in defense of the man whom we have in our care, we feel it our duty to object at all times and under all circumstances when we think proper. Now here let us follow this body, no doubt it will come in the evidence as part of it. Mr. Brandon, the unfortunate woman was found dead on the night of the 8th of August, she was there, the body was taken up, I understand, to the hospital about 11 or 12 o'clock at night, then an autopsy was held, the body was then turned over to an undertaker who prepared this body for burial, the body was then placed in the hands and the care of Mr. Brandon, who was suspected in this case—

(Objected to that being interjected in this case at this time; we don't think that is a fair statement before the jury.)

(The Court): There will be time enough to get to the matter on cross-examination without consuming any more time than necessary in an argument. This witness has testified that he saw his wife laying on the bed, he supposed she was in a faint, he went out to get help and that he saw her again late that night and that he saw her afterwards, the next day, now that is as far as his testimony goes. Now, if it is true an autopsy was held on this body before the photographs were taken, the photographs should not be admitted.

(Mr. Green): That is true?

(The Court): You must show that when this photograph was taken, the body was in the same condition it was at the time the murderer left her.

(Mr. Green): The State can show that, will follow that up.

(Mr. Grason): We think it ought to be in writing.

(The Court): The witness has identified the photographs and at the proper time you can put them in if you meet the Court's restrictions.

Q. Did you see the condition of your wife's throat that night?

A. No, sir; I didn't pay any particular notice, I noticed it was bruised.

(Objected to; ask him what he saw and not specify any particular part of the body?)

(The Court): Yes, he asked the question whether he saw the throat?

(Mr. Green): Yes, sir.

(The Court): That is all right, he was not told what he must answer what he saw on the throat, now he can take the limbs.

Q. Does that photograph—

(Mr. Brady): Let him describe what he saw on the throat?

(Mr. Green): If the Court will bear with me one moment, I will try to explain what I mean: I understood the witness to say in answer to that question that he saw her throat, it was all bruised up, if I am wrong saying that, I don't know.

(Answer repeated.)

Q. When did you see your wife's body after that? A. I saw it in the undertaker's establishment in Annapolis and again in Washington.

Q. You saw it in Annapolis and Washington? A. Yes, sir.

Q. What did you notice about your wife's throat when you saw it at the undertaker's establishment at Annapolis?

(Objected to; objection overruled; exception noted; question withdrawn.)

Q. What did you notice about your wife's body when you saw it in the undertaker's establishment, the condition of it? A. I could only see the upper portion of her body and I could notice her neck was badly swollen and torn and scratched and bruised.

Q. Does that picture of your wife's body represent as you observed her condition—does that photograph represent the condition of your wife's body, the part that you saw of it when you saw it in the undertaker's establishment?

(Objected to.)

(The Court): If you will pardon the suggestion, this witness has identified these photographs, now trace the body from the time it was found, he had very little to do with it at first and it is from the time it was found, do you think you have shown fully the condition of the things connected with it that will guarantee you or warrant you in offering these photographs?

(Mr. Green): We will withdraw the photographs at this time with the fact that he has identified the pictures.

(The Court): Yes, he identified the pictures, three of them?

(Witness): Yes, sir.

Q. Who worked around your house, who did the work for your wife at any time previous? A. A colored girl, Edna Wallace, did the washing always, came after it and brought it back.

Q. Edna Wallace? A. Yes, sir.

Q. Do you know whether the dollar that your wife gave you was all the money she had, do you know anything about that?

A. Well, I don't know if she had any other bills; I am pretty sure she didn't have any change to my knowledge she might have had a little change, it would not have been enough for what I went to the store after.

Q. After your wife's death, Mr. Brandon, did you miss anything from the house? A. Well, I never saw any money there. I never saw that dollar bill again.

Q. You never saw that dollar bill? A. No, sir.

Q. When you first went in the front room, did you notice anything about that? A. I noticed the rug was kind of rumpled, I didn't pay much attention to it at the time, because I didn't think anything had happened in there.

Q. What did you do when you first opened the front door?  
A. I called my wife and whistled to her?

Q. Is that your custom and habit? A. I always did that when I came home.

Q. Did you say anything to her? A. I called her.

Q. What were the words you used, do you remember?

Objected to.)

(The Court): I don't see the purpose of it.

(Mr. Green): Showing what he did just previous to finding the body, how he came to go in the other room to see her, when he entered the front door he whistled and called to her and didn't get an answer, that made him go in the other room to look for her.

(The Court): He said he did that, no matter what he said,

#### CROSS-EXAMINATION.

(Mr. Brady): The night before, what time did you arrive home from work? A. The usual time about quarter of five. he went.

Q. What did you do after that, did you remain home? A. After supper we—I don't recall exactly what we did do.