

thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fifty, fifty-first, fifty-second and fifty-third bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness SAMUEL HOUSE, being called on behalf of the State in rebuttal, says:

SAMUEL HOUSE, a witness of lawful age, being produced in rebuttal on behalf of the State, having been previously sworn, testified as follows:

THE DIRECT EXAMINATION BY MR. GREEN.

Q. You are Deputy Marshal of Baltimore City? A. Yes, sir.

Q. Do you recall the fact of the arrest of Snowden on Monday, August 13th? A. He was brought into the office there.

Q. When he was brought back on the next morning was he brought into your presence? A. He was.

Q. Who else was present there? A. He was brought in, and Detectives Pohler and Kratz, Marshal Carter, Officer Pease and myself were present.

Q. Where is Officer Pease? A. Present here.

Q. Stand up Officer Pease. Is that him? A. Yes, sir.

Q. Now, Deputy Marshal, in his testimony Snowden made the following statement: "I sat close to the table in a chair like this (indicating), the chair was here and the table was there (indicating), the arms of the chair went under the table like that (indicating), the chair that I had had arms on it and it was up against the table like this, the arms of the chair went under the table. I sat at the table and talked to three men. I was at the corner of the table like this (indicating). One man stood at the side, one man sat on the other side of the table, and the other man stood back of me. They had me against the table and talked to me like this. They kept talking and talking to me, and I kept talking and talking to them, by and by they pulled the chair out and I fell on my knees like this (indicating), and the man there shoved a gun against my head and the

man back of me hit me on the head. Then the chair was put against the table again, and they did the same thing over again, and kept on doing it. Then they made me take off my sweater, pants, top shirt and undershirt. Then one of the men went out and came back with a half a pint of whiskey, and asked me if I wanted a drink. I asked for a glass to drink out of, and he said that I would have to drink out of the bottle. I drank a little of it, and he told me to have some more, and I did. I gave the bottle back to him, and they talked to me again. In about five minutes the man brought the whiskey back and said that I had drunk his whiskey, and I said that I didn't drink it until he told me to. Then he told me to drink the rest of the whiskey, and I said that I didn't want to drink it. Then he took a gun and laid it on the table, and said I would have to drink the whiskey. I looked at the table, I looked at them and then grabbed the whiskey and drank it. They did that about every five or ten minutes all day, except when they brought the whiskey in. Then they took me into another little room, and made me take off my shoes. After I had taken my shoes off, they put a coat something like this on me, and made me sit down in a chair with the coat on. They took me out of the chair and put me on a little scales, and then made me put my heels against the wall." I want to stop at the point "except when they brought in the whiskey," Deputy Marshal, and ask you whether or not any of this is true, whether any of these things were done to Snowden at that time by you or anyone else in your presence?

(Mr. Grason): I object, your Honor, as I do not think this is rebuttal testimony. If your Honor will recall, when the detectives were upon the stand, they were questioned at length concerning their treatment of Snowden, before the statements were given in evidence. Detective Pohler was cross-examined by me. Your Honor required the other detective, before the statement was given in evidence, to account for their of Snowden on the very night of his arrest, when he was taken to the sheriff's office in Annapolis; the night he was received at the Marshal's office, the evening of his arrest; the next day when he was brought back from the lock-up, and the day following up until the fifteenth, when this statement was offered. I respectfully submit that I do not think this is rebuttal, and the State should have gone into it in chief.

(The Court): These officers testified as to their treatment of the prisoner, all that was said to him, all that was done to him,

in order for the statement of the prisoner to be admitted. That was the inquiry that was limited to these officers, who were present when the prisoner at the bar had been brought in and examined at some time. If, at that time, there had been any intimation as to what the accused was going to testify to, they could have been examined upon it then; but there was nothing offered at that time except the testimony of these officers; and there appeared to be no reason why the statements, which the Court admitted, should not have been admitted.

Now, then, the defendant takes the stand and puts up this statement. He makes the statement that he was abused in a certain way before he made this statement. You will remember that, when the officers were upon the stand, they were asked who was in the room, and not whether Snowden had been subject to any cruelty, whether a pistol had been put at his head, whether he had been hit over the head, or whether the chair had been pulled from under him. Now, then, this is rebuttal of the testimony brought out by the defendant, and it is rebuttal of a specific point.

(Mr. Grason): I will note an exception to this question, and a general exception covering all the testimony of the officers.

(The Court): All right.

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

FRANK I. DUNCAN. (Seal)

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#### TRAVERSER'S FIFTY-FIFTH 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, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third and fifty-fourth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the witness SAMUEL HOUSE, continuing, says:

A. I should say not.

Q. Did anyone in your presence, put a pistol to his head and threaten to shoot him? A. They did not.

Q. Did anyone else, in your presence, or you at that time hit him over the head? A. They did not.

Q. Did you, or anyone else, in your presence, bring a bottle of whiskey into that room? A. No, sir.

Q. Did you, or anyone else, in your presence, invite Snowden to take a drink of whiskey? A. I did not. I questioned him, and no one asked him to take a drink of whiskey. There was no whiskey there.

Q. Did you, or anyone else, in your presence, pull the chair from under him and cause him to fall to the floor? A. No, sir.

Q. Did you, or anyone else, in your presence, make him take his sweater, pants, top shirt or undershirt off? A. I would say not.

Q. I mean before he was carried out of that room? A. It was in the Bertillon System room that they made him take off his shoes so they could measure his foot.

Q. I mean in the first room before he went into that other room? A. No, sir; they did not.

Q. Snowden has testified that he was brought back the next morning and carried to the same place, that you sat him at the table and commenced talking to him, hit him over the head like you had done before, did the same things to him as you did the first time, except the whiskey; sat him at the table and talked to him; and, while you were talking to him, you pulled the chair

out from under him and he fell to the floor; that you put him back again and told him that you were going to shoot him; and that he was afraid of the three of you. He said that you put him back in the chair, and that he asked you please not to shoot him as he had done nothing. He said that that continued for a part of the day; and, in the evening, he was brought back into that room again, and that Edna came up there then. He said that this man with the bump on his face (he referred to you and identified you afterwards) said that some one was in that room there; and, if you say anything to them, we are going to shoot you. Then I went in there, and Edna came. Then I started to tell them as near as I could the truth, and they took me out of the room and Edna was left in the room. Then they carried me in again and brought me out again. I want to ask you, whether, on the succeeding day, you or any one in your presence treated Snowden in the way that he has testified? A. No, sir.

Q. Did you or anyone in your presence, pull the chair from under him, and did he say "Please don't shoot me, I haven't done anything"? A. No, sir.

Q. Did you say to him that you were going to bring some one in that room; and, if he said anything to them, you were going to shoot him? A. I did not.

Q. Did you or anyone, in your presence, from the time of the arrest of Snowden until August 16th, including August 15th, threaten to shoot him? A. No, sir.

Q. Did anyone in your presence put a pistol to his head and tell him that they were going to shoot him? A. No, sir.

Q. Did anyone, from the time of his arrest and bringing him to Baltimore up until August 16th, in your presence give him any whiskey to drink? A. I don't know what was done in Annapolis, but no one gave him any whiskey in Baltimore in my presence.

Q. I mean after he reached Baltimore? A. No, sir.

Q. Did you, at any time from the date of his arrest and after he reached Baltimore, including August 16th, and August 15th, hear anyone say anything to him about going to shoot him? A. No, sir.

Q. Was the Marshal present at these interviews? A. Yes, sir.

Q. The other gentleman he spoke of, who was that? A. That was Sergeant Pease. He was present, but not all the time. He went in and out of the room on different occasions. He was not present all the time.

Q. (The Court): What position has Sergeant Pease? A. He is now headquarter's sergeant.

Q. What was he at that time? A. He was an officer detailed at headquarters as a clerk.

#### CROSS-EXAMINATION.

Q. (By Mr. Grason): Deputy Marshal House, the first of these interviews took place on the 14th, did it? A. Yes, sir; in the morning about nine o'clock.

Q. The morning of the fourteenth? A. It was the night he was brought into headquarters, and then the next morning.

Q. It was on Monday, August 13th, that he was arrested? A. If that is the case, it would be the fourteenth.

Q. He was brought to headquarters from the police station about nine o'clock, wasn't he? A. Around nine o'clock. I would say about nine o'clock.

Q. How long did he remain there on the 14th? A. He remained there until about fifteen or twenty minutes after the detectives left for Annapolis.

Q. What time was he taken back to the police station that day? A. He was taken from our office, and sent over to the office next to the Bertillon System by Sergeant Pease.

Q. What time was that? A. Shortly after the detectives left for Annapolis.

Q. Can you give us any idea about what time it was? A. I will say that it was about ten or half past ten o'clock something like that.