

REVEREND E. S. WILLIAMS, a witness of lawful age, called on behalf of the defendant, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (By Mr. Brady): What is your position in the City of Annapolis? A. Pastor of Asbury Methodist Church.

Q. How long have you been pastor? A. Five years this coming March.

Q. Where do you live? A. 31 Second street.

Q. How far do you live from the Brandon home? A. Next door.

Q. What is the distance between the Brandon home and your home? A. When we bought that lot and built the house we left a space of three feet.

Q. What is the front of your home? A. Immediately in front of it?

Q. Yes? A. There is a part of the house that is owned by Adams on the corner——

Q. What I meant, is there is a porch there? A. Yes, there is a porch.

Q. What have you on that porch, permanently fixed, have you something permanently fixed? A. No.

Q. Do you recall the day that Mrs. Brandon was found dead? A. I do.

Q. Will you kindly state to the Court and the jury on the morning of that day what you were doing, and try to account from the time where you were up to one or two o'clock? A. I arose that morning at half past five to attend a prayer meeting at Mt. Moriah M. E. Church on Franklin street, and went in company with my wife to the services. We reached the church about six o'clock; just one or two persons were present, and we had to wait some little time to the others to gather and the services began——

Q. We don't want it minutely? A. I went to the church and on my return home——

Q. What time were you at the church, how long at the church? A. I guess perhaps until quarter of eight.

Q. Now tell from there? A. On my way home there was a runaway accident in which the horse, or a team of the Standard Oil Company, was hurt, and I was held up for some little time, because I assisted in getting them straight, in fact, I caught the horse, as he run away, and I got home I presume a few minutes of nine. My wife, after I had been there some few minutes, informed me——

(Objected to.)

(Witness): Well, I had to get something for breakfast, if that will straighten the matter out; I went to the market and when I returned I picked up the Baltimore American and sat in a swing, a porch swing.

Q. Tell how that swing was situated? A. That swing was facing the Brandon home, or at least facing up Second street in the direction of the Brandon home. I read the paper some little time and I called Dr. Hughes who had spent the night, perhaps about half-past nine, somewhere in that neighborhood, a few minutes after nine, and I waited for him to come down and he came down and we went in the parlor, and he played the piano and I did a little singing, and a little later on we had breakfast; while I was at the breakfast table the door bell rang and I went to the door and Mr. Paxton, who drives a team for the Standard Oil Company, came to make inquiries about the accident that occurred that morning, as he was not guiding the team.

Q. What time was that? A. Ten o'clock or thereabouts; when I reached the table the others had finished eating; and Mr. Paxton had stayed there some considerable time.

Q. What time did he leave? A. He left I guess, quarter past ten, or twenty minutes afterwards, so when I had finished breakfast I went back to the front porch, after having spent a few minutes in the house and I stayed out on the porch until about 11 o'clock, perhaps ten or fifteen minutes after 11. I

had a little argument with my friend Dr. Hughes on the porch, and I went in about ten minutes after 11; the reason I know it was that time was because Mr. Fletcher, who lives across the street, had an appointment with Dr. Hughes and he promised to call about 11 o'clock and Mr. Hughes and I had an engagement down town and I looked at my watch and said—Mr. Fletcher is late, it was then about 10 minutes of 11, and I went in the house as I said—

Q. Who did you leave outside? A. I left Dr. Hughes, that was just about the time Mr. Fletcher drove up. I stayed in the house, I suppose fifteen minutes or something to that effect, and returned to the front porch and engaged in the conversation. I guess it was about half-past eleven, Fletcher said—

(Objected to.)

(Mr. Brady): Never mind what he said.

(Witness): Shortly after he left Dr. Hughes and I stayed—I understand you are not allowed to say what was said?

Q. Nothing at all that was said?

(Witness): I stayed on the porch.

Q. Where were you? A. Sitting in a swing.

Q. Who was with you? A. Dr. Hughes was with me.

Q. That swing, how does that swing face? A. That swing faced my front door.

Q. As to the Brandon home? A. It faced up Second street so that I could see anyone coming out my front door or the Brandon front door.

Q. How long did you and Dr. Hughes stay there? A. Until quarter past one or thereabouts.

Q. Did you see anyone on the street or on any of the porches that you can recall? A. As I recall I saw some one on Mrs. Burch's porch, that is the third door above me, and perhaps some one on a porch above that, I don't recall which, I didn't

pay no attention to it; because it is an ordinary thing to see folks on these front porches and it was not anything about it to make me remember distinctly.

Q. Did you hear any noise in the Brandon home between 11 o'clock and during the time that you were on that porch? A. I did not.

Q. Did you see anything unusual? A. I did not.

Q. Did you see any one go in or come out of the Brandon home? A. I did not, I told the detectives when they asked me about it—

(Mr. Brady): Never mind what you told the detectives.

Q. If anyone had come out of that house or gone in that house could you have seen it, and would you have seen it in the position you were all during the time you were on the porch?

(Objected to.)

(The Court): He said he did not see anyone.

Q. I asked him if anyone had come out when he was on the porch?

(Mr. Green): He said he was not paying any particular attention, nothing to attract his attention and he paid no attention.

(The Court): He said he was sitting in the swing and described the position he was sitting with Dr. Hughes in the swing looking towards the Brandon home and he told the time he was there, and he said he saw no one go in or come out of that house.

(Mr. Brady): Now I ask the direct question: From the position you were on that porch for the time you describe, could you have seen anyone come out of that house or go in that house would you have seen them?

(Objected to; objection sustained; exception noted.)

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

FRANK I. DUNCAN. (Seal)

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TRAVERSER'S THIRTY-SEVENTH 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, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth and thirty-sixth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness REV. E. S. WILLIAMS, continuing, says:

(The Court): As I understand the witness he said he could have seen and didn't see. What has been objected to is "would you have seen."

(Mr. Brady): You understand the witness to say he was placed where he could have seen any one?

(The Court): He said he could, and you said, "Would you have seen any one"? That is what I sustained the objection to.

Q. Now, Doctor, right at the corner of your house—what is on this side of your house? A. A vacant lot.

Q. Now, right at this corner, I want to know what is there; at the corner of your house? A. The pavement runs back and there are some steps that run down.

Q. Is there not a common pathway for persons coming from Acton lane and that section, to come over through Perdeback's property, cut across that lot and come up those steps? A. There are dozens of persons that come across there and come up through there, before that occurrence, there is a fence there now.

Q. That has been put up since? A. Yes, sir.

Q. It was a common path way? A. Dozens of persons came through there every day from Water street through Van Sant street across this vacant lot.

Q. Can you hear distinctly noise in your house from the Brandon house?

(Objected to.)

(The Court): I don't know about distinctly.

Q. Can you hear noise? A. I hear people walking next door, hear people talking, but can't understand what they are saying.

Q. When you are on the inside? A. Yes, sir.

Q. Now, when did you first learn of the death of Mrs. Brandon? A. Between five and six on August 8th.

Q. Were you talking to Mary Perkins on the evening of August 8th? A. I was.

Q. In the presence of Catherine Brown and Fannie Hall? A. I was talking to her in the presence of Mrs. Catherine Brown, Mrs. Edith Credit and one other person whom I don't recall, I think it was Mrs. Fannie Hall.

Q. What were you talking about?

(Objected to.)

(The Court): Mrs. Perkins was on the stand and she was asked some questions about conversations she had with Reverend Williams in the presence of Catherine Brown and Mary Makell.

(Mr. Brady): Yes, sir.

(The Court): Now, in that examination you asked whether or not she didn't say certain things to Reverend Williams?

(Mr. Brady): Yes, sir.

(Mr. Brady): Whilst Mary Perkins was on the stand I asked her this question: "Did you make the statement in the presence of Reverend Williams, Catherine Brown and Mary Makell, that you thought it was strange you had not seen Mrs. Brandon all day, that you had noticed the house had been closed and saw no one about that entire day"? and she answered, "I did not make it to them."

Q. Now, tell me, tell the Court and the jury, whether she did make such a statement to you?

(Objected to.)

(The Court): What is the objection?

(Mr. Green): The objection is that he has not laid the foundation, no time, at the time it was asked.

(Mr. Brady): That is what was asked?

(Mr. Green): Not that she made the statement. He simply asked the question, what statement did she make?

(The Court): The record ought to show the question he asked. My recollection of the testimony is that she testified, that she was asked the question whether or not on the evening of the 8th of August she didn't have a conversation with Reverend Williams and Catherine Brown and Mary Makell and whether or not on that occasion she didn't make certain statements; she said she didn't; now if she is asked that same statement now, the record will show whether asked correctly or not, and she can say whether she did or not

(Mr. Green): I think the question was asked did you talk in the presence of Reverend Williams, but not give the time in that question.

(Testimony read):

(The Court): She testified she did not.

(Mr. Green): We don't think the foundation has been laid.

(The Court): My recollection is that it was the 8th. If the

record does not show you may call her back and ask her that question, when and fix that time.

(Examination of witness suspended.)

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MARY PERKINS, recalled.

(The Court): Ask that question to fix the date.

(Mr. Brady): I asked you the question, Mary—

(The Court): Fix the time, did you say to Reverend Williams on the evening of the 8th of August and so forth.

Q. Did you saw to Catherine Brown, Mary Makell and Reverend Williams or to either of those two persons in the presence of Reverend Williams, on Second street right near the Brandon home, shortly or some little while after you heard of the death of Mrs. Brandon—

(The Court): On the 8th of August.

(Mr. Brady, continuing): On the 8th of August, "that you thought it strange that you had not seen Mrs. Brandon all that day, that you had noticed that the house had been closed and saw no one about there the entire day"? A. No, sir; I did not.

(Objected to.)

(The Court): For what reason?

(Mr. Green): The question is broad and sweeping. He wants to know if the witness made the statement to Reverend Williams, or in his presence.

(Objection overruled.)

A. No, sir; I did not. I remember being on the porch.

(Examination concluded.)