

bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness MARY PERKINS being recalled on behalf of the defence, testified as follows:

MARY PERKINS recalled.

(Mr. Hartman): Do you understand, before we go any further, that this is their witness, or is she still the State's witness?

(Mr. Brady): State's witness on cross-examination, something that came to our ears that we didn't know before and could not lay a foundation for impeachment.

(Mr. Hartman): We object to that; they are liable to keep on hearing something.

(The Court): I will hear the offer.

Q. (By Mr. Brady): Do you recall the Monday following the finding of Mrs. Brandon's body, dead? A. Yes, sir.

Q. Do you recall of having gone to the home of Mrs. Murray on Murray Hill or Franklin street, in the City of Annapolis? A. Yes, sir.

Q. Do you recall of having a conversation in the library of Mrs. Murray? A. Yes, sir.

Q. Now, I will ask the question direct, didn't you in that conversation with Mrs. Murray tell her that when you heard this noise across the street that there was not a soul or a person on the street, but there was a little before a vegetable wagon on the street from which persons were buying vegetables?

(Objected to.)

(The Court): I can't see—the Courts are always very much embarrassed in answering the question about reasons, I could give you the best reasons in the world for this ruling, but it is not proper for me to do it. A witness may be called back for the purpose of contradiction at any stage of the case, for the reason that you may get the most valuable information just before you close the case, the most valuable information

and it would be pretty hard if you could not have the benefit of it, because we know you can't say to a witness of the defense, "Didn't so and so say so and so," without first giving them the opportunity to say so. Now, I think in all cases full opportunity should be given when the counsel is actually surprised. In this question I can't see that it is of sufficient importance and I sustain the objection.

(Argument.)

(The Court): Let the jury retire for a few minutes.

(Note): Jury leaves Court room.

(Mr. Brady): Now, I want to make a statement, I won't say what Mrs. Murray had said to Mr. Green.

(The Court): I don't want to hear from either of you gentlemen what Mr. Murray said, because if you want to know what she said, one of you put her on the stand, because otherwise it would be hearsay. I tell you how I look at this. Of course, I don't know what you want to ask this witness. Now let me give you an illustration: Suppose that this witness made an altogether different statement to her from what she told the jury upon some point of value in reaching the death here. I think then you ought to have the opportunity to show it, but your question admits that she told Mrs. Murray that she heard a noise, admits that, and that is what she testified she did hear. Suppose she had told Mrs. Murray or that Mrs. Murray said she told her that she did not see anyone come out of that house—that she did not see any one come out of that house or that she heard no noise, or that she didn't see a little boy with a sack of flour on his back in the front of that house. You ought to have the fullest opportunity to contradict Mrs. Murray on questions of that kind. But I regard everything else included in your question in this case immaterial. Suppose she said what you say; I don't know what she meant by that; she might have meant she saw no one in the street proper, probably not have meant anybody on the sidewalk, it is too general; you ought to be more specific. I will have to sustain the objection.

(Question repeated.)

(Mr. Grason): We make the offer to show by Mrs. Murray that she did make the statement.

(The Court): The question with the offer, and objection to the offer will be sustained.

(Exception noted to both.)

To which ruling of the Court the traverser by his counsel excepted and prays the Court to sign and seal this his Thirty-second Bill of Exceptions, which is accordingly done this—

(Exception refused.)

F. I. D.

(Mr. Green): I would like to say this as long as the jury is not in. I want to make this statement; when Mrs. Murray was talking to me. was a request not to make her come back because her child had the pneumonia, and she was afraid to leave him any longer; she wanted to stay home to attend to that child, that is all Mrs. Murray talked to me about.

(Mr. Brady): Didn't she also tell you—

(Mr. Green, interrupting): No, she didn't tell me anything. She brought the information to me about the girls and I had not seen the girls.

(Note): Jury returns to court room.

(The Court): Any more questions you want to ask this witness?

(Mr. Brady): No.

(The Court): That will be all.

(Examination concluded.)

TRAVERSER'S THIRTY-THIRD 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,