

## DEFENSE.

VALENTINE N. BRANDON, recalled (for the purpose of contradiction).

Q. (By Mr. Grason): In your testimony heretofore, you stated that you left a dollar bill and that you never found it, you said that, did you? A. I don't remember whether I said it or not, but it is a fact.

Q. Do you remember a Mr. Roman who was down there investigating that case?

(Mr. Green): He was not down there.

(Mr. Grason): I say he was.

(Objected to; objection overruled.)

(The Court): Let him answer the question whether he remembers Mr. Roman.

(Witness): I never heard of him.

Q. You never heard of him? A. I never heard of the man before.

Q. Do you know a Mr. Gibson, a reporter upon one of the papers in Baltimore? A. I think I met him.

Q. Now, don't you remember seeing a gentleman sitting back of me yesterday, a slight, tall, a small, slight man, sitting right back of me yesterday? A. I didn't notice him, no, sir.

Q. Was he not talking to you yesterday? A. Talking to me?

Q. Yes? A. Not that I know of, I don't know the man you are talking about, I may have been talking to him.

Q. Did you say to Roman or anybody else at Annapolis around about Monday or Tuesday, following the discovery of your wife's body, that you had found your dollar?

(Objected to; objection sustained.)

Q. Didn't you tell Mr. Munford, at Annapolis, after the discovery of your wife's body that you had found your dollar bill in question?

(Objected to; objection sustained.)

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

FRANK I. DUNCAN. (Seal)

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Q. When he left your home the morning of the day that you discovered your wife's body upon your return, how did you leave your house, by what way?

(Objected to.)

(The Court): You had the opportunity of cross-examination on that.

(Objection sustained.)

(Exception noted.)

(Mr. Grason): We would like to dictate an offer.

(Note): (Dictating to stenographer): We offer to prove that the witness in his home in the City of Annapolis, either the second or third day after the discovery of the body, told Mr. Munford that he had found the dollar bill; we also offer to prove that in the City of Annapolis on the Tuesday following the discovery of the body, that the witness told a man by the name of Romans that he had found the dollar bill.

(The Court): The ruling is the same.

Q. Did you notice the ice box or refrigerator in your kitchen before you left home that morning?

(Objected to.)

(The Court): We might as well understand each other now; what you are asking him is evidence. If you choose to put him on the stand and make him your witness, it will be all right, but you had an opportunity of cross-examining him on all those things you are asking him now and that is not the sort of testimony that ought to be brought out at this time for the purpose of contradiction.

(Mr. Grason): If your Honor will permit me to say, there was no inquest in this case; we didn't know of those things; there were certain conditions in that house that we had no idea existed, and this house had never been described minutely or the furniture in it, the condition of the furniture in it; we knew nothing whatever of it, if your Honor please, and if we had, we would have done just as your Honor suggested, but the door has been closed to the defense; as I say there was no inquest, we could obtain no information; the information that we obtained last Saturday evening was by accident, after this witness had been put upon the stand; now if your Honor please, we are trying a man for his life, and we don't think that under those circumstances that we ought to be compelled to call the State's witness and put them on the stand as our witnesses and hence be bound by their answer; we would then be met by the proposition if we put them on the stand that we made them our witnesses and we could not contradict them, and the evidence we now have would be useless to us, yes, useless to us. As I say, what your Honor says is so and I appreciate what your Honor says, but I hope your Honor will appreciate the defence and the condition of the defence; that we have just discovered this information and we think the jury ought to have it and think we ought to be put in a position not of making the State's witnesses our witnesses, but of asking them so that we can refute the statement, if that statement is not in accordance with our information.

(The Court): Now, then, if I understand your proposition, it is this that this witness will testify to the furniture, or the arrangement of the house, the location of the furniture and of articles in it, and after he has done so minutely, then you propose to contradict him.

(Mr. Grason): I don't know, he may testify in accordance with the information we have.

(The Court): You will have to take chances on it either way and I will sustain the objection.

(Examination concluded.)

(Note): Mrs. Florence Baker called, Mrs. Mary Perkins called, Mrs. King called, and none of them answer.

(Mr. Grason): With the right to recall these witnesses, we will proceed with the case.

(The Court): Yes, you can recall them for the same purpose.

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MRS. ELLA CARROLL, a witness of lawful age, called on behalf of the defence, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Brady): Ella Carroll is your name? A. Ella M. Carroll.

Q. Where do you live? A. 34 Second street, Annapolis, Maryland.

Q. About what position do you live or did you live on August 8th relative to Mr. Brandon's house? A. In front of my house, there is an open lot, next to that is where Preacher Williams lives and next to that house is where Brandon lived, kind of cata-cornered from my house.

Q. You live across the street? A. Across the street.

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

Q. Where were you then when you first heard of it? A. I was sitting on my front porch.

Q. Did you go over? A. After being called.

Q. Who called you? A. Mrs. Burch.