

the kind. The jury must have nothing but the evidence from the witnesses. The objection is overruled. The Deputy Marshal will make his statement.

(Mr. Brady): I think in the line of evidence that we have the right to put Snowden on to say what took place there.

(The Court): You have.

(Mr. Green): We think the proper procedure is for the State to offer all this evidence to show how Snowden made this statement and then we produce our evidence on that point and then it is for the Court to say whether or not it ought to go in as evidence; we think that is the practice established by the Nicholson case in 32 Md.

(The Court): The only point in the whole controversy is the difference between a statement, which is not a conversation and not offered as a conversation, and a conversation; if it is offered as a conversation then you are entirely right, that you have the right to put up as many witnesses as you choose to show that the statement, that the conversation was not obtained voluntarily, but this is not a conversation and the State says so; I think you are wrong about that.

(Jury retires.)

(Argument.)

(Jury returns.)

(The Court): Bring back the jury. The testimony will be admitted.

MARSHAL CARTER recalled to the stand.

(Mr. Brady): May I ask the Marshal one question?

(The Court): Yes.

(Mr. Brady): Mr. House, you say it was half past four in the afternoon the first time you saw Snowden?

A. Half past four in the afternoon; was Snowden and Sheriff Lee and Edna Wallace—

Q. Answer the question? A. I said half past four in the afternoon, it was Snowden, Sheriff Lee——

Q. Did you say it was half past four in the afternoon that you saw Snowden the first time, yes or no? A. Read that over.

Q. Answer the question? A. I will answer the question yes; not the first time, I will say I saw Snowden half past four in the afternoon in the presence of Sheriff Lee of Annapolis.

Q. Officer Kratz said you saw him half past nine the night before; the night of his arrest, at nine o'clock between nine and half past nine on the immediate arrival of Snowden with the officers of the law in the Marshal's office in Baltimore City; was he right or wrong? A. Officer Kratz may have been right; he was there with Sheriff Lee, Kratz and somebody else.

Q. Then you were wrong when you said half past four? A. The first time I saw Snowden with Edna Wallace and Green and Sheriff Lee it was half past four, I say that.

Q. That was the first time? A. That is my statement.

Q. You could not have seen him the night before? A. I may have seen him with the other people, but in the presence of Snowden and Edna Wallace——

Q. Then you may have been mistaken to have said that? A. If you will allow your stenographer to read it, he will give you the same thing over.

Q. I am asking you the question; I am only trying to get the facts? A. I am giving you the best I can, the truth and anything I say to you I say without fear or favor.

(Mr. Brady): And I to you.

(Witness): Thank you.

Q. Now I ask you the question again: Did you see Snowden for the first time at half past four in the afternoon? A. I will say I saw him half past four in the afternoon, whether the first

time, if you asked me the first time and I said yes, it is all right.

(Mr. Brady): Will you read just what the Deputy Marshal, when I first asked him the question, said?

(Answer read.)

A. I want to say that was half past four when I was with him and that was about the 13th.

Q. And what you said in the first place, that stands? A. Yes, I said about the 13th.

Q. Then you didn't see him about half past nine on the 13th? A. That may have been another time.

(Mr. Hartman): Detective Kratz said between eight and nine; that may have been another time.

A. That may have been another time, but I can say half past four on or about the 13th; it may have been the 14th or 15th, that he was in my office in the presence of a Sheriff of Annapolis Sheriff Lee I think his name was, and a boy named Green and a woman named Wallace, and if you let me go on I will tell you how they came to be there.

Q. Was that the first time you saw him? A. No! that is the first time I saw him at that time.

Q. What time of the day was that? A. That was half-past four as I told you before.

Q. Then you are mistaken? A. I am not mistaken in anything, only in the dates; you are trying to make me put down dates that I don't know anything about. I am simply saying to you that when this man was arrested, I had seen him when he was arrested and that he was brought before me on two following days and there are gentlemen here sitting around the table that know that to be the fact.

Q. Now, you say it was not the first time you saw him? A. The first time I saw him there that day in the presence of Edna Wallace.

Q. I am talking about the first time you saw him in your life? A. The first time I saw him he was brought up in the evening some time; I had my lunch out; it was on a Board day.

Q. Why didn't you say that before? A. I knew how he got the scratches and I wanted to show you how Edna Wallace and Green happened to be there.

(Mr. Green): Now, Marshall, tell the Court and the jury what statements Snowden made there, what was said by Snowden and by anybody else in the room?

A. Well, he was brought in the office and he was asked his name, where he lived, his age, and then he was asked where he was on that day of the 8th and he said; I asked him if he worked the night before and he said no, he had been on a party of some kind and that he stayed home that day; I asked him if he left the house and he said, yes, about fifteen minutes of twelve; I asked him where he went, he said, he went to Martin's saloon; I asked him, which way he went and he said he went out the back way over the lot down Second street to Martin's saloon; asked him who he met and he said he met a man named Spencer and some other colored man, I don't just remember his name; I asked him what he did there and he said he bought a drink; he said then, that somebody asked him what time it was and he looked at the clock and it was twelve o'clock and I said, how did you know it was twelve o'clock and he said, I looked at the clock myself, and that clock was five minutes slow and I knew that; and I asked him if he saw anybody else and he said, yes, he saw a boy named Green coming down Second street that time and asked him how he could make it that time and he said looking at the clock and a short way down the street was a mule or horse had fallen down in front of a livery stable and he and Spencer and this other man went down and helped the man to get the mule up and that they walked in the saloon and he stood at a pole to light a cigarette and this boy came running along and he said, "Hay." Greeny and Greeny said, hello and kept going on and I asked him how he got the scratches on and he said he got them playing with Edna on Sunday and then went home and then this time half-past four, the Sheriff, I think his name is Lee, and this man came up with Edna Wallace and Green.

Q. What was said then? A. Then I sent for Snowden and brought Snowden over in the office in the presence of Edna

Wallace and Green and the detectives and I said to Snowden, is this the man that you saw running up Second street, and he said, yes; I said, are you sure this is the man, he said, I think so; I said, now before you said yes, and now you say, you think so, what is your answer; he said, that is the man; I said how long have you known this man, he said, I knew his father for a good many years, but I didn't see much of him, but I know him; I said, you know this woman and he said, yes; I said, you live with her, he said, yes; I said, Edna tell him about the scratches on his face, did you scratch him?

(Objected to; objection sustained.)

(The Court): What he said?

(Witness): I asked him then if she had scratched him and he said yes, in the presence of two women who live next door, I said, can you remember their names at this time and Edna Wallace denied it in his presence.

(Objected to.)

(The Court): Strike it out.

Q. Did you see any scratches on him anywhere else? A. Scratches on his face.

Q. What did Green say?

(Objected to; objection sustained; the same ruling as yesterday on that.)

CROSS-EXAMINATION.

Q. (By Mr. Brady): Is that all that took place and all that was done and all that was said? A. That is about all, yes, sir.

(Examination concluded.)

TRAVERSER'S TWENTY-SIXTH 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,