

eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness JOHN M. TAYLOR, being recalled on behalf of the defense, testified as follows:

JOHN M. TAYLOR, recalled.

(Mr. Brady): My colleague tells me that you were asked the question on cross-examination that I intended to bring out.

(Mr. Green): Have I the right to ask him a question?

(The Court): He has not been asked anything.

(Mr. Grason): Can I bring him back and ask him a question now?

(The Court): Absolutely, if you tell me it is for something that you want to contradict or something you neglected to ask him?

(Mr. Grason): This is something about which there seems to be some confusion and I want to get it straightened out if I can.

(The Court): If there is any question that you omitted to ask him on cross-examination you may do it. He was the defendant's witness.

(Mr. Brady): No, sir; he was called by the State.

(The Court): You call him for the defense?

(Mr. Green): He was summoned by the defense and not the State, and when he had to trace the body we put him on the stand, and the defense has called him in their case.

(The Court): What did he testify about?

(Mr. Hartman): He is the undertaker from Annapolis.

(The Court): Oh, yes; let him ask the question.

(Mr. Grason): Mr. Taylor, how did you place the hands of the body, after it was placed in the casket?

(Objected to; objection sustained.)

(The Court): I can give you a picture of that myself.

(Mr. Grason): Suppose the witness now says that he didn't understand that or would like to explain it?

(The Court): You mean to say he didn't testify on the stand as he ought to testify.

(Mr. Grason): He didn't mean to give that impression, if that was the impression, that is not what he meant to say. He didn't understand that question in that way.

(The Court): Suppose you go back to Mr. Taylor's testimony and see what he said?

(Mr. Grason): Now, the question, the very last part of the question is ambiguous and we would like to have it straightened out, on page 74. The question was: "How was the hands of the body left, after you got through with it, across in front as they usually are? A. Yes, generally put them in, there is a slide that comes across and the hands put down at the side, and her hands, I remember, were down along the side, they were pretty rigid and were hard to bend and they were put down along the side, like this; one of them."

(The Court): Will you pass me the testimony?

(Note.—Testimony handed to the Court.)

(The Court): The answer I find upon investigation, is a little involved. I don't know whether the stenographer followed him or not; it is pretty clear, I understand it pretty well, but still there might be some ambiguity, and I think a question to the witness, repeating what he said, ask him what he means, will probably be all right.

Q. You can explain what you mean?

(Objected to; objection overruled; 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-third bill of exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

(Witness): I understand that to say that when I got the body how were the hands, and I said along the side. You called me back and I told you the hands were along the side, and blood had gotten on them and you asked me what I cleaned. I don't understand that question, of what it says about a slide. I remember saying there was a slide on there.

(The Court): What I want to get from you is when you put the body in the casket, how did you arrange the hands and arms?

A. The hands were down like this (indicating). There is a slide that comes over a casket that shows the bust and the hands were down like this (indicating). If you put a person in the casket with the hands up, the chances are the sides would force them up against the silk slide, that is, if you put them up like this; we do so when we put them in the casket, we fold them together, and we always put them in this position, so they won't come up the side, the side of the casket won't force them up above where they are supposed to lay.

Q. Why did you tell the Court when he asked you that question, Mr. Taylor, that the hands were on the side, you were speaking about the slide also at that time? A. Yes.

Q. What did you say, they were down at the side? A. Well, that is what I meant by the side, by being this way (indicating); I don't mean they were so that the casket would force the hands up against the slide. The usual position is not to leave them along the side, when I said along the side, I meant that position of her arm (indicating).

(Examination concluded.)