

eighteenth, nineteenth, twenty, twenty-first, twenty-second, twenty-third and twenty-fourth bill of exceptions all of which is hereby made a part hereof as fully as if the same were herein repeated at large, OFFICER WILLIAM P. BURNS, a witness called on behalf of the State, testified as follows:

OFFICER WILLIAM P. BURNS, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): What is your official position? A. Assistant in the Bertillon Bureau.

Q. Assistant what? A. Assistant Bertillon Operator.

Q. Do you know John Snowden? A. Yes, sir.

Q. Did you take his photograph? A. Yes, sir.

Q. Whereabouts? A. In the Bertillon Bureau, Police Department, Baltimore, Maryland.

Q. Did you take his measurements? A. Measurements, finger prints and description.

Q. What did you notice about him when you took his measurement? A. Of course you take the measurement and the scars and marks and among the scars and marks, I noticed one on the right cheek here (indicating), about four-fifths of an inch long, about an inch from the right corner of the mouth and then one right here (indicating) over the corner of the right eye; I asked him how he got them and he said—

(Objected to.)

(Mr. Green): What is the objection?

(Mr. Grason): For the same reason we objected before. When was this taken?

(Witness): On August 14th, in the afternoon, the day following his arrest.

(Mr. Brady): You don't know what he had gone through prior to that?

A. He didn't seem to have gone through anything.

(Mr. Green): You were taking his measurements and his finger prints and going through that part of the proceeding?

A. Yes, and in taking that description, we asked how they come by the marks and scars——

(Objected to anything he may have said at that time.)

(The Court): This is a statement he makes in reply to certain questions.

(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 Twenty-fifth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

WILLIAM P. BURNS, continuing, says:

Q. What did he say? A. He said that Edna Wallace had scratched him; I said, why did she do that? He said, that she often played with him that way; he also had scratches on his arms, both arms, one about here on this one, and on this one (indicating), one here and one here, similar to the one here; they looked like nail scratches.

Q. Did he make any statement in reference to those? A. They were embraced in the question I asked him, how he came by the scratches, he stated they were all from Edna Wallace.

Q. Can you identify these photographs as being taken by you of John Snowden? A. Yes, positively.

Q. On the 14th of August? A. Yes, sir.

Q. That is a correct representation of him? A. As the camera could make it. I wish to state this photograph on the side is not taken because of the scar on the cheek, which is the regular way of taking photographs by the Police Department; if that scar had been on the opposite side, we could not have revealed it, you made the statement it was done for that purpose, I want to tell you why it was done. It is the system of the Department to take that side of the face.

Q. It was done under the system of the Department? A. Yes; we always take the right profile.

Q. Is that the scratch? A. Yes, on the right cheek, one inch from the right corner of the mouth and four-fifths of an inch long.

#### CROSS-EXAMINATION.

Q. What was the width of it? A. The width was a scratch, we don't measure the width unless it is over a half *centimeter*.

Q. It was a scratch? A. Well, a gouge, there is a difference, one is about like a nail would make it and one like a pin would make would be a scratch.

Q. A real sharp nail would be a scratch? A. Yes, a broad nail would gouge you.

Q. You saw no other scratches other than those on his arm? A. That is fresh, no other fresh scratches; there were a number of scars that were old.

Q. They were on the arm, both arms and on this side? A. On the right side (indicating), not this side (indicating), the right side.

Q. Is that all the scars you found there? A. Fresh, yes.

Q. Detective Pohler said there was one on the other side also? A. The camera will bear me out, it was on the right side.

Q. Detective Pohler said there were two scratches? A. There may have been an old scratch that he took for fresh, I don't know what his eye could tell him.