

STATE OF MARYLAND,

vs.

JOHN SNOWDEN,

—

DOCKET ENTRIES.

Nov. 12, 1917—Transcript of Record from the Circuit Court of Anne Arundel County received and filed. Charge Murder. Issue joined.

Jany. 23, 1918—Court directs the Sheriff to summon thirty talesman.

Jany. 23, 1918—Jury sworn, viz: Granville Simpson, John B. Koerner, William H. Timanus, Wm. E. Klohr, Andrew Huebler, Wm. H. Holter, Nathaniel H. Bortner, George Ritter, R. E. Lee Bosley, John Enick, John C. Schmidt and Edmund A. Burke. (Judge Duncan.)

Jany. 31, 1918—9:30 P. M.—Verdict guilty of murder in the first degree.

Febry. 1, 1918—Motion for a new trial with reasons filed.

Febry. 13, 1918—Affidavit of Ella Rush Murray filed.

Febry. 13, 1918—Affidavit of A. T. Brady, Atty., filed.

Febry. 13, 1918—Motion for new trial overruled. Exception noted.

Febry. 13, 1918—John Snowden, the prisoner, was asked by the Court if he had anything to say before the sentence of death should be passed upon him, and he answered: "I am not guilty."

Febry. 13, 1918—"It is the judgment of the Court that you, John Snowden be delivered by the Warden of the Baltimore County Jail to the Sheriff of Anne Arundel County, and

there be safely kept in the jail of Anne Arundel County until such time as the Governor of Maryland shall appoint when you shall be taken thence by the Sheriff of Anne Arundel County and hanged by the neck until you are dead, and May God have mercy on your soul."

March 1, 1918—

March 2, 1918—Order for an appeal to Court of Appeals of Maryland with affidavit of counsel filed.

March 2, 1918—Order of Court extending time for filing bill of exceptions filed.

March 23, 1918—Order of Court further extending time for signing of bill of exceptions filed.

April 12, 1918—Order of Court extending time for signing bill of exceptions to the 30th day of April, 1918, filed.

April 29, 1918—Petition with Order of Court thereon extending time for filing bills of exceptions until 15th day of May, 1918, filed.

Sept. 23, 1918—Order of Court extending time for ten days for signing and filing bill of exceptions filed.

Sept. 24, 1918—Certificate of Judge Frank I. Duncan to the Judges of the Court of Appeals of Maryland filed.

Sept. 24, 1918—Bill of exceptions filed.

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## TRANSCRIPT OF RECORD.

(Filed Nov. 12th, 1917.)

*State of Maryland,*

*Anne Arundel County, Sct—*

At a session of the Circuit Court for Anne Arundel County, in the Fifth Judicial Circuit of the State of Maryland, begun and held at the Court House in the City of Annapolis in and

for Anne Arundel County, on the third Monday of October, it being the fifteenth day of said month in the year of our Lord one thousand nine hundred and seventeen.

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Present—

The Honorabue Robert Moss Associate Judge.  
John R. Sullivan, Esq., Sheriff.  
Geo. Wells, Clerk.

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Among other, were the following proceedings to wit:

*State of Maryland vs. John Snowden.*

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Be it remembered that at this present term, Benjamin Watkins, Everett Warren, George E. Wooley, William F. Kuethe, Milton Stansbury, Virgil C. Franklin, John H. Wells, Gassaway Dawson, Harry E. Bean, Wilson G. Weems, R. Malcolm Hunter, George A. Grinder, Oden O. Sansbury, Jeremiah Jones, Walter H. Meade, George E. Simpson, Samuel Brooks, Jr., William J. Flood, Samuel Wood, Daniel S. Sprogle, George Garner, Charles Wilson and Penrylin S. Watts, good and lawful men of Anne Arundel County, who, being then and there empannelled, sworn and charged to enquire for the State of Maryland for the body of Anne Arundel County, having withdrawn from the bar of the Court here, afterwards return and present to the Court here, a presentment in form following, to wit:

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October Term, 1917.

The Grand Inquest of the State of Maryland for the body of Anne Arundel County, upon their oath do present that John Snowden did unlawfully, feloniously and of his malice aforethought at the county aforesaid, did kill and murder Lottie May Brandon, by choking her and striking her on the head with some blunt instrument, inflicting a mortal wound of which the said Lottie May Brandon, died, on or about the eighth day of August, 1917.

Benj. Watkins, Foreman.

Whereupon the said State of Maryland, by Nicholas H. Green, State's Attorney exhibits to the Grand Inquest now here empannelled, sworn and charged to enquire for the State of Maryland, for the body of Anne Arundel County an indictment against the said John Snowden, in form following, to wit:

*State of Maryland,*

*Anne Arundel County, to Wit—*

The Jurors of the State of Maryland, for the body of Anne Arundel County, do on their oath present that John Snowden, late of the county aforesaid, on the eighth day of August in the year of our Lord nineteen hundred and seventeen, with force and arms, at the county aforesaid, in and upon one Lottie May Brandon, in the peace of God and of the said State then and there being feloniously, wilfully and of his malice aforethought did make an assault, and that he the said John Snowden, then and there the said Lottie May Brandon, by and upon the neck and throat of her the said Lottie May Brandon, with both the hands of him the said John Snowden, did feloniously, wilfully and of his malice aforethought, grasp and seize, thereby choking and strangling the said Lottie May Brandon, and that he the said John Snowden, with a certain blunt instrument, a further description whereof is unknown to the Jurors aforesaid, in his hand then and there had and held the said Lottie May Brandon, in and upon the head of her the said Lottie May Brandon then and there feloniously, wilfully and of his malice aforethought, did strike, giving to her the said Lottie May Brandon, then and there, with the blunt instrument aforesaid, a further description whereof is unknown to the Jurors aforesaid, as aforesaid, by the stroke aforesaid, in and upon the head of her the said Lottie May Brandon, a mortal wound, of which said choking, strangling and mortal wound she the said Lottie May Brandon then and there died.

And so the Jurors aforesaid upon their oath aforesaid do say that the said John Snowden, her the said Lottie May Brandon in the manner and by the means aforesaid feloniously, wilfully and of his malice aforethought did kill and murder, contrary to the form of the Act of Assembly in such case made and provided and against the peace, government and dignity of the State.



## SECOND COUNT.

And the Jurors aforesaid upon their oath aforesaid do further present, that the said John Snowden on the eighth day of August in the year of our Lord nineteen hundred and seventeen, at the county aforesaid, feloniously, wilfully and deliberately premeditated malice aforethought did kill and murder Lottie May Brandon, contrary to the form of the Act of Assembly in such case made and provided and against the peace, government and dignity of the State.

NICHOLAS H. GREEN,

The State's Attorney for Anne  
Arundel County.

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Whereupon the said Grand Inquest having retired from the bar of the said Court here to enquire of and concerning the said indictment, afterwards returned the said indictment to the Court here endorsed to wit: "True Bill".

Benj. Watkins,  
Foreman.

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Whereupon the said John Snowden, in the custody of John R. Sullivan, Sheriff of Anne Arundel County, being placed at the bar of the said Court, and being asked how he of the premises aforesaid above against him in form aforesaid imposed will acquit himself, he saith, that he is not guilty thereof and for good and evil doth put himself upon his country.

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And thereafter, to wit: on the 30th day of October, in the year aforesaid, the State of Maryland, by Nicholas H. Green, the State's Attorney for Anne Arundel County, files in Court here the following suggestion and affidavit, to wit:

*In the Circuit Court for Anne Arundel County.*

October Term, 1917. No. — Presentment.

*State of Maryland vs. John Snowden.*

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*To the Honorable, the Judges of said Court—*

The State of Maryland, by Nicholas H. Green, the State's Attorney for Anne Arundel County, respectfully suggests to

the Court here in this case, that the State of Maryland cannot have a fair and impartial trial in this Court and prays the Court to order and direct the removal of the record of proceedings in this case to some other Court for trial.

NICHOLAS H. GREEN,

State's Attorney for Anne Arundel County.

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*State of Maryland,*

*Anne Arundel County, Sct—*

I hereby certify that on this thirtieth day of October in the year nineteen hundred and seventeen, before me the subscriber, a notary public of the State of Maryland in and for Anne Arundel County aforesaid, personally appeared Nicholas H. Green, the State's Attorney for Anne Arundel County, and made oath in due form of law that the matters and facts contained in the above suggestion are true to the best of his knowledge and belief.

Witness my hand and seal notarial.

(Seal)

Myrtle Sturm,

Notary Public.

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Thereupon the Court here passed the following order of removal, to wit:

Ordered by the Circuit Court for Anne Arundel County this 30th day of October, 1917, that the record of proceedings in this case be transmitted to the Circuit Court for Baltimore County for trial.

ROBERT MOSS,

WM. HENRY FORSYTHE, JR.

## COPY OF DOCKET ENTRIES.

*In the Circuit Court for Anne Arundel County.*  
October Term, 1917. No. 6 Presentment.

*State of Maryland vs. John Snowden.*

1917, Oct. 18—Presented for the murder of Lottie May Brandon, on or about 8th August, 1917, capias issd. "Cepi in Jail".

1917, October 19—Indictment filed.

1917, October 19—Arraigned. plead not guilty.

1917, October 29—Prisoner elects to be tried by a jury. On motion State Jurors sworn on voir dire (before accepted).

1917, October 30—Suggestion and affidavit by State for removal filed and order of Court that the Record of Proceedings be transmitted to the Circuit Court for Baltimore County for trial.

Witnesses for State—

Val. N. Brandon,

T. A. King

Mrs. T. A. King,

Mrs. Grace Sacks,

Mrs. Hazel Vernon,

Mrs. Ida Bruch,

Mrs. David Meyers.

Detective Dougherty,

Detective Pohler,

Detective Kratz,

Dr. Walton H. Hopkins.

Dr. Jos. C. Joyce,  
Dr. W. N. Carr,  
Edith Credit,  
Mary Perkins,  
Edna Wallace,  
Frank B. Owens,  
Adolph J. G. Babel,  
Abraham Daniels,  
Milton C. Stuart,  
Frank Green,\*  
John Green,  
Florence G. Baker,  
Joseph Raly,  
Ruth Isaacs,  
Sadonia Isaacs,  
Florence Spencer,  
Rachel Hobbs,  
Charles H. Sands,  
Helen Lewis,  
W. A. Smith,  
LeRoy Sisco,  
John F. Heyda,  
Margaret Queen  
420 Robert St., Baltimore;  
Samuel W. House,  
Court House, Baltimore.

## Witnesses for Defense, viz—

Rev. W. A. Hughes,  
Rev. E. S. Williams,  
John F. Hayda,  
2510 Fleet St., Baltimore;  
Edna Wallace,  
John Martin,  
John Taylor,  
Morgan O. Parlett,  
Charles Sands,  
J. Carson Brush,  
Dr. James J. Murphy,  
Dr. Lewis O. Henkle,  
George Barton  
Mrs. Proskey,  
Mrs. Kolbe,  
Mary Bias Roberts,  
Ella Carroll,  
Julia Carroll,  
Catherine Brown,  
Mrs. Askow,  
Wm. Fletcher,  
Tob. Spencer,  
Mamie Spencer,  
Grace Brown,  
Lottie Hamilton.

*State of Maryland,*

*Anne Arundel County, Ct.:*

I hereby certify that the foregoing is a true copy of the record of proceedings in the above entitled case.

In testimony whereof, I hereto set my hand and affix the seal of the Circuit Court for Anne Arundel County this 10th day of November, A. D. 1917.

(Seal)

Geo. Wells,  
Clerk.

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### MOTION FOR A NEW TRIAL.

(Filed February 1st, 1918.)

The traverser herein by A. Theodore Brady and C. Gus Grason, his attorneys, moves the Court to grant him a new trial upon the issue joined in the above case for the following reasons:

1st. Because, after two of the jurors in this case had been empanelled and before the remaining ten of the jury had been selected, and in the presence of the two so selected as aforesaid, and in the presence of the remaining ten who had not at that time been empanelled, the Court instructed the jury as to the law of circumstantial evidence and did not in said instruction state to or tell the jury or any of them that it was at liberty to disregard the instruction given by the Court as aforesaid and did not advise or instruct the jury that its instruction as to the law of circumstantial evidence was advisory only and that they were at liberty to disregard the same.

2nd. Because the Court in its instruction to the jury regarding the law of circumstantial evidence at the time stated in the first paragraph of this motion erred in its statement of the law governing circumstantial evidence.

3rd. Because of error on the part of the Court in its ruling upon questions of evidence in this case.

4th. Because the State's Attorney for Anne Arundel County, in his closing argument to the jury, told the jury that Snowden had pulled down the stocking of Mrs. Brandon where she carried her money and had taken therefrom a dollar bill, when in point of fact there was no evidence whatsoever in the case that Mrs. Brandon so carried her money or that Snowden pulled down her stocking or took any money from her stocking whatsoever.

5th. Because the evidence adduced on the part of the State was not legally sufficient to establish the guilt of the traverser beyond a reasonable doubt.

-6th. Because from all the evidence in the case the proof of the guilt of the traverser was not established beyond a reasonable doubt.

7th. Because of statements made by the State's Attorney of Anne Arundel County during the trial not warranted by law of material injury to the traverser.

8th. Because of newly discovered evidence.

A. THEODORE BRADY,

C. GUS GRASON,

Attorneys for Traverser.

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AFFIDAVIT OF ELLA RUST MURRAY AND A. THEODORE BRADY.

(Filed February 13th, 1918.)

*State of Maryland,*

*Baltimore County, to wit:—*

I hereby certify on this 13th day of February, 1918, before me, the subscriber, the Clerk of the Circuit Court for Baltimore County, personally appeared A. Theodore Brady, counsel for John Snowden, traverser in the above case, and made oath in due form of law on his own behalf as well as on behalf of both

other counsel for traverser, and also on behalf of traverser, that the foregoing statement of Ella Rusk Murray, under oath was not known by him or other counsel in the case for traverser or the traverser at the time said case was called for trial in the Circuit Court for Baltimore County, nor at any time during the presentation of the State's evidence, up until Sunday before the State closed its case in chief nor was said statement known by any of the aforesaid in time to lay proper foundations to contradict State's witness.

Febry. 13, 1918, sworn to before me this 13th day of Febry., 1918.

Wm. P. Cole, Clerk.

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STATEMENT:—E. R. MURRAY.

(1)

On Monday, Aug. 13, 1917, about two-thirty in the afternoon, I was in my kitchen talking to the cook and the waitress, when Edith Credit, my laundress' daughter accompanied by another young woman whom I had never seen before, entered the kitchen, such a marked silence fell upon my servants at their entrance, that I was struck by the general air of constraint, and I left the kitchen presuming that there had been some kind of trouble among them, and in order that they might be relieved of my presence. My laundress, Margaret Queen, shortly followed me into the pantry and told me, that the other young woman with Edith was her daughter Mary (I subsequently found out that her last name was Perkins), and that she was in great trouble, for fear some of her own people would injure her, as she knew the man who had committed the "Brandon Murder." I asked Margaret why Mary had come to me, and she replied, that Mary had wished for my advice. I therefore sent for Mary, and took her into the library where she told me the following story:

That she got up rather late on the morning of August 8th last; that she got downstairs about nine o'clock, to find an oil stove smoking in the kitchen. That it took her, with Edith's assistance, some time to clean up the smoke, have their breakfast and wash the dishes. That she, Mary, then went into the front room to write some letters. That it was then about eleven



o'clock. That she wrote a letter to her husband, and if I recollect rightly, another letter, but of this last, I am not sure. That about this time, as she was finishing her letters that she heard a noise across the street in the house opposite. That she went to the window, with the idea that there was something wrong. That the noise continued, and that she saw a chair go by the window.

Then I asked Mary if she could see in the windows of the Brandon's house, and she said no, because Mrs. Brandon always closed the windows and pulled down the shades every morning, and that they were that way that morning.

I asked Mary how long the noise continued and she said from fifteen or twenty to twenty-five minutes, or thereabouts.

That she called to her sister to come to the front window, and that she, Mary, remarked to Edith, that something must be wrong, at the Brandon's and that "surely Brandon couldn't be having a scrap with his wife in her state of health."

That Edith came to the window and stayed, and then returned to the kitchen, and that presently the noise ceased.

That the front door of the Brandon house then opened, and that a colored man came out slowly, first his head, and that then he looked up and down the street. That he stood on the Brandon porch slowly closing the door behind him, and that he took a bottle out of one pocket and put it in another. My impression is here that Mary said the bottle looked like a whisky bottle, but of this I am not sure.

That Mary called to Edith to come and look at the rough-looking man on the Brandon porch.

That by the time Edith got to the front window that the man had come down the steps and was going up West street, and that Edith did not see his face, "only the side of his face," and that Edith said he looked like John Snowden, but that she could not be sure as she had not seen his face well.

Here I stopped Mary to ask what the man was like. She said, a very rough-looking man. I said, How was he dressed? Mary said: He had on dark trousers a light or white shirt (I

forgot which), open at the throat and chest, and a grey sweater with short sleeves.

I said to Mary: "Had you ever seen him before?" She said, "No, I never had seen him before." I said, "Do you live in Annapolis?" She said, "Not now; I've been in Boston for two years" (or thereabouts).

I said, Mary, was anyone else on the street when you saw this man come out of the Brandon house? It had struck me as odd that there should have been no one at such an hour on such a thickly built up street. Mary said, "No, Ma'am, the street was entirely empty;" I said, were there no people on the porches? She said, No, Ma'am. There was a man with a wagon selling vegetables a little while before and the ice man went by early, but while I heard the noise there wasn't anybody on the street. There was one lady: "name forgotten by me, but I think it was Mrs. Brown, who lived several doors from the Brandon's; she came out of her house, and started towards West street, seemed to have forgotten something, and went back into her house. While she was in the house, the man came out of the Brandon house and started up the street towards West street, and then Mrs. Brown came out of her house again and walked up the street behind him."

Mary said that she thought no more about the matter until that afternoon when Mrs. Brandon was found dead. That she then became so ill that her mother sent for Dr. Garcia. That she told him about what she had seen, and that he advised her to take the matter to the authorities, but added that if she did there might be a race riot. I asked Mary how many other people she had told, and she replied, "only two or three friends, and that they had all advised her to keep quiet about it." She said she could not make up her mind to tell, for fear people would think she was after the reward, but that her conscience would not let her rest. I told her she ought to tell the authorities, and she said she could not possibly do so, as she would certainly die if she had to appear in Court and that moreover she greatly feared that some of the rougher element of her own people would kill her and her family if she "Told". She said she wished she could see the lady detective, from New York.

I asked her if she had not already done so, as I heard Mrs. Hunniston was working on the case. Mary said that Mrs.

Hunniston had come to the house and had seen every one but Mary. I asked why, and Mary said because I was upstairs and Mrs. Hunniston asked if there were any more members of the family, and Edith said one sister, who is sick upstairs. That Mrs. Hunniston started to go upstairs, but did not do so. That she left the house and did not return.

I asked Mary how she knew the man who came out of the Brandon house was Snowden if she had never seen him before, and if Edith had only seen his side face. Mary said that one Monday morning, the 13th, that she and Edith went down to Parlett's Store to identify the man, and that they waited there until Snowden "came along," and that Mary then identified him to Edith, and that Edith said he was Snowden, Mary also said that Snowden wore the same clothes that he had worn when she saw him come out of the Brandon house, the dark trousers, light shirt open at the chest and grey sweater with sawed-off sleeves.

I asked Mary if she would like me to call Mrs. Hunniston on the phone; she said yes. I tried to get Mrs. Hunniston at Carvel Hall. The clerk said she had gone out that morning, and that I had better try the State's Attorney's office. I was very reluctant about doing so, as I wanted to keep out of the affair if possible. However, as Mary continued in the statement that she would die if she had to appear in Court, I called the State's Attorney's office, got him on the phone, asked for Mrs. Hunniston, declined to give my name, my voice is very deep and often taken for a man's over the phone. Mr. Green said "King, is that you? Why won't you give your name?" I assured him that I was not King, and rang off. I then called up the Rev. John Ridout, and with him went to the State's Attorney's office, where I told Mary's story as repeated herein above by me, in Mr. Green's private office, in the presence of Mr. Green and Mr. Ridout.

That night Mary and Edith were told to appear in the Court House and as Mary asked me to go with them, I did so, and was present when Mary identified Snowden. He wore the same clothes described by Mary as having been worn by him both on the morning she saw him come out of the Brandon house, and the morning of the day he was arrested.

During the time that Mary was telling me her story she seemed to be in a marked state of nerves and tears, but told

the story collectedly and positively. I did not think her nervousness unusual considering the situation, but I was later told by Edith that Mary had never been strong, and had always had trouble with her heart.

Ella Rusk Murray.

Action,

Annapolis, Md.,

February 3, 1918.

Sworn and subscribed to before me, T. Roland Brady, a notary public of the State of Maryland, residing in the City of Annapolis, this 4th day of February, 1918.

Witness my hand and seal notarial.

(Seal)

J. Roland Brady,

Notary Public.

# ORDER OF APPEAL WITH AFFIDAVIT OF COUNSEL THERE TO.

(Filed March 2nd, 1918.)

Mr. Clerk:—

Enter an appeal from the verdict and judgment in the above case to the Court of Appeals of Maryland.

A. THEODORE BRADY.

C. GUS GRASON,

Attorneys for Traverser.

*State of Maryland,*

*Baltimore County, to wit—*

I hereby certify that on this 1st day of March, 1918, before me, the subscriber, a notary public of the State of Maryland, in and for Baltimore County, personally appeared C. Gus Grason, attorney of record for the traverser in the above entitled

case, and made oath in due form of law on his own behalf as well as on behalf of A. Theodore Brady, also counsel of record for traverser in the above entitled case, that the appeal in this case is not intended for delay.

As witness my hand and notarial seal.

(Seal)

Isabel R. Dunphy,

Notary Public.

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ORDER EXTENDING TIME FOR FILING BILL OF  
EXCEPTIONS.

(Filed March 2nd, 1918.)

Ordered by the Circuit Court for Baltimore County this 1st day of March, 1918, that the time for filing bill of exceptions, in the above case, be and it is hereby extended for thirty (30) days from date hereof.

FRANK I. DUNCAN.

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ORDER OF COURT FURTHER EXTENDING TIME  
FOR SIGNING OF BILLS OF EXCEPTIONS.

(Filed March 23rd, 1918.)

Ordered by the Court this 23rd day of March, 1918, that the time for signing bill of exceptions in above case be and same is further extended to the 15th day of April, 1918.

FRANK I. DUNCAN.

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ORDER OF COURT EXTENDING TIME FOR SIGNING  
BILL OF EXCEPTIONS.

(Filed April 12th, 1918.)

Ordered by the Court this 12th day of April, 1918, that time for signing bill of exceptions in the above case be and is hereby extended to the 30th day of April, 1918.

FRANK I. DUNCAN.

## PETITION AND ORDER OF COURT.

(Filed April 29th, 1918.)

*To the Honorable the Judges of said Court:—*

Your petitioner, John Snowden, by his attorneys, A. Theodore Brady and C. Gus Grason, respectfully says:

1st. That on March 2nd they filed their appeal in the above entitled case and an order for extension of time for the traverser to submit their bills of exception to the honorable Court was passed.

2nd. That on account of the inability of the traverser to get together his bills of exception on or before the expiration of the extension filed in the first order, a second order was granted them on March 23rd extending the time for the filing of their bills of exception to the — day of April, 1918.

3rd. That before April —, 1918, the traverser submitted his bills of exception to the honorable Frank I. Duncan, and was directed by his Honor to submit bills of exception to Nicholas H. Green, Esq., the State's Attorney of Anne Arundel County, with a view to have said State's Attorney signify his willingness or refusal to the Court's signing any or all of said bills of exception and such bills of exception as the said State's Attorney would not agree to then to have his Honor set a day for counsel for State and Traverser to appear before him and have said bills of exception finally acted upon. That in compliance with the suggestion of the Court, the traverser's counsel did, on or before the 12th day of April, 1918, submit to the State's Attorney for Anne Arundel County the said bills of exception and informed him of the Court's direction in the premises, but that notwithstanding the said State's Attorney 'as late as the 26th day of April, 1918, had taken no action whatsoever.

4th. The traverser's counsel realizing the necessity of having these bills of exception acted upon, took the same from the said State's Attorney and again submitted them to the Court for trial action on the 27th day of April, 1918, and left the same with the Honorable Frank I. Duncan, Judge of said Court.

Your petitioner does not feel that he has in any ways been in default, but realizing the condition of the case, now prays

this honorable Court to grant a further extension until some time in the future that the Court may deem necessary.

And as in duty bound.

A. THEO. BRADY,

C. GUS GRASON,

Attorneys for Traverser.

*State of Maryland,*

*Baltimore County, to wit:—*

I hereby certify that on this 27th day of April, 1918, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared A. Theodore Brady, counsel of record for the traverser in the above entitled case, and made oath in due form of law that the matters and facts set forth in the foregoing petition are true to the best of his knowledge, information and belief.

As witness my hand and notarial seal.

(Seal)

Isabel R. Dunphy,

Notary Public.

#### ORDER OF COURT.

Ordered by the Circuit Court for Baltimore County this 29th day of April, 1918, for the filing of the bills of exception in the above case, be and it is hereby extended until the 15th day of May, 1918.

FRANK I. DUNCAN.

#### STATEMENT OF COURT.

(Filed September 24th, 1918.)

*To the Honorable the Judges of the Court of Appeals:—*

In view of the gravity of this case and some irregularity in the proceedings after the verdict, I file the following certification.

1st. The prisoner was convicted of murder in the first degree, with capital punishment, on January 31st, 1918, and was sentenced to be hanged on February 13th, 1918.

2nd. That on March 2nd, 1918, defendant's counsel filed an order for an appeal, and on same day secured an order of Court extending the time for filing their bill of exceptions for thirty days.

3rd. That on March 23rd, 1918, counsel for defendant secured a further extension to file their bill of exceptions to the 15th day of April, 1918.

4th. That on the 12th day of April, defendant secured a further extension to file their bill of exceptions to the 30th day of April, 1918.

5th. That on the 29th day of April, 1918, defendant secured a further extension to file their bill of exceptions to the 15th day of May, 1918.

6th. That before the 15th day of April, 1918, counsel for defendant submitted their bill of exceptions to me as the trial Judge in their present shape. I inquired in view of the large number of exceptions in the record, to wit, sixty-six, whether they had been agreed to by counsel representing the State. Upon receiving a reply in the negative, I told counsel that the bill of exceptions should be presented to the State's Attorney for Anne Arundel County for approval. Whereupon the record was delivered to Hon. Nicholas H. Green, the State's Attorney for Anne Arundel County, on or before April 12th, 1918.

7th. That on the 27th day of April, 1918, the record was again brought to my office in its present shape without any agreement between counsel having been reached.

8th. That I then handed the record to George Hartman, Esq., State's Attorney of Baltimore County, with the request that he go over the exceptions with Mr. Brady, and I did not hear any further from them until I received the record in New York City, about the 12th day of August. Before acting on them there, Mr. Charles S. Williams, of counsel for the defense, called on me and requested the return of the record in order to go over it with Mr. Green, the State's Attorney for Anne Arundel County, with whom he insisted there would be no



doubt of his reaching an agreement. I did not see the record again until I reached home about September 16th, when it was returned by Mr. Williams for my action, no agreement having been reached.

8th. I was away from Court by reason of illness and in Atlantic City and New York City from July 5th to September 16th, 1918.

As witness my hand and seal this 23rd day  
of September, A. D. 1918.

(Seal)

FRANK I. DUNCAN. (Seal)

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## BILL OF EXCEPTIONS.

### TRAVERSER'S FIRST BILL OF EXCEPTIONS.

Mr. Green, on behalf of the State, made the opening statement to the jury, and after explaining the allegations in the indictment, said, in part, as follows:

The crime as we expect to show you, gentlemen of the jury, was a most heinous and diabolical one in its conception and its perpetration, was devoid of all decency and without the slightest recognition of the laws of man or God. The State expects to show you gentlemen that on the 16th day of October, 1916, a young couple, who were then living in Washington, were married. The following first of January 1917, they came to the City of Annapolis to take up their abode. They rented a house on what is known as Second Street, at No. 29. Second Street, gentlemen of the jury, is a street that leads from West Street to Murray Hill. West Street is the main artery leading into the City of Annapolis from the outlying country, and runs as far as what is known as St. Anne's Church Circle, Annapolis. Annapolis being laid out with a number of circles and streets radiating from these circles as it were the spokes of a cart wheel. This Second Street is located probably 800 yards from Church Circle and possibly an equal distance from the City limits. Just before you reach Second Street on West Street is what is known as Acton Lane, possibly in the rear of Second Street 200 yards. That street does not back the houses

Acton Lane, nor do the houses back on Acton Lane with the houses on Second street; there is an intervening space. As I say, the State expects to show you that on the first day of January, 1917, Valentine N. Brandon and Lottie May Brandon, who was a Miss Haislup of Washington took up their abode on Second Street in the City of Annapolis in what was designated as No. 29, renting and furnishing a modest little flat. They lived there from January until the 8th day of August, 1917, happy in the thought that each loved and was loved. As the winter months passed and the spring began to open, their happiness was turned into joy that the young wife was about to reach that highest place of womanhood and become a mother. On the 8th day of August, which was Wednesday, Mr. Brandon, who was employed in the United States Experiment Station, across from the U. S. Naval Academy, left his happy little home about 8 o'clock in the morning, as was his custom. They arose about 6:45, and 7:45 ate their breakfast, which the wife prepared; fixed his lunch, followed him to the door and kissed him good-bye. He then proceeded down the street in the usual way to the boat that carried him across the river to the Experiment Station, where he was employed, reaching there about 8:40 o'clock. He remained there during the entire day until half-past four o'clock; the boat then left there to bring him home. He hurried home, as was his custom; he opened his front door, called for his wife with a usual call and a whistle and received no answer; went as far as the second room, and there found his wife lying upon the bed as he thought perhaps in a faint. He immediately became alarmed and rushed to a neighbor's house for assistance, calling a doctor and asking the neighbors to come in and render whatever assistance was necessary to his wife. When they reached the house in a few minutes they found the sad spectacle of the young wife, prospective mother, dead. Dead for hours, with her throat terribly lacerated, showing the marks of the brute's finger-nails on her throat with a terrible wound in the front of her head lying upon her side, where the blood had flowed from that wound and her life had ebbed away across the side of her forehead and under her head through the mattress to the floor below. Her clothes were up and her limbs were exposed, the skin was torn from her knees, her ankles were lacerated and she had been dead for hours. We expect to show you gentlemen of the jury by a concatenation of events and chain of facts that will leave no doubt in your mind that the perpetrator of this horrible crime was the prisoner at the bar, John Snowden, now being

tried before you. We expect to show you that on the morning of Wednesday, the 8th day of August, this man Snowden, who had been employed as a driver for Parlett Company, incorporated, of the City of Annapolis did not go to work on that day, that he was out gambling, drinking and carousing all the night before. That he arose that morning about seven o'clock, ate his breakfast and about quarter of eleven left his home where he was living in consort with a woman by the name of Edna Wallace, who had been separated from her husband. This Edna Wallace has been the wash woman for Mrs. Brandon, whose house, although the yards were not connected, they were almost immediately in the rear of the Snowden-Wallace home on Acton Lane. That he left his home quarter of eleven o'clock with the intention of going to Martin's bar, which was on West Street, but instead of going in his usual way down to Acton Lane on West Street to Martin's bar, he went up through the back part of his lot up what is known as Shaw Street, which connects Acton Lane in the rear of Second Street; at a quarter of eleven he left his home he saw nobody and nobody saw him. We met him next in Martin's bar at five minutes of twelve o'clock spending a dollar bill. As we expect to show you, that dollar bill was the dollar bill that Brandon's wife gave him on that morning to go to the bake shop to procure bread and milk for their breakfast; when he reached the bake shop the baker could not change the dollar bill and he brought it back and gave it to his wife. We expect to show you that Snowden did not have a dollar bill when he left his home; that there is no accounting for his time between quarter of eleven and five minutes of twelve, when he was found in this bar spending this dollar bill. That about in the neighborhood of half-past ten o'clock, gentlemen of the jury, we expect to show you that Mrs. Brandon was alive and well and talked and conversed with a number of her neighbors. At half-past eleven, about half-past eleven o'clock, the neighbor who lives across the street from the Brandon's home heard a disturbance in the front room of the Brandon home; she called to her sister and asked her what she thought that disturbance was; she saw a chair thrown by an open window; things quieted down, and this girl who was not satisfied with what she had heard, sat at her window and watched, and in fifteen or twenty minutes the State expects to show you, she saw this man John Snowden come from the front door of that house. If we show you these things with those circumstances and with those facts, we don't think there can be the slightest doubt in the minds of any one of you gen-

tle men who committed this dastardly act. We expect to show you that he grabbed that woman from the rear, choked her into insensibility, threw her upon that bed and then ravished her, and that then with the feeling that a dead woman tells no tales, hit her in the head and left her there for dead.

If we show you these things, gentlemen of the jury, if we show you these facts and those circumstances we shall unhesitatingly ask at your hands, in the name of the peace and good order of society, in the name of morality and decency, and proper respect for the public administration of justice, "guilty of murder in the first degree."

To which statement counsel for traverser objected and noted an exception.

To which ruling of the Court the traverser by his counsel excepted and prays the Court to sign and seal this his First Bill of Exceptions, which is accordingly done this— day of April, 1918.

(Exception refused.)

FRANK I. DUNCAN.

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#### TRAVERSER'S SECOND BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first bill of exceptions, all of which is hereby made a part hereof, as fully as if the same were herein repeated at large.

VALENTINE N. BRANDON, a witness called on behalf on the State and after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where are you living now, Mr. Brandon? A. Washington, D. C., 914 Sixth street.

Q. How old are you? A. 21.

Q. When were you married? A. October 16th, 1916.

Q. Who did you marry? A. Lottie May Haislup.

Q. What was her residence? A. 2329 Virginia avenue, N. W., Washington, D. C.

Q. Where were you employed at the time you were married? A. The day before I was married I left a position at the Agricultural Department and the day after I was married I started at the Experiment Station.

Q. When did you come to Annapolis to live? A. October 17, 1916.

Q. Where did you live when you first came to Annapolis? A. The first night, it was after dark when I got there, I spent at the Maryland Hotel and I roomed for about a week or so on Hanover (?) street and finally moved to a place known as Danmyers on Main street.

Q. When did you go to live on Second street? A. New Year's day, the first of January.

Q. 1917? A. 1917, yes, sir.

Q. What place did you rent then, where were you located? A. No. 29 Second street.

Q. What was the nature of your holdings then, what did you rent? A. Rented the downstairs floor of three rooms and bath and cellar and back yard.

Q. Who lived there with you? A. My wife.

Q. What was her name? A. Lottie May Brandon.

Q. In Annapolis, Anne Arundel County? A. Yes, sir.

Q. What was the condition of your wife on the first of August, 1917? A. Well, she was in good health and cheerful.

Q. What other condition was she in? A. Well, she was about to become a mother.

Q. In what length of time? A. About a matter of six weeks, maybe two months.

Q. Do you recall the morning of the 8th of August, Wednesday morning, August 8th, 1917? A. Yes, sir.

Q. Just tell the Court and the jury, if you please, what you did during that day, what time you got up in the morning, what you did, what time you left home, where you went, where you spent the day, what time you arrived back home and what you then found? A. I got up about a few minutes before seven, ate breakfast, just before breakfast I went out to the baker's to get a loaf of bread and some milk.

Q. What did you take with you when you went to get the loaf of bread and the milk? A. My wife gave me a dollar bill and I went to the baker's and they could not change it that early in the morning and I took the dollar home and the bread and milk and gave it to my wife and told her she could pay that later in the day and after breakfast left the house a little after eight and caught the ferry launch about 8:30.

Q. Who went over with you in the launch, do you remember the people? A. Quite a number, I don't remember many of them.

Q. Do you remember any of them? A. Mr. Stewart, Mr. O'Neill, Mr. Benezy, Mr. Vandebeer, Mr. Babel.

Q. What time did you reach the Experiment Station? A. About quarter of nine or twenty minutes of nine.

Q. What was your work then, what kind of work? A. Stenographic work and clerical work.

Q. In whose office? A. Captain T. W. Kinkaid.

Q. Rear Admiral? A. Rear Admiral T. W. Kinkaid.

Q. You have placed yourself at the Experimental Station about what time? A. About twenty minutes of nine.

Q. In what office, whose office? A. In the office of Rear Admiral T. W. Kinkaid.

Q. Go on from that time, what you did during the day and whether you remained and up to the dinner hour? A. I stayed

at work there until lunch time and had an hour for lunch and then went a swimming alongside of the station there.

Q. What time was that? A. That was about 12.30, I guess would be, little over half hour.

Q. Where did you go after lunch?

(Mr. Grason): What is the idea of this?

(Mr. Green): We are leading up to the finding, the discovery of the crime.

(The Court): Well, I suppose the particulars with which he accounts for what he did is what is being objected to; there is no special objection, except saving time.

(Mr. Grason): We want to know the object of the State.

(Mr. Green): We think that is the shortest way to go ahead.

(The Court): I see no objection to it except that it seems a little waste of time.

Q. What time was your lunch hour? A. 12:30 to 1:35.

Q. Where did you go after lunch? A. After I came in from swimming I went back to the office and ate my lunch and continued work until 4:30.

Q. You left the Experimental Station on what boat? A. On steamer that leaves there 4:32.

Q. Where did the boat take you? A. Took us directly across the river to what is known as the Maryland Avenue float, at the foot of Maryland avenue and Naval Academy.

Q. Where did you go from there? A. Directly home.

Q. Now tell what you did when you went into the house? A. I entered the front door and called my wife and whistled to her and I didn't get any response and I went in the second room and saw her lying on the bed and thought she had fainted or was sick, I spoke to her and touched her shoulder and she didn't

answer me, so I became alarmed then and went out and had the neighbor to call a doctor.

Q. What neighbor? A. Down to the bake shop and they tried to telephone for a doctor and could not get a doctor right away and so I went and told Mrs. Birch and she went down to the house while I went over to try to get a doctor some where, but didn't have much success in getting one and in front of the baker's Mr. O'Neill happened to come along and he said he would go get a doctor and by that time I got back to the house and a doctor was just going in then.

Q. Did you see your wife after that? A. Not until late that evening I got in there, the doctor went in to the middle room and shut the door and left me in the front room with some of the neighbors; I didn't know really what happened until late that night when several detectives came around and took me with them and I identified the body of my wife.

Q. Did you see your wife's body after that night? A. Yes, sir.

Q. You know when the pictures were taken of your wife's body? A. Yes, sir.

Q. Whereabouts were they taken? A. In the Undertaker's establishment, Mr. Sardon's.

(Mr. Grason): Were you there?

(Witness): No, sir; not when they were taken.

Q. Can you identify those photographs as a good likeness of your wife? A. Yes, sir.

(Objected to.)

(The Court): He says he can identify those pictures?

(Mr. Green): Yes, sir.

(The Court): That is as far as it has gone.

Q. Did you see the condition of her throat? A. Yes.



Q. Does that photograph represent the condition of her throat? A. Yes, sir.

Q. Does that photograph represent the condition of her throat and neck? A. Yes, it does.

(Mr. Green): Now we offer those photographs in evidence.

(Mr. Brady): Objected to; the photographs having been taken, unless it is shown they were taken and at what time they were taken, if taken after the arrest of this man, of course, unless they can show conclusively to the Court that there was no possibility of tampering with that body and that notice had been given to the defendant. I feel, that in accordance with the rules of evidence, that that should not be admitted or anything pertaining to the condition of the body and as I say, unless the State can show conclusively, that any tampering could not have happened, I might say right here, as the question no doubt will arise very shortly, and to admit to the Court that we, the defense, know very little about what the prosecution has to show or prove, in fact we know nothing, there was never at any time any inquest or preliminary hearing in this case at any time, and we are at a loss to know what we have to prove and we are grabbing at straws and in defense of the man whom we have in our care, we feel it our duty to object at all times and under all circumstances when we think proper. Now here let us follow this body, no doubt it will come in the evidence as part of it. Mr. Brandon, the unfortunate woman was found dead on the night of the 8th of August, she was there, the body was taken up, I understand, to the hospital about 11 or 12 o'clock at night, then an autopsy was held, the body was then turned over to an undertaker who prepared this body for burial, the body was then placed in the hands and the care of Mr. Brandon, who was suspected in this case—

(Objected to that being interjected in this case at this time; we don't think that is a fair statement before the jury.)

(The Court): There will be time enough to get to the matter on cross-examination without consuming any more time than necessary in an argument. This witness has testified that he saw his wife laying on the bed, he supposed she was in a faint, he went out to get help and that he saw her again late that night and that he saw her afterwards, the next day, now that is as far as his testimony goes. Now, if it is true an autopsy was held on this body before the photographs were taken, the photographs should not be admitted.

(Mr. Green): That is true?

(The Court): You must show that when this photograph was taken, the body was in the same condition it was at the time the murderer left her.

(Mr. Green): The State can show that, will follow that up.

(Mr. Grason): We think it ought to be in writing.

(The Court): The witness has identified the photographs and at the proper time you can put them in if you meet the Court's restrictions.

Q. Did you see the condition of your wife's throat that night?

A. No, sir; I didn't pay any particular notice, I noticed it was bruised.

(Objected to; ask him what he saw and not specify any particular part of the body?)

(The Court): Yes, he asked the question whether he saw the throat?

(Mr. Green): Yes, sir.

(The Court): That is all right, he was not told what he must answer what he saw on the throat, now he can take the limbs.

Q. Does that photograph—

(Mr. Brady): Let him describe what he saw on the throat?

(Mr. Green): If the Court will bear with me one moment, I will try to explain what I mean: I understood the witness to say in answer to that question that he saw her throat, it was all bruised up, if I am wrong saying that, I don't know.

(Answer repeated.)

Q. When did you see your wife's body after that? A. I saw it in the undertaker's establishment in Annapolis and again in Washington.

Q. You saw it in Annapolis and Washington? A. Yes, sir.

Q. What did you notice about your wife's throat when you saw it at the undertaker's establishment at Annapolis?

(Objected to; objection overruled; exception noted; question withdrawn.)

Q. What did you notice about your wife's body when you saw it in the undertaker's establishment, the condition of it? A. I could only see the upper portion of her body and I could notice her neck was badly swollen and torn and scratched and bruised.

Q. Does that picture of your wife's body represent as you observed her condition—does that photograph represent the condition of your wife's body, the part that you saw of it when you saw it in the undertaker's establishment?

(Objected to.)

(The Court): If you will pardon the suggestion, this witness has identified these photographs, now trace the body from the time it was found, he had very little to do with it at first and it is from the time it was found, do you think you have shown fully the condition of the things connected with it that will guarantee you or warrant you in offering these photographs?

(Mr. Green): We will withdraw the photographs at this time with the fact that he has identified the pictures.

(The Court): Yes, he identified the pictures, three of them?

(Witness): Yes, sir.

Q. Who worked around your house, who did the work for your wife at any time previous? A. A colored girl, Edna Wallace, did the washing always, came after it and brought it back.

Q. Edna Wallace? A. Yes, sir.

Q. Do you know whether the dollar that your wife gave you was all the money she had, do you know anything about that?

A. Well, I don't know if she had any other bills; I am pretty sure she didn't have any change to my knowledge she might have had a little change, it would not have been enough for what I went to the store after.

Q. After your wife's death, Mr. Brandon, did you miss anything from the house? A. Well, I never saw any money there. I never saw that dollar bill again.

Q. You never saw that dollar bill? A. No, sir.

Q. When you first went in the front room, did you notice anything about that? A. I noticed the rug was kind of rumpled, I didn't pay much attention to it at the time, because I didn't think anything had happened in there.

Q. What did you do when you first opened the front door? A. I called my wife and whistled to her?

Q. Is that your custom and habit? A. I always did that when I came home.

Q. Did you say anything to her? A. I called her.

Q. What were the words you used, do you remember?

Objected to.)

(The Court): I don't see the purpose of it.

(Mr. Green): Showing what he did just previous to finding the body, how he came to go in the other room to see her, when he entered the front door he whistled and called to her and didn't get an answer, that made him go in the other room to look for her.

(The Court): He said he did that, no matter what he said,

#### CROSS-EXAMINATION.

(Mr. Brady): The night before, what time did you arrive home from work? A. The usual time about quarter of five. he went.

Q. What did you do after that, did you remain home? A. After supper we—I don't recall exactly what we did do.

Q. What time did you go to bed? A. About a little after ten.

Q. A little after ten? A. I think so, I am not sure.

Q. Did you that night, Mr. Brandon, have any marital relations with your wife? A. Yes.

(Objected to.)

(The Court): There may be some reason for that, I will let it stand.

Q. About what time was that? A. Well, little after ten, not long after we retired.

Q. The next morning I understand you rose about seven o'clock? A. Yes.

Q. You had your breakfast and went to work? A. Yes, sir.

Q. You said something about when you returned home and called your wife and not having received an answer that you went in this middle room and you thought she had fainted, is that what I understood you to say? A. That is what I said.

Q. Why did you think she had fainted, was she in the habit of fainting? A. She never fainted before, but I knew women in these conditions were subject to faints at most any time.

Q. Now, had your wife up to that time shown a little fainty effect from the cause of her condition? A. No, sir.

Q. Now, you went in the room as I understood and opened the door and the only thing you noticed was that the rug was a little rumpled, is that right? A. That is the front room.

Q. What kind of a rug was that, how large? A. 9 by 12.

Q. Now, will you tell me just how it was rumpled, were the corners turned up? A. No, the corners were tacked down, but it looked like something had been dragged across it, a little whirly or wavy course there.

Q. Had you known whether those little waves were there the day before? A. No, they were not there before. Any one walking over them would have kicked them out.

Q. Any one walking over them would have kicked them out?  
A. Yes, more than likely.

Q. What was the size of the room? A. Good size room, about 12 by 18, I guess.

Q. What furniture did you have in that room? A. We had a library table in the center of the room, Grafonola, a cot and about three or four, or maybe five chairs.

Q. Now, when you went in the middle room and saw your wife, just describe to the Court and the jury how she was lying on the bed? A. She was lying on her side with one arm thrown out like that (indicating) and her lower limbs were crossed.

Q. The lower limbs were crossed, what was the condition of the body? A. I don't recall exactly the condition of the body now.

Q. You don't recall that, did you look at her features? A. I didn't take any—I was only in there a couple of seconds, I didn't notice very closely.

Q. You didn't know whether she was dead or fainting when you saw her first? A. No, that is when I went out for help, I spoke to her and she didn't speak.

Q. When did you see the marks on her neck? A. When I was in there.

Q. In those one or two seconds? A. Yes, I saw that and came out.

Q. And you say she was lying on her side with one arm under her and one over this way (indicating)? A. I don't recall whether one arm was under her, but one arm was thrown over.

Q. You were very much excited, were you not? A. Yes, sir.

Q. Why did you—if you can't describe with any more particularity, then you have described, why did you observe these

marks so closely on her neck, that that was so bruised and torn and scratched? A. I didn't notice so bruised and torn and scratched that time as I did the next day.

Q. The next day? A. When I first went in I noticed her neck was bruised, and the whole thing was told to me what had happened the next time I was down to the undertaker's and I noticed a little closer.

Q. That was after the autopsy had been performed? A. I don't know whether it had or not.

Q. It was the next day? A. The next morning.

Q. Had you observed her face? A. When do you mean, the next morning or when I first went in there?

Q. That same evening that you went in there and were in there a couple of seconds? A. I didn't observe closely.

Q. Did you look at her face? A. Yes, sir.

Q. What did you see, what was the color of her face, what was on her face? A. Her face seemed to be natural, I could only see one side of her face, that seemed to be the natural color, except two marks there that looked like pencil marks not any wider than a pencil mark and about an inch long.

Q. You didn't touch the body? A. I laid my hand on her shoulder when I first went in.

Q. You didn't lift her up to see whether she was fainting or she was dead? A. No, sir.

Q. That is all you did, laid your hand on her shoulder? A. Yes, sir.

Q. That was as far as you went?

(No answer.)

Q. Did you see any marks on her face? A. I noticed those two marks on her cheek, like pencil marks.

Q. Were they dark? A. They were only about as wide as a pencil mark and about an inch long, I would not say they were black or red, or what color, but they were dark color.

Q. On which side of the face were those marks? A. It was on the right cheek, right side of the face.

Q. The other side, I understand, was down? A. Was on the bed.

Q. Now, what kind of a bed was that? A. It was a double bed, brass bed.

Q. How was it located in this room, how was it situated, where was it placed? A. The head of the bed was against the wall and very nearly in the center of the room.

Q. You could get on either side of it? A. Yes, sir.

Q. How near to the head of the bed was your wife's head about? A. Well, not anywhere near it, she was lying with her head at the foot of the bed.

Q. How near was it to the foot of the bed? A. I don't recall exactly, it was no more than a foot, I don't suppose.

Q. Was there anything else on that bed, that you observed?  
A. No, sir.

Q. Then you went out and called Mrs. Birch, did you say?  
A. Yes, sir.

Q. Was she a white or colored woman? A. White woman,

Q. Who else in there besides Mrs. Birch, if you can recall?  
A. I called Mrs. Birch first and then I called Mrs.—I can't recall her name now—Mrs. Mrs. Sorrells.

Q. Any one else? A. I can't remember just at the time now.

Q. How long were you out of the house? A. Not more than about ten minutes I guess.

Q. When you came back, did Mrs. Birch and Mrs. Sorrells come with you, or had they gone ahead of you? A. They were already in the house when I came there.



Q. Anybody else in the house? A. Yes, quite a few.

Q. Who were they? A. There was Mrs. Birch and Mrs. Sorrells and Mrs. Grant, Mrs. Birch's sister.

Q. Any one else? A. Well, there were several friends that I knew by sight, I didn't know them by name.

Q. Quite a number of them in there? A. There were five or six.

Q. What were they doing, did they do anything at all? A. I didn't notice closely, I didn't notice them doing anything.

Q. Did they disturb the body, touch it or move it in any way? A. I could not say whether they did or not.

Q. How long after that was it that the doctor came? A. The doctor went in the same time I did, may be one or two steps ahead of me.

Q. Who lived next door to you? A. Mr. and Mrs. King.

Q. On the other side? A. Mr. Williams.

Q. How far does Mrs. Sorrell and Mrs. Birch live from you?  
A. Mrs. Birch lives next door to where Kings live and Mrs. Sorrell next door to Birches.

Q. Mrs. Birch on the porch? A. No.

Q. You had to call her? A. Yes.

Q. Why didn't you go directly next door, to Mrs. King? A. They had only been there a day or so and more or less strangers.

Q. Didn't you know them? A. Yes, I had met them and talked to them, but didn't want to go to somebody that I hardly knew, I would rather have somebody that knew my wife and knew the condition, older women.

Q. Was Mr. King very friendly with you and at your home?  
A. He was a friend of mine, yes; always used to stand on the back porch and talk about different things.

Q. Is that the only reason you didn't go next door and call Mrs. King, instead of going up and calling Mrs. Birch? A. Yes.

Q. Your only reason? A. I didn't want to bother them, she is a younger woman than Mrs. Birch and Mrs. Sorrell and they knew more about my wife's condition than Mrs. King did.

Q. Now, how long did you remain at home? A. You mean after the doctor came there?

Q. Yes? A. I was in the front room there continuously until about eleven o'clock I guess, I don't know what time it was, Mr. Green and myself and Mr. Dougherty—no, not Mr. Dougherty, Mr. Pohler, and several other men and we all left together.

Q. What time was that? A. I don't know, it was late.

Q. Some where near the time? A. I could not give you any idea what time we did leave, I didn't get back there I know until one or two o'clock in the morning.

Q. You say you were there at the time Mr. Green, the State's Attorney, was there? A. Yes.

Q. And Mr. Dougherty and two detectives? A. Not Mr. Dougherty.

Q. Mr. Kratz and Mr. Pohler? A. Yes, sir.

Q. How long did you stay there with Mr. Kratz and Mr. Pohler and Mr. Green? A. After we left the house?

Q. No, I am talking about whilst you were in there? A. I stayed there the whole evening, I was not bothering about time.

Q. Why did you go out? A. They asked me to go out.

Q. Where did they go? A. We got in a machine and went up to the Court House.

Q. You got in the machine, who was in the machine with you? A. Mr. Green, the detectives from Baltimore; I do not recall who they were.

Q. Why did they carry you to the Court House?

(Objected to.)

(The Court): Unless you can show me some reason for it.

(Mr. Brady): My only reason in asking these questions is to show that the detectives were hunting for some one who committed that act and they first suspected Brandon.

(The Court): You had better ask them that; if permissible at all, it would be in the examination of them.

(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 Second Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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VALENTINE N. BRANDON, testimony continued.

Q. Now, Mr. Brandon, what furniture was in that middle room, your bed room? A. There was a bed and dresser and chiffonier and couple of chairs.

Q. How did you find that room when you went in there first? A. I don't recall whether the chairs were, but the single pieces were not moved away.

Q. Everything was in order, nothing there disturbed as far as you saw, is that right? A. I would not say they were not disturbed; the room was kind of dark and the kitchen door was shut and the shades pulled down and the door locked on the inside.

Q. What was the condition of the front room, were the blinds down? A. I don't recall whether the blinds were down, but the door was partly open and the light came in the door.

Q. Why can you say you noticed the rugs in the front room when you went in there first were slightly disturbed just as if some one had scraped over them and you can't now say as to the condition and the order of the furniture in the middle room? A. Well, the front room is a large room and I walked right straight from the door through and could not help seeing the room and the middle room was a small room and very little floor space outside of the furniture and I didn't notice anything.

Q. As a matter of fact, you saw nothing, nothing was disturbed? A. I didn't notice anything disturbed.

Q. How long had the Kings lived next door to you? A. I don't know. Mr. King had been there two or three weeks, I think; I am not sure.

Q. When did Mrs. King come? A. This happened on Wednesday, I think she came down the Sunday or Monday previous to that.

Q. Monday previous to that? A. I think so.

Q. After you discovered your wife in that condition, did you go to the drug store to telephone? A. No, sir.

Q. You didn't telephone to any one? A. Not from the drug store; no.

Q. Any place? A. From the bakery.

Q. Who did you telephone to? A. I didn't do the telephoning directly myself; I asked her to call a doctor for me; I didn't know any doctors in Annapolis, never had occasion to call them before.

Q. Did you call anybody out of town? A. When in the bakery Mr. O'Neill came out and I asked him—he had lived there longer than I had, and he tried to get his doctor for me, and while trying to get his doctor I went couple of doors below and called up Washington, my home.

Q. Who did you call up? A. My mother.

Q. Did you get your mother? A. Yes, sir.

Q. When did she come over? A. She came over that evening.

Q. What time did she come over? A. I guess about seven or eight o'clock.

Q. Seven or eight o'clock? A. Yes, sir.

Q. Just try to give me an idea of the size of the middle room? A. Well it was a 9 by 12 rug on it and not more than a few inches to the width of it and may be a foot or more to the length.

Q. Very small room? A. Yes, sir.

Q. 9 by 12? A. A little more than 9 by 12.

Q. You had a bed and three chairs and a chiffonier? A. Had a bed and dresser and chiffonier and one or two chairs.

Q. That pretty well crowded the room? A. Yes, sir.

Q. Now the kitchen, did you go in the kitchen? A. No, sir.

Q. You didn't observe the kitchen? A. No, sir.

Q. A brass bed, you said? A. Yes, sir.

Q. Was any one taking care, or with your wife at the time of this, while she was with child, the latter part? A. There was a Mrs. Stewart that called there occasionally to talk to her and advise her.

Q. Who is Mrs. Stewart? A. She is the nurse that lived there in town.

Q. What kind of a nurse? A. I don't know what kind of a nurse you would call her.

Q. For treatment of women? A. For these kind of cases.

Q. Mid-wife? A. I guess you would call her a mid-wife.

Q. I want to call your attention—was there not a colored woman by the name of Carroll who also came over there when you discovered your wife in that condition? A. What name?

Q. Carroll, I think her name is? A. I don't know her, she might have been over there.

Q. Ella Carroll? A. I don't know her by name.

Q. She may have been? A. She may have been for all I know.

### RE-DIRECT EXAMINATION.

Q. How old was your wife? A. She was one year senior to me 22 I guess.

Q. How big a woman was she? A. Very small woman, shorter than me and not very heavy.

Q. About what did she weigh, do you know? A. No, about 115 pounds, I suppose.

Q. On Tuesday night after you retired, it has been testified you had intercourse with your wife, what did you do after that intercourse, what was done, what did your wife do? A. She got up right away and went out in the other room.

Q. What did she do?

(Mr. Brady): If he knows.

A. Well, she didn't tell me what she was doing, but I know what she was doing.

Q. Did she bring you anything? A. Yes.

Q. What did she bring you? A. A small wash cloth.

Q. For what purpose? A. We always used a cloth after intercourse.

Q. For what purpose? A. For cleansing ourselves.

Q. Did you use it that night? A. Yes, sir.

Q. Did she use it? A. Yes, sir.

(Objected to.)

(The Court): Did you see her use it?

A. I didn't see her use it, no.

(Objected to and ask that it be stricken from the record.)

(The Court): Strike it out.

Q. Do you know whether she used it or not?

(Objected to.)

(The Court): He said he didn't see her. The testimony is she went in a bed room, he didn't see what happened outside and she brought him this cloth and he used it.

Q. What room did she go in? A. In the middle room.

Q. What had always been your custom as to that?

(Objected to; objection sustained.)

(The Court): The bed on which you found your wife when you came home was that the bed she occupied the night before?

A. No, sir.

Q. Where was her bed room? A. The night before it was warm and we slept on the cot in the front room near the front window.

Q. She slept on the cot in the front room? A. We did.

Q. You both slept on the cot? A. Yes, near the front window; it was cooler in there.

Q. How large was that cot? A. It was one of those sanitary cots that open up on both sides, I guess as large as a double bed when you open them up.

Q. What was the color of your wife's hair? A. It was dark, very near black, not coal black.

Q. What was her complexion? A. Fair complexion.

Q. Fair with black hair? A. Yes, sir.

Q. Now, was not her complexion of olive color, olive or slightly dark, different from what you call a blonde, would you call it a brunette? A. I don't know what you would call it, what color you would call her hair. I have a sister over there whose hair is the same color, you can look at that yourself.

(Note): Sister stands up.

Q. Was she as dark as your sister or darker? A. I don't think she was any darker; no.

(Examination concluded.)

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## SECOND DAY.

MRS. IDA BURCH, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

### DIRECT EXAMINATION.

Q. (By Mr. Green): You live in Annapolis, Maryland? A. Yes, sir.

Q. Anne Arundel County, where were you living on the 8th day of last August? A. 25 Second street.

Q. Did you know Mrs. Lottie May Brandon? A. I did.

Q. How close did she live to you? A. She lived two doors below me.

Q. On the same side of the street? A. On the same side of the street.



Q. You were 25 and she was 29, how long had you known her? A. I moved there on the 22nd of January, I met Mrs. Brandon on the 22nd day of March.

Q. You had known her since the 22nd of March? A. Yes, sir.

Q. Do you recall the Wednesday, the 8th day of August, the day that Mrs. Brandon was found dead? A. I do.

Q. Did you see Mrs. Brandon at any time during the day? A. I did.

Q. What time in the day as near as you can arrive at it? A. Between half past ten and eleven o'clock.

Q. Where was she? A. Mrs. Brandon—I was sitting on the steps of 23 Second street, Mrs. Brandon came to the door and opened it and picked up her paper and spoke to me and went in.

Q. That was about between half past ten and eleven? A. Between half past ten and eleven o'clock.

Q. You are positive it was on the same day the body was found? A. I am positive.

Q. Now, Mrs. Burch, did you go in the Brandon home any time in the afternoon after the body was found? A. Yes, sir.

Q. What was the occasion of your going there, how did you come to go? A. Mr. Brandon came for me.

Q. Who was there when went in the house? A. No, one.

Q. Where did you go and what did you discover? A. I went through the parlor, not seeing any one, I went through to her bed room, which is the middle room, and I called to her and she made no answer.

Q. Where did you notice the body, where was it? A. She was lying on the bed, her head was at the foot of the bed.

Q. You called her and she didn't answer, what did you do then? A. When she didn't answer I went towards her and I

knelt over her right arm, no her left arm and I found she was dead.

Q. What made you notice she was dead, what—did you put your hand on her? A. Well, because she was cold.

Q. Did you notice her condition at all, did you notice anything around her or under her, or around about her any way? A. No, I never.

Q. What did you do then? A. Knowing she was dead I came out and I came on the porch and I looked around and I saw Mrs. Carroll, a colored woman who lives across the street and I called her and she came across to me and I told her that Mr. Brandón thought his wife was sick, but instead she was dead and she went in with me.

Q. What did you notice this time about the body? A. This time I noticed the blood.

Q. Where was the blood? A. The blood was under her head.

Q. How was she lying in the bed, if you can recall, what was her position? A. She was lying with her head at the foot, her limbs were crossed, her dress was above her knees, half way with the legs, her hair was around her throat and there was a mark on the cheek.

Q. On which cheek was the mark? A. The right cheek.

Q. Was that the cheek that was up? A. That was up.

Q. She was lying on her left side? A. She was lying on her right side with the right cheek up.

Q. Where was the blood? A. The blood was under her head.

Q. Could you see where the blood came from? A. No, I never took notice of it until the doctor got there, and showed where the blood was coming from.

Q. What doctor was it? A. Doctor Joyce.

Q. Did you see then where the blood came from? A. Yes.

Q. Where had it come from? A. It came from a wound on her head.

Q. Whereabouts on her head? A. Right about over the forehead, right along here (indicating).

Q. Did you notice the course that blood had taken, how it had gotten under her head, how it had flown to get under there, the position she was lying, did you take notice of that at all? A. Her head was reared right back this way (indicating); the blood looked as though it had taken a backward course.

Q. Had gone back? A. Yes; side ways.

Q. Did you notice then anything else about her throat or body? A. No, I never noticed anything about her throat until the doctor removed the hair around her throat.

Q. Until the doctor removed the hair, what did you notice then? A. I know that her throat was bruised.

Q. Whereabouts was it bruised, could you say? A. No, I didn't take particular notice.

Q. You only saw one side? A. Only saw one side.

Q. Was her position in the bed changed, Mrs. Burch, was her head turned up so you could see the other side? A. No, I only saw the one side.

Q. That was the right side, that was uppermost? A. Yes.

Q. Did you notice any blood anywhere else about the bed except under her head than you have spoken of? A. No.

Q. Did you look around the room at all, did you examine it? A. I never examined anything until the doctor came and pronounced murder and of course—

(Objected to.)

(The Court): Strike out what the doctor pronounced.

Q. After the doctor pronounced her dead, what then, go on from there? A. I noticed the kitchen was up set.

(Mr. Brady): How is that?

(Witness): The kitchen.

Q. (Mr. Green): Notice any blood in the kitchen? A. No.

Q. See any blood anywhere else? A. No.

Q. Except under her head? A. Under her head.

Q. How was that blood, Mrs. Burch, was it splashed around or how?

(Objected to as leading.)

(The Court): Let her describe how she saw the blood.

(Witness): The blood was in one spot, one big spot.

Q. That was you said, under her head? A. Under her head.

Q. No blood anywhere else that you saw? A. No blood anywhere else.

Q. Did you notice at all the bruises?

(Objected to.)

Q. Did you notice bruises anywhere else about her body?  
A. No.

Q. Was the body disturbed at all, Mrs. Burch, when you were there? A. The body disturbed while I was there?

Q. Yes? A. Yes, the body was not exactly disturbed, but I don't know who the lady was, but she came in with Mr. O'Neill and she got on the bed to feel the body and she found she was dead and she left her alone.

Q. That was as far as the disturbance went? A. Yes, as far.

Q. Were you there until the doctor arrived? A. I was there when the doctor came.

Q. There was no other disturbance of that bed until the doctor got there? A. No.

Q. Were you there when I got there? A. Yes.

### CROSS-EXAMINATION.

(Mr. Brady): You were the second person as far as you know who saw the body, after Mr. Brandon?

A. I was.

(Mr. Hartman): She has not said that: she was the first one.

(Witness): I was the first person.

Q. (Mr. Brady): The second person that saw it as far as you know? A. Yes.

Q. You didn't touch the body other than to feel the flesh to see whether it was cold, or to see whether she was dead? A. I did not.

Q. What part of the body did you touch? A. Her arm.

Q. What part of her arm? A. Right about here (indicating upper part of arm).

Q. What was she dressed in? A. She was dressed in a tailor blouse, loose sailor jumper with white skirt, that jumper had a blue stripe through it.

Q. Did you raise the sleeve of that jumper? A. I did not.

Q. How far up was that sleeve? A. I never noticed.

Q. Then you say you touched her there? A. I touched her on the arm.

Q. That was bare up to there? A. I didn't notice.

Q. You say you touched it? A. I touched it.

Q. You touched the bare flesh? A. No, I didn't say I touched the bare flesh, I say I touched the arm.

Q. You touched the sleeve of the jumper? A. I could not say.

Q. How did you know it was cold? A. Because I could feel.

Q. You felt through the jumper? A. Yes, I didn't say the jumper or arm, I touched the arm I can't remember now.

Q. Can't you remember whether you touched the naked flesh or whether you touched the jumper? A. I can not.

Q. How can you say that the flesh was cold.

(Objected to, because she has answered that question.)

She said she could tell it was cold because she could feel.

(The Court): Let her answer that question if she can, she has said she can't say whether she touched the flesh or the jumper.

(Mr. Brady): She said it was cold.

(The Court): Let her answer the question if she can.

(Question repeated.)

(Witness): Because I felt it, I could tell whether I feel anything hot or cold.

Q. I am asking you whether you touched the flesh or just touched the jumper and where you felt it cold, whether through the jumper, or if you touched the flesh? A. Summer clothing is not as thick as winter clothing and it was very light and I could feel through it.

Q. Now, where did you say the wound was that you saw, about; described it as near as possible, place your hand on your head? A. The wound was about here (indicating on head).

Q. Was it in the hair? A. Yes.

Q. Above the forehead? A. Yes.

Q. How far from the beginning of the hair back? A. Well, could not exactly say, I never took no particular notice of that.

Q. Did you lean over and look particularly for any scars or wounds? A. I did not.

Q. Then you could see this wound just by glancing at it? A. I could after the doctor removed the hair back and showed it to us.

Q. I thought you said you saw it before the doctor came? A. I did not.

Q. Now, could you see any part of the neck until the doctor removed the hair from around her? A. No.

Q. You say that her dress was up above the knee? A. Up above half way the limbs.

Q. Half way to the thigh? A. Yes.

Q. Was she naked from there down? A. She was.

Q. And you saw no other marks or wounds? A. I saw no other marks or wounds.

Q. You were the second person who saw the body? A. (No answer.)

Q. Did you observe? A. I did not.

Q. Why didn't you? A. Because after the doctor got there—

Q. (Interrupting): I am talking about when you first went in? A. When I first went in I paid no attention to her to observe such things because I did not know what had happened then.

Q. You went out and saw the Carroll woman? A. Yes.

Q. Did she go in with you? A. She did.

Q. What did she do? A. She looked at her and said, yes she is dead.

Q. Did she touch her? A. I can't remember.

Q. Did you see anything else, any blood on the head, you recall her face, as far as you can? A. Yes, I saw a frothing at the mouth.

Q. How much froth was on the mouth? A. That I could not say.

Q. It was very noticeable though? A. Yes, sir.

Q. Now, Mrs. Burch, did it go as far as the pillow or did it flow down the face on the pillow? A. No.

Q. Just around the mouth? A. She didn't have any pillow under her head.

Q. She didn't have any pillow under her head, now will you describe the condition of the mattress on that bed, or was there anything else but a mattress on the bed? A. There was a Aximere mattress.

Q. About how thick was that mattress, can you describe it by measurement? A. It was the ordinary mattress.

Q. It was the ordinary or customary mattress? A. Yes.

Q. You say you went about and saw no blood at all any other place, not on her and on the bed? A. Yes.

Q. And there was no splashes at all? A. No.

Q. Now, Mrs. Burch, you say that you saw her about between half past ten and eleven o'clock that morning? A. I did.

Q. When did you first say that you saw her at half past ten or eleven o'clock that morning? A. The same very night that she was found.



Q. Why do you recall to your mind that it was half past ten or eleven o'clock that morning? A. Because my little boy got lost and I went out to hunt for him.

Q. Your little boy got lost and you went out to hunt for him; where did you find your little boy? A. Mr. Miles found him on West street.

Q. About what time did you find him? A. It was between half past ten and eleven.

Q. Were you on West street then? A. I was not.

Q. Where were you then? A. I was sitting on the steps of 23 Second street.

Q. Then you were not looking for your boy? A. No.

Q. You were letting some one else look for him? A. Sure.

Q. That could not have been the day before? A. No.

Q. You are positive of that? A. Positive.

Q. You have said everything was in order in that room at the time you went in that middle room that bed room?

(Mr. Hartman): She has not said that yet.

(Mr. Brady): I thought you said everything was in order?  
A. I did not.

Q. Was everything in order in the middle room? A. No.

Q. What was not in order? A. There were shoes about the room, there was a slipper at the bed, the cellar door was half open and the curtain was half drawn, middle way of the window.

Q. It was not drawn all the way down? A. No.

Q. How about the front door? A. I never noticed anything in the front room.

Q. Did you notice anything, whether out of order or not?  
A. No.

Q. What was the size of that middle room? A. That middle room takes a 9 by 12 rug, on each side of that rug in width there is about two inches and one the length there is a foot between each door.

Q. That room must have been nine feet two inches by thirteen feet in size?

(Mr. Hartman): Nine feet four inches.

(Mr. Brady): Yes.

Q. What furniture was in that room? A. There was brass bed, a chiffonier, a dresser and two chairs.

Q. The bed was what, double or single? A. A double bed.

Q. What kind of a bed was it, frame? A. A brass bed.

Q. Where was the chiffonier situated as to the bed? A. The chiffonier was at the head of the bed.

Q. At the head of the bed? A. Towards the kitchen door.

Q. How was the bed situated as to the room, was it close to the wall or to one side or in the middle? A. Well, the head of the bed was close to the wall.

Q. On the side? A. On the side.

Q. What was the distance between the side of the bed and the wall? A. I could not say.

Q. About, can you give any idea, a foot or two feet? A. Yes, I guess about two feet.

Q. That room was pretty well full was it not? A. Yes.

Q. Do you know what furniture was in the front room? A. There was a Victrola, a couch, several chairs and a table.

Q. How was that couch when you went in there; tell me its condition? A. I never noticed.

Q. Did it look as if it had been slept in the night before? A. No.

Q. How was it then; have any bed clothing on it? A. Yes; no. it had a couch cover over it.

Q. Was Mrs. Brandon a frequent visitor at your home? A. No.

Q. Did you see her often? A. I saw her every day.

Q. Talk to her? A. Most every day.

Q. Talk to her that day? A. Only spoke to her that day.

Q. Where did you say you saw her? A. She came to the door and got her paper.

Q. That is all you saw of her? A. That is all I saw of her.

Q. And the last you saw of her? A. The last.

Q. That was about half-past 10 or 11? A. Half-past 10 or 11.

Q. How long had you been sitting on your porch? A. I don't know; I judge about fifteen minutes.

Q. How long did you sit there? A. Well, I sat there and talked to Mrs. Meyers.

Q. For about how long. A. I could not tell you about how long.

Q. Fifteen minutes after having brought your boy home, I suppose? A. Yes.

Q. Fifteen minutes? A. Well, I guess about fifteen minutes.

Q. Twenty minutes? A. No; it was after 11 o'clock when I went in the house.

Q. It was after 11 o'clock when you went in the house; about what time after 11? A. I just could not say.

Q. But it was after 11? A. It was after 11.

Q. Were you facing the Brandons' home? A. At the time I was sitting on the steps?

Q. Yes. A. Yes.

Q. Did you see anyone else in the neighborhood at that time? A. I did not.

Q. No one else? A. I saw an express wagon drive up at King's door.

Q. That was right next door to you? A. Right next door, 27.

Q. Mrs. King lives between you—the house in which she lived was the one between you and the Brandon home; is that right? A. Yes.

Q. And the reason you observed the express wagon was that it stopped in front of Mr. King's home? A. Yes.

Q. Anything taken out of the express wagon? A. A rug and a box.

Q. How large a box? A. Well, a good size box.

Q. How many did it take to lift that box? A. One man.

Q. You say it was a large box? A. I said it was a good size box.

Q. Did he have much trouble in carrying it in the house? A. I never took particular notice of that.

Q. How long have you been living in Annapolis? A. All my life.

Q. You are—I can't recall—you are who before you were married? A. A Miss Taylor.

Q. How long did you remain in the Brandon home that night? A. That night? Until after the State's Attorney got there.

Q. About what time? A. About 6 o'clock.

Q. About 6 o'clock. What time was it that Mr. Brandon came to your home? A. Quarter of 5.

Q. You are sure it was a quarter of 5? A. About quarter to 5.

Q. I understood Mr. Brandon said he left on the 4.33 boat from the Experimental Station where he worked? A. Well, I can't help that. My clock may have been slow or fast, but it was quarter of 5 by my clock.

Q. You are positive it was quarter of 5? A. By my clock it was quarter of 5.

Q. And you don't know whether the clock was fast or slow? A. No.

Q. Why did you observe the clock? A. Because I was getting supper for my father.

Q. What time do you have supper? A. Five o'clock.

Q. What was Mr. Brandon's manner when he approached you?

(Objected to.)

(The Court): Let her answer the question.

A. He seemed to be in trouble.

Q. Excited? A. Why, yes.

Q. Over-excited? A. No; nervous and worried.

Q. Did he show signs of grief?

(Objected to.)

(Objection sustained.)

## REDIRECT EXAMINATION.

(Mr. Green): I want to understand you. You say when the hair was pulled from around the neck you saw the marks on the right side of the neck. Did I understand you to say you saw marks anywhere else on her face? A. On her face there was a mark.

Q. On the right cheek? A. On the right cheek there was a mark.

Q. On the right cheek? A. It looked like a thumb nail.

## RECROSS-EXAMINATION.

(Mr. Brady): Was her face facing the middle of the room, or was it facing the wall? A. Her face?

Q. Yes; as she was lying there in the bed? A. As she was lying on the bed her face was looking towards the window.

Q. Maybe you don't understand me. When you went in to view the body, did you go between the bed and the wall, or were you on the other side of the bed? A. I was in back of the body.

Q. I mean to say on what side of the bed? A. I was on the side of the bed towards the parlor.

Q. I understood you to say that the bed, the position of the bed, was sort of away from the wall about two feet? A. Yes.

Q. Then the head of the bed was nearer to the wall towards the window; did you say that? A. No; I didn't.

Q. Near the window? A. No; I said the head of the bed was to the side of the wall towards the cellar door.

Q. Now, which side of the bed did you go on when you found the body, between the wall and the bed or on the other side? A. I went on the side of the bed leading towards the front door. There is two doors; there is a front door and kitchen door. The bed was placed in the middle of the room facing those two sides. I was on the side of the bed leading to the front room.

Q. Was her face facing you? A. No.

Q. Her face was facing the wall? A. Facing towards the window.

Q. It must have been one side or the other. She was not lying on her back. There is a window and a door on one side of the room, and on the other side is the door leading to the parlor and just a small space of wall?

Q. Now, would you please give me an idea of this, not for the jury or anything? This is the entrance (indicating)? A. Yes.

Q. Then you go right through (indicating)? A. I went right through, and I was standing on this side.

Q. Then it is about two feet? A. Yes.

Q. Now, I will ask the question direct——

(Mr. Green): I would like to know if my brother wants to put that (sketch) in evidence?

(Mr. Brady): No; not at this time.

Q. Then, from what I have said and what you have said, that you were on the side of the bed that was nearest the wall? A. Yes.

#### RE-REDIRECT EXAMINATION.

Q. You are familiar with the Brandon home and its inside arrangement. Is that represented as you saw it on that day—the location of the bed, the bureau, the chiffonier, the cellar door and the door from the front room, the entrance into the house, the door in the kitchen, the ice box, the dining table, the sink, the gas range and the sideboard and the door to the back porch, showing the bathroom and all; is that a correct representation of the arrangement of the house? A. It is.

(Mr. Brady): Who made that drawing?

(Mr. Green): I don't think it is material, if it is a correct representation, testified to by this witness.

(Mr. Brady): I think it is very material.

(The Court): You object to it?

(Mr. Brady): Yes, sir.

(The Court): I sustain the objection to it at this time.

(Mr. Green): You identify that and say it is correct?

A. Yes.

(The Court): You testified that there was a door in that middle room, a cellar door?

A. Yes.

Q. Partly open? A. Yes.

Q. Does that lead to the cellar below? A. Yes.

Q. A cellar under the whole house? A. Cellar under the whole house.

Q. Is there an outside cellar door? A. Yes.

Q. Where is that? A. That leads to the alley way.

Q. That would be to the side of the house? A. To the side of the house.

Q. Now, where does the alley lead to? A. The alley is between the Kings' apartment and the Brandon home, and that leads to Second street.

Q. Does it run to the front of the lot? A. Yes, sir.

Q. To where back? A. To the back yard.

Q. To the back yard of this house? A. Yes.

(Mr. Hartman): Did you see these pictures?



(Note.—Photographs of house shown to the Court.)

Q. That is the outside cellar door in the alley? A. Yes.

Q. What is that used for? A. You can go to the cellar.

Q. Could not back a team up there? A. No, you see the cellar is a narrow passage way between the two houses, then you come to an open space and then there are two gates, one goes to the Brandon yard and one to King's yard.

Q. You testified about going in the kitchen and describing what was found, can you say whether the kitchen door was open or closed? A. The kitchen door leading to the porch was closed and locked.

(Mr. Green): With your Honor's permission, to clear up that entrance to the cellar way there, Mrs. Burch, you said that the entrance from the cellar was into that passage way?

A. No.

(The Court): She said the alley.

A. The alley was going between two houses, then you come to an open space after you get to the alley way and this cellar comes up to this open space.

Q. Now look at this diagram again and say if that or not represents the correct entrance into the cellar? A. That is the correct entrance to the cellar.

(Mr. Brady): I understand you to say, Mrs. Burch, that there was an entrance that led from the Brandon home to the yard or to that of the King's yard, is that right?

A. No, I didn't say that, I said you went through the alley way and you come to an open space and in the open space two gates, one leads to the Brandon yard and one leads to the King yard.

(Examination concluded.)

MRS. GRACE MYERS, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (By Mr. Green): Where were you living on the 8th of August last? A. 15 Second street.

Q. Whereabouts? A. 15 Second street.

Q. Did you know Mrs. Brandon? A. Yes, sir.

Q. Do you recall the afternoon that she was found dead in her house? A. Yes, sir.

Q. Did you see her during the day? A. I saw her that morning.

Q. About what time? A. About half past ten or quarter of eleven.

Q. Where did you see her? A. In her door.

Q. Speak to her? A. She spoke to me.

Q. What was she doing at the door? A. She seemed as if she had gotten out of a rocking chair at the window and come to the door to pick up a paper and she was getting ready to close the door when she hollered at me.

Q. What did she say? A. She just said, "Hello."

Q. That was you think between half past ten and quarter of eleven? A. Yes.

Q. Did you go into the house that evening? A. I never was in her house.

CROSS-EXAMINATION.

Q. She came out to pick up the paper? A. Yes.

Q. Where were you when you saw her? A. Well, Mrs. Burch had come after me to see if her little boy was in my yard; her little boy and my little girl were playing first in her yard,

and then mine, and she came after me about then; and I said, They just left here to go and get into your hammock. And she said, they were not in there. And by that time she came out front way to look up West street for them, and in the meantime my husband was coming from the Naval Academy. It was payday, and he was coming home, and when he came back he was on a wheel, and I said, Go and find the children; they may be on First street.

Q. That is how you came out? A. Yes.

Q. You were in the front, then? A. Yes.

Q. How long did you remain out there? A. Well, about fifteen minutes.

Q. What time did you go in the house? A. It was nearly 11 o'clock.

Q. You left Mrs. Burch on the porch, I suppose? A. Mrs. Burch went in her home and I went in mine. She may have stood on her porch after I left her.

Q. But you went in your house? A. Yes.

Q. And you left Mrs. Burch on her porch? A. Yes.

Q. How far is Mrs. Brandon's home from yours; did you say? A. Well, it is Mr. Freemill's row of houses.

Q. The first house next to Mrs. Brandon's is who? A. Mrs. King, then Mrs. Burch and then Mrs. Sarles, Mrs. Thompson and Mrs. Baker and Mrs. Small, and then mine.

Q. Then there were eight houses between your home and Mrs. Brandon's? A. Yes.

Q. And it was from that distance that she called to you and said, Hello? A. No: I had walked down towards Morris street, to see if my husband was coming with the child. We were both anxious to know if they were found, and I was going to meet my husband, and when I was towards Morris street, which is a little past Mrs. Brandon's, she came to the door

and she left a chair; she had gotten out of it and it was still rocking, and she must have been sitting at the front window.

Q. Do I understand you to say that your husband had gone to the Naval Academy to get his pay? A. Yes.

Q. Was he working for the Government? A. He was working for the Government, but the Government gives them so many days' leave, and he was on one day's leave at home and, being payday, he had gone to the Naval Academy to draw his money and was on his way home.

Q. When is payday at the Naval Academy? A. 8th, 15th, 23rd and 31st.

Q. Pay four times a month? A. Four times a month.

Q. You are positive it was that day you spoke of that you saw Mrs. Brandon? A. Yes; it was that day.

Q. Did you go in and view the body? A. No, sir; I was never in Mrs. Brandon's home.

Q. Can it have been after 11 o'clock that you went in the house that day? A. No, sir; it was about 11 o'clock.

Q. How do you know it was about 11; did you observe the clock? A. Well, I was in the house a good time before I started to fix dinner.

Q. You had been in the house a good time before you fixed dinner? A. Yes.

(Examination concluded.)

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THOMAS A. KING, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where were you employed on the 8th of August last? A. Department of Modern Languages at the Naval Academy.

Q. Where were you living? A. 27 Second street, Annapolis.

Q. On Wednesday morning, the 8th of August, what time did you leave your home? A. A few minutes before 9.

Q. Had you known Mrs. Brandon, Mr. and Mrs. Brandon?  
A. I knew them slightly.

(Mr. Brady): Knew them by sight? A. Yes.

Q. Did you say by sight or slightly? A. I said slightly.

(Mr. Green): Did you see Mrs. Brandon before you left home that morning? A. Yes.

Q. Where was she; where did you see her? A. I saw her sitting in her kitchen window.

Q. What time in the afternoon did you get back home? A. A few minutes after 4.

Q. When you reached home did you notice anything unusual, a disturbance in the street? A. No, sir.

Q. What did you do after you reached home; did you go out again? A. Yes.

Q. Where did you go? A. I went over to the freight depot.

Q. What for? A. To find out about a shipment of goods I had coming down.

Q. When did you get back? A. A few minutes after 5.

Q. When you came back did you notice anything unusual in the street? A. Yes.

Q. What did you notice? A. I noticed several people going west to Second street down Second and also noticed four or five men in front of Mr. Brandon's house.

Q. When you went in the house did you tell Mrs. King about it? A. Yes. I told her there must be something the matter next door.

Q. After the people went into Brandon's house did you go in and see the body that night? A. No, sir.

Q. You didn't go in? A. No, sir.

#### CROSS-EXAMINATION.

(Mr. Brady): You were a frequent visitor in the Brandon home? A. No, I was not.

Q. How long had you known Mrs. Brandon? A. About a little over two weeks.

Q. Little over two weeks, had you visited them at all during that time? A. Once.

Q. Only once? A. Yes.

Q. About what time was it after you went over to the freight depot that you came back? A. A few minutes past five.

Q. Who first told you that this lady had been found dead? A. Mrs. Stuart.

Q. Mrs. Stuart? A. Yes.

Q. Where was she when she told you that? A. She was on the back porch of Mrs. Brandon's residence.

Q. Did she say anything to her? A. Yes.

Q. What did you say to her?

(Objected to; objection sustained.)

Q. Did you tell Mrs. Stuart that you had seen Mrs. Brandon that day?

(Objected to; objection sustained.)

Q. You didn't go in the house at all? A. No, sir.

Q. Did your wife go in there? A. No, sir.

Q. After the people went into Brandon's house did you go in and see the body that night? A. No, sir.

Q. You didn't go in? A. No, sir.

#### CROSS-EXAMINATION.

(Mr. Brady): You were a frequent visitor in the Brandon home? A. No, I was not.

Q. How long had you known Mrs. Brandon? A. About a little over two weeks.

Q. Little over two weeks, had you visited them at all during that time? A. Once.

Q. Only once? A. Yes.

Q. About what time was it after you went over to the freight depot that you came back? A. A few minutes past five.

Q. Who first told you that this lady had been found dead? A. Mrs. Stuart.

Q. Mrs. Stuart? A. Yes.

Q. Where was she when she told you that? A. She was on the back porch of Mrs. Brandon's residence.

Q. Did she say anything to her? A. Yes.

Q. What did you say to her?

(Objected to; objection sustained.)

Q. Did you tell Mrs. Stuart that you had seen Mrs. Brandon that day?

(Objected to; objection sustained.)

Q. You didn't go in the house at all? A. No, sir.

Q. Did your wife go in there? A. No, sir.

Q. It was right next door to you? A. Yes.

Q. Have any reason for not going in there? A. No, sir.

Q. No reason? A. No, sir.

Q. You have not much curiosity, have you? A. No, sir.

(Objected to.)

(The Court): He says he has not.

(Mr. Brady): I agree to have it struck out of the record.

(The Court): Strike it out.

Q. What time did you quit work that day? A. A few minutes past four.

Q. You came directly home? A. Yes.

Q. How long had your wife been home or to Annapolis?  
A. A little over two days.

Q. Who was the first one who you talked to other than Mrs. Stuart after this unfortunate death?

(Objected to.)

(The Court): The objection is good unless you can give me some reason for it.

(Mr. Brady): The only reason is to bring out if possible about the detectives going in there.

(The Court): You can talk to the detectives about that.

(Mr. Brady): I don't know whether they will be on the stand or not.

(The Court): You will have to take your chance on that.

Q. How long had you known Mrs. Brandon? A. A very short while.



Q. Where are you from? A. Washington.

Q. A very short while, what do you mean by a short while?  
A. About ten days I should judge.

Q. How long had you been living next door to the Brandon's?  
A. About three weeks, not quite.

Q. And only visited them once? A. Yes, sir.

Q. When did you introduce your wife to Mrs. Brandon?  
A. Monday night.

Q. What time did she arrive from Washington? A. Something past six.

Q. What time did you introduce her to Mrs. Brandon? A. Around about a little after 8, I should judge.

Q. Call on them? A. No, sir.

Q. How did you introduce her, from where? A. From the porch.

Q. Mr. Brandon there? A. Yes, sir.

Q. You say you saw Mrs. Brandon that morning? A. Yes.

Q. Where was she sitting? A. In the kitchen window.

Q. Where were you? A. I was in my kitchen.

Q. Did you speak to her? A. Yes.

(Examination concluded.)

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### TRAVERSER'S THIRD BILL OF EXCEPTIONS.

After the occurrences of the matters set out in the First and Second Bills of Exceptions, and after the evidence had been introduced as therein stated, all of which is hereby made a part hereof as fully as if the same were herein repeated at large.

DOCTOR JOSEPH C. JOYCE, a witness of lawful age, called and on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (By Mr. Green): You are a resident of the City of Annapolis? A. Yes, sir.

Q. Practicing physician there? A. Yes, sir.

Q. How long have you been practicing physician? A. About seven years.

Q. What school are you a graduate of? A. University of Maryland.

Q. Doctor, do you recall the afternoon of the 8th of August past, 1917? A. Yes, sir.

Q. Were you called to 29 Second street on that afternoon? A. Yes, sir.

Q. About what time? A. After five, between five and 5:30 as far as I can remember.

Q. Did you go to the house? A. Yes, sir.

Q. Who were you told lived there? A. Why, Brandons lived there.

Q. What did you find when you got there, Doctor, what did you do? A. I found some people in the room as I went in.

Q. In the front room? A. In the front room and I went through to the middle room, and there were one or two people in there and I found the bed covered over with a sheet and upon removing the sheet I found this body.

Q. What position was the body in? A. On the left side, lying upon the left side at the foot of the bed with head to the foot.

Q. Did you make any examination at all? A. Yes.

Q. What did you find, as to the condition of the body? A. The first thing that I saw was the cut on her forehead and the blood.

Q. Where was that wound? A. Over the center of the forehead, and upon further examination I found the neck bruised and scratched and her knees scratched, bruised and the hands and bruises over the body.

Q. When you got there was Mrs. Brandon alive or dead? A. Dead.

Q. From your examination, how long had she been dead? A. I would say that she was dead five hours and how long before I didn't know; dead at least that long.

Q. That was about between five and half past five? A. Yes, sir.

Q. How long did you stay there, Doctor? A. I stayed there about half an hour at that time and then I left.

Q. Who did you leave there, who was there when you left? A. You mean who was in charge?

Q. Yes? A. I left you there and I also left Officer Kerr, I think is his name, he was the proper man in charge at that time.

Q. When you got back who was there? A. When I got back the detectives were there and also you were there.

Q. What time was that? A. That was about, around about ten o'clock as far as I can remember.

Q. Was the body turned over to you for autopsy? A. Yes, sir.

Q. Did you perform the autopsy alone? A. Not alone, no, sir.

Q. Who was with you? A. Doctor Hopkins.

Q. When you made the examination of the body for the autopsy, can you tell the Court and jury what wounds you found on or about the body?

(The Court): Where was the autopsy held?

(Witness): Emergency Hospital at Annapolis.

(Mr. Brady): The same night?

(Witness): Yes. Do you want me to tell what the conditions were, the scratches and things?

(Mr. Green): Yes.

A. We found bruises——

(Interrupting): Objected to any testimony in reference to autopsy unless show the authority.

(The Court): What do you mean?

(Mr. Brady): I mean he must have had some prior authority to perform an autopsy.

(Mr. Hartman): Don't have to have any.

(Mr. Green): Who authorized you to perform the autopsy?

A. You did.

Q. Now, Doctor, tell what you found, the bruises, the condition of the body? A. We found a bruise over the back of the left hand, we found a bruise between the first and second knuckle, found a bruise in the center of the forearm, anterior surface of the left arm, found a bruise on her right arm, above the elbow, a corresponding one on the left elbow, found bruises, several bruises over the neck, scratches on the sides of the neck and a large bruise——

Q. (Interrupting): What did these bruises on the neck, what did they resemble, the appearance of them? A. The scratches resembled the appearance of nails.

Q. Finger nails? A. Finger nails; found a large depression in the center of the forehead, the skin broken. You want me to tell what we found when we went in?

Q. One minute: were those the same bruises you noticed, Doctor, when you first went to the house and looked at the body? A. Yes, also two large bruises over the knee, right and left legs.

Q. Can you identify those photographs, Doctor, as representations of the bruises and the marks you found as far as they show? A. Yes, sir.

Q. You found those there when you examined the body first? A. Yes.

Q. They were there when you performed the autopsy? A. Yes, sir.

(Mr. Green): Now, sir, we offer these in evidence again.

(Objected to; objection overruled; exception noted.)

The traverser having excepted to the Court's ruling prays the Court to sign and seal this his Third Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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#### TRAVERSER'S FOURTH BILL OF EXCEPTION.

After the occurrence of the matters set out in the first, second and third bills of exceptions, and after the evidence had been introduced as therein stated, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the witness JOYCE further testified as follows:

Q. These marks on the neck that looked like finger nails did they give an indication as to whether the position of the party having made them, whether behind the woman or in front of her? A. Yes, it would have to be done from behind.

Q. Why so? A. Because it could not have well caught a person from the front and take the skin off would have to be caught this way (indicating).

Q. Were they curved back? A. Yes.

Q. We will go back a little way, when you reached there, you described how she was lying on the bed, did you notice anything that had been the result of this wound in the head on the bed? A. You mean what it was done with?

Q. No, what was on the bed that came from the wound? A. Hemorrhage, lots of blood.

Q. How did that blood flow on the bed from the wound? A. Directly down.

Q. Directly down? A. Directly to the side down on the bed.

Q. You mean by that, there was no flow of blood on the right of the head? A. No, no blood on the face at all, except a stain down the side.

Q. Would a wound there bleed very profusely? A. Yes, it would.

Q. How much blood did you notice come from there, you notice it on the bed and anywhere else? A. Yes, the bed was saturated.

Q. How big a spot? A. Well, I would say about to correspond to nearly a foot and a half square.

Q. Had the blood gone anywhere else except on the bed, did you notice? A. I didn't notice, no.

Q. From the position of that body and the flow of that blood, would you say or not, that Mrs. Brandon, whether she had moved or not after receiving that knock or wound? A. She had not, no; she could not have moved after receiving that knock.

Q. You spoke of the shape of the blood spot in the bed, did you notice blood anywhere else on the bed or anywhere else in the room? A. No.

Q. Doctor, when you started to make the autopsy, was your attention drawn to any particular condition, what did you find? A. You mean that she was seven months pregnant?

Q. You found that but before you made any incision in the body, did you notice anything on or about the body, or about her person?

(Objected to.)

A. Oh, yes; we found some mucous discharge over the labia majora between the legs.

Q. You mean the genitals? A. Over the genital organs.

Q. What did you do with that, take any specimen of that? A. We took some slides, we took some specimens.

Q. Do you know what was done with those specimens? A. They were stained, personally I don't know.

Q. You found, you say, she was seven months pregnant? A. About seven months pregnant.

Q. Did you remove the child? A. Yes, sir.

Q. Was it a male child? A. Male child.

Q. In good condition? A. Yes.

Q. Any evidence of premature birth, anything to indicate that? A. No, sir.

Q. The autopsy revealed what in your opinion, was the cause of the death? A. The cause of death was the result of the blow delivered on the forehead, strangulation and shock.

#### CROSS-EXAMINATION.

(Mr. Brady): You say when you went in the house you found the body covered over with a sheet? A. Yes.

Q. You know who had placed that sheet over that body? A. No, sir.

Q. Did you make any examination of the body for the first time in the house? A. Yes, sir.

Q. Who was with you when you were making that? A. Some ladies in there. I don't know who it was there. There was not any physician with me at that time.

Q. Who was with you when you made the examination of her person? A. Dr. Hopkins was with me then.

Q. I mean first? A. I examined her there on the bed.

Q. Who was present there then? A. These ladies; I don't know who they were. There were some ladies in the room when I got there and examined her.

Q. Who was in the room when you examined the person? A. Oh, nobody. There was no ladies there. We did that at the hospital.

Q. Did you make an examination or did you look? A. No further than the knees, about here (indicating above the knees); that was in the house.

Q. What did you do first after having viewed the body and noted any wounds; what did you call for? A. I saw that she had been murdered and——

(The Court): Strike that out.

(Witness): I called for the policemen—that is, Kerr, I think, outside—and I told him that I suspected that she did not die of her own cause.

Q. I mean, sir, what did you do in your professional way? A. I didn't do anything at all in a professional way; I could not do anything.

Q. Did you call for water? A. No, sir.



Q. I heard several ladies say that you called for water and you wiped the blood from the forehead and wiped the mouth, and so on? A. I don't remember doing that.

Q. Do you remember moving the hair from around the throat? A. Yes; I remember examining her.

Q. You don't remember having done anything other than that? A. I don't remember of having done that; no.

Q. As a physician, would that not be the first thing you would do, having been called in the house and seeing blood on the head or any part of the body, for you to remove that as far as you could in order to see what was the matter? A. It would have been if she was not dead; it would have been my first thing to have done; but after she was dead, didn't have to do that. I did examine the wound with my finger, but I don't remember having removed the blood.

Q. Then the lady, Mrs. Sarles, was mistaken when she said you called for hot water, and she went out to the gas stove to heat the water, and could not get the gas stove to burn, and she brought in cold water, and you took a cloth and washed away the blood on the head and also on the mouth? A. She may not be, but I don't remember.

Q. Did you observe her mouth? A. Yes.

Q. Anything on her mouth? A. Yes; some froth.

Q. Then you may have examined some other parts of the body, and don't remember it at this time, Doctor? A. I don't know that. I would remember seeing the scratches. I may have examined some portions of the body and didn't find anything, but I do remember the scratches and bruises.

Q. How long did you remain in the house after you went there first? A. About half an hour.

Q. What were you doing all that time, it didn't take half an hour to determine she was dead, did it? A. No, sir; I was waiting for the State's Attorney.

Q. Why were you waiting for the State's Attorney, was that your place to wait for the State's Attorney?

(Objected to; objection sustained.)

Q. But you didn't do anything else to determine she was dead? A. Yes, I did something else, I was looking for the instrument that caused death most of the time.

Q. Did you find anything? A. No, sir.

Q. How far did you look? A. Over the house and down the cellar.

Q. Searched it pretty thoroughly, did you? A. Yes.

Q. And found nothing at all that possibly caused her death? No.

Q. Now after the body had been sent to the hospital, what time was that? A. The autopsy was done about twelve o'clock that night.

Q. Have you described all that you did down there, you and Doctor Hopkins? A. I have described most that we did.

Q. Then, as I understand you in your examination in chief, that you noticed the marks on the body and the marks on the neck, and that the mark on the head, and you said the skin was slightly torn, right about the center, or which side of the forehead? A. Over the center of the forehead.

Q. How deep was that? A. Well, it was down nearly to the frontal bone.

Q. Did it reach the bone? A. I don't know that it reached the bone, you could feel the bone through the cut.

Q. You can feel the bone through here, can't you (indicating)? A. No, sir; not through the skin.

Q. I understood you to say further that you removed the child? A. Yes.

Q. Is that all that was done there at that autopsy? A. We put the fetus back and sewed her up again and that is not all we did, no.

Q. That is what I am asking you? A. We took out the brain.

Q. What did you find there? A. Why, in opening the skull we found quite a dural hemorrhage.

Q. Where, what part? A. Back of the frontal bone anterior portion of the brain, that was outside of the brain covering, the extra dura.

Q. What else did you find? A. I don't know that we found anything else.

Q. That is all you found? A. Yes.

Q. Is that all you did, you put the skull back in place, I suppose? A. We sewed the skin over the skull.

Q. Is that all you did? A. I don't know, that is all we did, we took a record of it, took the slides.

Q. Why did you make that autopsy? A. Because I was asked to do it by the State's Attorney.

Q. Why do you think the State's Attorney asked you to do it?

(Objected to.)

(Mr. Brady): My only reason in asking that question, if he was employed by the State's Attorney, it was for the fact that he was to give evidence here and now he remembers nothing.

(The Court): He could not tell you why the State's Attorney wanted it. The State's Attorney will have to tell you.

(Mr. Brady): I only wanted to know if it was to give evidence to the proper tribunal.

(The Court): I sustain the objection to that.

Q. Where is that report that you made? A. I think the State's Attorney has it, I gave it to him.

Q. You didn't keep a copy of that record, did you? A. No, sir.

Q. You spoke about having found that wound there what could have caused that wound? A. My opinion it was caused by some blunt instrument.

Q. Could Mrs. Brandon have fallen and produced that wound? A. She could not have fallen and produced that wound without having blood somewhere else.

Q. Could she have fallen and caused that wound?

(Objected to; he has answered the question.)

(The Court): Let him answer the question.

Q. Could she have fallen on the bed and produced that wound, on that iron bed? A. If she had fallen——

(Objected to.)

(The Court): The way to answer that is, she could or she could not, either way, he can made the explanation.

(Witness): Well, the condition I found her in——

(Mr. Grason): Answer that yes or no.

(Mr. Brady): Could she have fallen and struck her head on the iron bed and produced that wound? A. She could have, yes; but she could not have in that case.

Q. Could she have fallen and struck her head on a chair? A. Yes, she could have.

Q. It was possible, was it not? A. It was possible to fall, but not in this case to produce the wound with the blood in that condition.

(Objected to; objection overruled.)

Q. The fall could have produced that same effect as you say an instrument could have? A. What was that?

Q. Striking her head against a chair? A. If she had fallen with her head on the chair, she would have been lying where she fell.

Q. I am asking you whether or not the fall, hitting her head on a chair, a bedstead, or any blunt object could have produced that wound and had the same effect? A. I can explain.

Q. You can explain after answering the question? A. She could fall, yes, and have that same wound, but not in this case, she would have been lying where she fell, and instantaneous death.

Q. You say instantaneous death? A. She never moved after she was struck.

Q. What caused death? A. Shock, strangulation and blow on the forehead.

Q. Could the blow on the head itself have caused the death? A. In my opinion I think it is possible that it might.

Q. It is possible that it could? A. Yes.

Q. But you have a doubt in your mind? A. I claim there were three causes.

Q. Now, the neck, the strangulation, do you know whether she was strangled or whether the blow killed her? A. She was not dead when the blow struck her or otherwise she would not have had this profused hemorrhage.

Q. Then the death was not instantaneous? A. Instantaneous, I don't know whether it was instantaneous or not, that is she didn't move after she received the blow.

Q. You say there was a great profusion of blood? A. Yes.

Q. The mattress was soaked? A. Yes.

Q. How long would it have taken that quantity of blood to have flowed from the wound, if you know, that you saw there on that mattress? A. That depends on the vessel that was open; I don't know the size of the vessel.

Q. You saw the vessel? A. I didn't see the vessel that was opened.

Q. Didn't you see the vessel that was opened? A. No sir.

Q. Didn't you make the autopsy? A. Yes.

Q. Did you see the vessel then? A. No; I saw the blood.

Q. You don't know what vessel that came from--the blood?  
A. No; I don't know what vessel it came from.

Q. Suppose it had been an artery, how long would it have taken to have flown from an artery? A. Dependent on the size.

Q. Don't you know the artery there where that wound was?  
A. Facial artery; runs up in that direction (indicating)?

Q. Is that a very large artery? A. No; that is not so very large.

Q. Was that artery severed? A. I didn't examine the artery that was severed.

Q. You don't know where the blood came from at all? A. It came from a vessel.

Q. From that facial artery? A. It was either facial or temple. The temple runs up in that direction; possibly it was the temple.

Q. Describe the temple artery, how it runs, as well as you can? A. Well, it is a vessel that runs over the temporal bone.

Q. Can't you give an idea? Take your head and use it as far as you can? A. Well, it comes across here (indicating); the temporal artery comes in this direction (indicating).

Q. Does it go near the wound that you saw? A. Yes; I think it does.

Q. Now describe the facial artery? A. The facial artery comes up in this direction (indicating).

Q. Follow it? A. The pulse. You can feel the facial artery right over the maxillary bone. It comes up in this direction (indicating).

Q. It is as far as you say? A. Well, up you, through here (indicating).

Q. Does it go as far as the wound? A. I don't think the facial artery does go that far.

Q. Then take the other artery. How long would a person have lived to have bled as much as she bled? A. That condition—she may not have—the shock may have killed her, have a tendency to kill her along with the bleeding. I could not say how long she lived after that blow was delivered.

Q. A person never bleeds after the death? A. He does sometimes; not very long.

Q. How long; two seconds, three seconds? A. Well, the blood may ooze out from the artery.

Q. It will come out? A. Yes; it may run out.

Q. You say there was a great quantity of blood there? A. Yes.

Q. Can't you give us some idea how long a person would have lived to have bled so much, having received a blow of that character? A. Not after being choked and the shock, too; no.

Q. She was living, was she not, when she bled so profusely? A. My opinion is that she was when she received that blow.

Q. Do you know whether she was choked after or before the blow was delivered; that was testified to; rather, that she received the blow? A. I think she was choked before.

Q. Now, Doctor, was the bone fractured? A. No, sir.

Q. Was there any concussion of the brain? A. I didn't notice any; no.

Q. The hemorrhage that you spoke about was between the frontal bone and the lining of the brain? A. Between the brain itself, the outside covering of the brain—extra dura.

Q. Do I understand you to say that is as far as you went in your autopsy at the hospital in the City of Annapolis, that you removed the skull? How much of the skull, I will ask you first, was removed? A. About half of the occipital bones and two occipital—I mean half of the two parietal bones and occipital bones.

Q. We don't know what that means? A. Right across this way and back (indicating).

Q. Did you go all the way around? A. No; here—from here down and then back, and that portion was removed.

Q. That is all you discovered on that brain, that hemorrhage there? A. Yes.

Q. Did you examine any other part of the brain? A. Yes; we examined the brain.

Q. What did you do when you examined it? A. We just examined it.

Q. What did you find? A. We did not find anything; found a normal brain.

Q. How did you determine it was a normal brain? A. That we saw no clots, congestion, edema, or anything of that kind.

Q. In making your examination, what did you do in order to determine that? A. Well, we had to take it out of the skull and look between the lobes.

Q. Did you do that? A. Yes.

Q. Did you make any section of it? A. No; made no section; no.

Q. Then you examined the brain; you looked at the scraping on the head or the wound on the head; you examined the throat,



and you took out the child, and that is all you did at the hospital in the City of Annapolis? A. No; we took some specimens from that mucous discharge and made some slides.

Q. You stated in your examination in chief that these marks on the neck would have had to have been caused by grabbing her by the back of the neck, is that right? A. In my opinion, they would.

Q. You said they could have been produced that way or that way (indicating)? A. Could have been produced this way (indicating)? No, not very easily.

A. It could have been done, couldn't it? A. It is possible, but not probable though.

Q. Did you examine the hands and found one scratch or two scratches, which did you say? A. Found—you mean the hands?

Q. Yes? A. Found the scar on the back of the left hand, found a scratch between the first and second knuckles

Q. Do you know how long those wounds had been there? A. No, I don't know how long they had been there.

Q. Could not tell that? A. No.

Q. Might have been there the day before? A. It is possible.

Q. Did you go any further in your examination of those hands? A. Those bruises might have been there, but not the scratches.

Q. How long do you think the scratches were there? A. The scratches if they had been a day there would have had a scab on them, where the skin was broken of course.

Q. Some skins heal quicker than others, don't they, form scabs? A. Yes.

Q. Do you know anything about Mrs. Brandon before? A. No.

Q. You were never called in or never knew her, never knew anything about her condition? A. No.

Q. Could not those wounds have been there? A. The bruises could have, but not the wounds.

Q. That was nothing more than a scratch you say? A. I said these were bruises on the back of the hand.

Q. I am talking about the scratches? A. The skin was taken off the knees of both the legs.

Q. I am asking you about the hands? A. No scratches on the hands.

Q. Then the wounds or marks on the hands could have been there several days? A. Possibly that bruise could have been there, yes.

Q. Now about the limbs, how about those bruises? A. The skin was taken off both knees, just below the knees.

Q. How do you think that happened, have you any idea? A. It happened by her knees coming in contact with some object, some hard substance.

Q. She could have fallen and produced those, could she not? A. Could have, yes.

Q. Didn't look like scratches, did they? A. The skin was rubbed off.

Q. Was not a scratch? A. Not a scratch no.

Q. If she had fallen on her knees, she could have produced those wounds, could she? A. If she had fallen hard enough she could, take the skin off.

Q. Did you observe any froth on her mouth, you said you did? A. Yes.

Q. What does that indicate to you? A. That is nothing more than the air from the lungs going through the mucous.

Q. What caused that? A. Bubbles, air in the mucous.

Q. What causes that? A. The air from the lungs.

Q. What generally produces it, what causes the froth on the mouth? A. The air from the lungs going through the mucous, I don't know what you want to know.

Q. In what condition would we generally find a person with froth on the mouth, what is their conditions? A. I don't know that would indicate anything especially.

Q. Doctor, in your autopsy at the Emergency Hospital, did you examine the lungs? A. No.

Q. Did Doctor Hopkins—he was there all the time? A. Yes.

Q. You didn't examine the lungs? A. No.

Q. Did you examine the kidneys? A. Not at Annapolis, no.

Q. I am confining myself to the Emergency Hospital autopsy? A. You mean at Annapolis?

(Mr. Brady): That is the only one I know of, I don't know of any other one in the world. Did you examine the liver?

A. Yes.

Q. You examined the liver where? A. Yes.

Q. Where? A. At the Annapolis hospital.

Q. Why didn't you tell me when I asked you?

(Objected to.)

Q. How far did you examine the liver? A. We just looked at it, we didn't make any incisions or anything of that sort.

Q. Just looked at it? A. Yes.

Q. Take it out? A. We didn't remove it, no, didn't remove it, it was open; didn't have to remove it to see it.

Q. Make any section of it? A. No, sir.

Q. Examine the kidneys? A. No, sir; not then.

Q. I am asking you about then, not "over there," but there?

(Mr. Hartman): He told you.

Q. Did you examine the urine? A. No.

Q. What are the most dangerous conditions that the obstetrician, or a doctor, has to deal with in women in pregnancy?  
A. What are the most dangerous conditions?

Q. Yes? A. Well, several things we have to do in pregnancy,

Q. The dangerous conditions I am asking you that you find in pregnancy, that you have to contend with? A. Well, the urine of course has to be looked after, the principal thing, the examination of the urine.

Q. You can't recall to mind any special trouble, disease and so forth, poison? A. Yes, I know somethings caused by the poisons from the excretions from the fetus in the cells.

Q. What would they be? A. They would be eclampsia.

Q. Anything else? A. That is about the most dangerous thing.

Q. How about uremic poison? A. Well, that is from the kidneys, uremia is a condition of the kidneys.

Q. Eclampsia is not? A. Eclampsia is caused by the condition of the kidneys.

Q. Only the kidneys? A. The kidneys become congested and the lungs and that results from not excreting.

Q. You say eclampsia is caused by the lesions of the liver?  
A. Congestion of the liver.

Q. Congestion of the lungs? A. Yes and the brain and the congestion of the kidneys.

Q. Which organ is most affected, which organ is most apt to show the lesion than any other? A. The liver will show it.

Q. How will it show it? A. Congestion.

Q. With the naked eye? A. It will be clear, yes.

Q. Now the lungs?

(Mr. Green): We think in the interest of time we ought to object to anything further in this line, unless the object of the defense is disclosed in continuing this examination along this line at this time.

(The Court): I think I see the purpose, let him proceed.

(Mr. Green): All right, sir.

Q. Now the lungs? A. The lungs are congested.

Q. Now the brain? A. The brain is congested.

Q. When is the eclampsia more apt to be found, eclampsia more apt to develop in a pregnant woman? A. When?

Q. When, in what period? A. Towards the latter part.

Q. I understood you to say that Mrs. Brandon was about seven months pregnant? A. Approximately, yes.

Q. At that period is it not very apt to develop? A. It is possible to develop.

Q. What is the earliest stage when it develops, eclampsia develops? A. Well, the most that I have seen in the latter part, from seven months on.

Q. Now, I am asking you, you said it was possible for it to appear at the period of seven months? A. Yes.

Q. Now, I want to know what is the earliest period that it is possible for it to appear? A. Well, it can occur any time that the organs of the mother refuse to act properly.

Q. But nearer the birth of the child the more dangerous it becomes? A. Yes.

Q. Now, Doctor, what are the thrombosis symptoms of eclampsia? A. You mean at the time, the principal things are convulsions.

Q. How is that? A. The principal symptoms are convulsions.

Q. You call those convulsions what seems to be eclampsia, ever call them eclampsia fits? A. I don't know that they call them eclampsia fits, they may be spoken of my that term.

Q. I am now reciting our friend, Doctor Williams of Baltimore City, that is my authority, you recognize that he is one of the greatest in the country? A. Yes, he is a fine obstetrician.

Q. You didn't make the examination of Mrs. Benson in your autopsy sufficient for you to determine whether or not she was suffering from eclampsia? A. Well, in examining the liver, the brain—

(Mr. Grason): We ask the question be answered yes or no.

(Witness): I think we did.

(Mr. Green): Let one counsel examine the witness at a time.

(Mr. Brady): Tell us where you examine into it in your autopsy, in your diagnosis, did you go in sufficiently to know that Mrs. Brandon before her death was suffering from eclampsia? A. Yes, we examined the liver and the lungs I mean the liver and the brain.

Q. You say you only looked at it, at the liver? A. We examined it, I said.

Q. Did you take sections of it? A. No.

Q. Now, in order to determine that would not you necessarily have to take sections of it? A. Not necessarily, no.

Q. How? A. No, you would not have to take sections of it to determine it, you could tell by the looks of it.

(Mr. Hartman): Now, there is Doctor Williams' book, now find it.

(Mr. Brady) : We object to that going across the table.

(Mr. Hartman) : I want my brother to find eclampsia in Doctor Williams' book.

(Mr. Brady) : I will show it and further.

(The Court) : Go on with the witness and then tell about it.

(Mr. Grason) : It would be better to find the murderer.

(Mr. Green) : We have found the murderer.

(The Court) : Now, we have gotten along very well, now you know that is not proper. If anything to be said outside the witness, please arise and speak to the Court.

(Mr. Brady) : Now, Doctor, you say you only looked at the liver did you inspect it closely?

A. Yes.

Q. Were you looking for eclampsia? A. We were looking for anything we could find that was abnormal.

Q. Now, in order, if you were looking for eclampsia, don't you know that sometimes it can't be seen by the naked eye and has to be seen by a microscope? A. Not necessarily so, no.

Q. Don't sometimes eclampsia develop in a very dangerous form, and it can't be seen unless the microscope is used? A. It would be congested.

Q. I don't want to take advantage of you, Doctor, and I will let you refresh your mind by looking at Doctor Williams.

(Mr. Grason) : We want an answer yes or no.

(The Court) : Answer the question, yes or no, if you can.

(Witness) : Well, I would not like to answer that question.

Q. Now, you didn't examine the lungs at all, did you? A. No.

Q. You didn't examine the brain sufficiently to say that there were no lesions of the brain there? A. Yes, we did.

Q. Was a microscope used? A. No.

Q. Don't sometimes microscopes have to be used to find lesions of the brain as well as the liver? A. Some lesions yes.

Q. Now, Doctor, answer my question in regard to what I asked you a few moments, about the thrombosis symptoms of eclampsia, what is it first examined? A. Why usually by the examination of the urine.

Q. Where do you start in, Doctor, to see if she may be suffering from it? A. Eclampsia comes, or the usual signs are very spasmodic condition of the muscles.

Q. The face? A. Almost all the muscles of the body are contracted.

Q. A person dying from eclampsia, what is the general cause, the direct cause of the death? A. Generally, the nervous system is the principal thing involved in eclampsia.

Q. Well, the heart, the contraction of the muscles, is that the cause of death? A. No, the heart stops beating is the cause of death.

Q. If I were to say to you that Doctor Williams says from his examination that the two chief causes of death is apoplexy and edema of the lungs now do you recall it? A. Well, apoplexy is the bursting of the blood vessel in the brain itself, that will cause death, yes.

Q. And edema of the lungs is the second cause, is it not? A. Edema of the lungs will cause death, yes.

Q. Those two, apoplexy and edema of the lungs are the two chief causes of death from eclampsia? A. They will cause it.

Q. I am saying from Doctor Williams, he says those two are the main causes of death? A. Yes.



Q. Now, the edema of the lungs, Doctor, what is edema anyhow? A. Fluid.

Q. Is it not a swelling? A. Yes, the fluid causes the swelling.

Q. Now the lungs, when a person dies from eclampsia, from edema, what are the causes? A. What is that?

Q. When a man dies from edema of the lungs, how do they die? A. How do they die?

Q. Yes? A. I don't know how they die.

Q. Don't they die of strangulation, they choke very often, die from suffocation, in other words, they are drowning in their own fluid? A. Their lungs fill up.

Q. They are drowning in their own fluid? A. The lungs are filled so they can't get the proper amount of air.

Q. That causes suffocation and choking, is that right? A. Yes, they first feel as though they are choking, scarcity of air, feels as though they are choking.

Q. Don't they choke and don't they strangle to death and suffocate? A. Yes.

Q. A person strangling and suffocating and beating for air what part of their body are they most apt to use their hands on? A. I don't know what part they are most apt to use their hands on.

Q. Don't they go immediately for their throat and grab at it like that, grabbing for air and to open up the throat in order to breathe? A. I have never seen it.

Q. I didn't ask you that question, I have seen them myself and am not a physician?

(Objected to.)

Q. Is that not the way? A. It is possible.

Q. Then it is possible for Mrs. Brandon when suffocating and strangulating, if she was suffering with eclampsia and possible and probable she would grab at her throat and try to get air? A. In that case I don't think she could because the scratches were in a different position in my opinion.

Q. Now, I will ask you what causes the froth and foam to come to a person's mouth? A. Air in the mucous.

Q. You told me that, but is it not more apt to come in a fit or convulsion? A. It very often does!

Q. Is it not more apt to come from that than any other cause? A. It may come that way or from air in the mucous, that is what it is bubbles.

Q. And all you say, if she was suffering from eclampsia and had edema of the lungs by reason of eclampsia, that it would cause a swelling, which in itself would cause a suffocation and choking as if they were drowning in their own fluid, is it not? A. Yes and suffocation.

Q. Then Doctor that foam on the mouth would show convulsions or fits? A. No, it don't show convulsions, because it might be in other things.

Q. Show a fit? A. No.

Q. Didn't you say awhile ago it would? A. It may be caused by other things than fits.

Q. Tell me what? A. Drowning person and any eclampsia of lungs, if lungs full of air and mucous in the mouth and the lungs collapse the air comes out and causes bubbles.

Q. Now, as I understand you to say and admit that apoplexy and edema are the chief causes of death from eclampsia? A. Yes, very often the cause.

Q. In thrombosis cases is a bursting of an artery or blood vessel in the brain, forming clots, is that right? A. Yes.

Q. And edema of the lungs which is the other cause of suffocation and strangulation? A. Yes.

Q. Now, I want you to answer this question: If Mrs. Brandon—do you know or can you say whether Mrs. Brandon had eclampsia or not? A. Could I say now?

Q. Yes? A. Yes, I could say no, that she didn't.

Q. You didn't examine the lungs? A. We examined some other things later on though.

Q. I am asking you about the hospital at Annapolis? A. You asked me now.

Q. I am asking you about the examination in the City of Annapolis, the autopsy you made there.

(Mr. Brady walks around the table over to the witness.)

(Mr. Green): I think counsel ought to sit at the table.

(The Court): Of course we don't want to get excited any of us, we want to keep perfectly calm.

Q. I am asking you the question, all of my questions are put to you in regard to the examination at Annapolis, in the City of Annapolis?

(Question repeated.)

(Mr. Brady): I was confining myself to the autopsy in the City of Annapolis. At the autopsy in the City of Annapolis, can you say now whether Mrs. Brandon was suffering from eclampsia or not?

A. I will say we found nothing abnormal, we came to the conclusion then that she didn't.

Q. Will you answer my question, yes or no, you didn't examine the lungs, you didn't put the liver under a microscope investigation, you didn't examine the brain? A. Yes, we did: we examined the brain, if the eclampsia was there you would have found edema of the brain also.

Q. Now, I am asking you, your only examination there is at Annapolis, I am asking you whether or not, you could say she

was suffering from eclampsia? A. In my opinion I would say no.

Q. You will say in your official opinion and not having made the thorough examination, is that right? A. We examined the brain and the liver would have shown in my opinion if she had the eclampsia.

Q. If I tell you Doctor Williams says it is very apt to be found in the lungs? A. Also there, but apt to be found in the brain and lungs also.

Q. You didn't examine the lungs? A. No.

Q. Would it have shown there? A. It was possible to have shown there.

Q. Then, if you didn't examine the lungs, she may have suffered from eclampsia? A. I examined the brain and liver. If one would show, then all would show it; if the lungs show it the brain will show it, the brain will show it the lungs will show it.

(Mr. Hartman): And likewise the liver? A. Yes.

(Mr. Brady): Is it not sometimes found in the lungs alone? A. Not very often.

Q. I am asking you, sometimes? A. The books I have read say no.

Q. How about Dr. Williams? A. It says the congestion of all the organs.

Q. How about Dr. Williams? Do you consider him an authority? A. Yes. Does he say so?

Q. I am under that impression, that Dr. Williams says that sometimes shows a certain per cent. in the lungs and a certain per cent. in the brain and certain per cent. in the liver.

(Adjourned for recess.)

## AFTER RECESS.

Q. Now, Doctor, it has been said in most occasions that the pathological finding in the brain that certain lesions were characteristic of eclampsia, and you assured me in looking over the brain—in looking at the brain that you found it normal; is that right? A. Yes.

Q. What other lesions are to be found in the brain in an eclampsia woman? A. Congestion and edema.

Q. Edema and congestion; anything more? A. Those are the two principal things.

Q. How about thrombosis? A. You mean, after death; yes. Thrombosis may cause the blood and blood clots.

Q. Thrombosis; what is that? A. Clogging of small vessel by some foreign particle.

Q. Would you have been able to say after the examination of the brain, as you did at the Emergency Hospital in the City of Annapolis, that there was no thrombosis there or any clots of the brain cell? A. Well, if they had been there, of course we would have been able to see them.

Q. You didn't see the brain? A. Didn't make any cross-section.

Q. Well, was that not the only way you could have found thrombosis? A. No.

Q. What other method? A. You could see the color of it; it would change the color of the area that was covered by the vessel that was cut.

Q. But you could not satisfy yourself it was not there unless you did cut the brain? A. I would not say positively it was not there if in an internal section.

Q. You could not say it was not there in the internal section? A. (No answer.)

(Examination concluded.)

(Mr. Green): I want to offer these photographs that have been introduced.

(Mr. Brady): We have objected to those?

(The Court): Yes.

(Exception noted.)

The traverser having excepted to the Court's ruling, prays the Court to sign and seal this as his Fourth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

#### TRAVERSER'S FIFTH BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first, second, third and fourth bills of exceptions, and after the evidence had been introduced as therein stated, all of which is hereby made a part hereof, as fully as if the same were herein repeated at large

DOCTOR WALTON H. HOPKINS, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Your name, Doctor? A. Walton H. Hopkins.

Q. What is your profession? A. Physician.

Q. Where do you live? A. Annapolis, Md.

Q. How long have you been a practicing physician? A. Since May, 1904.

Q. What school are you a graduate of? A. University of Maryland.

Q. Has your experience been limited to general practice of medicine alone? A. I am the County Health Officer.

Q. Do you include in the general practice of medicine surgery, too? A. Yes.

Q. Were you called in to help make the autopsy on the body of Mrs. Lottie May Brandon? A. I was.

Q. What time did you first see this body? A. Some time between nine and ten o'clock that evening.

Q. Where was the body when you first saw it? A. It was lying on the bed in the middle room of a house, the second room.

Q. What position? A. It was lying with the head to the foot of the bed on the back, with the left side of the head turned towards the bed.

Q. The left side of the head down? A. Down.

(Mr. Brady): Down towards where?

(Witness): Left side of the head turned down and the legs were not exactly crossed, one leg I remember was straight and the other leg bent slightly at the knee.

Q. Was the body nude? A. No, sir; it had on what you call a middy blouse and some kind of a skirt, when I saw it the skirt was up nearly to the hips.

Q. The lower part of the body was then exposed? A. Yes, sir.

Q. At that time Doctor, did you notice any bruises or abrasions or contusions or wounds on the body? A. Yes, sir.

Q. What did you notice at that time, Doctor? A. At that time I noticed a bruise, a bad contusion on the forehead, there were contusions on both sides of the neck, and both knees were badly bruised, the anterior surface.

Q. When did you perform the autopsy? A. Late that night.

Q. At the time you first saw the body, Doctor, would those photographs represent the condition as you recall it? A. Yes, sir.

Q. Was that the condition of the body when turned over to the undertaker in Annapolis? A. With the exception of the marks made by the postmortem.

Q. They don't show on there? A. No, sir.

Q. Where did you perform the autopsy? A. One was performed in Annapolis and the second in Washington.

(Objected to.)

Q. What was the answer? A. One performed in Annapolis and one in Washington.

Q. Were you present at both autopsies? A. I was.

Q. Give in detail, if you will please, what you found and what you examined and the conditions you found at both autopsies?

(Objected to; any but one autopsy, the one in the City of Annapolis.)

(The Court): You had better go into that first, confine your question to the first there may be some question about the second one.

Q. Tell us what you found on the autopsy in Annapolis? A. Well, in going over the body—I should have mentioned before at the house, in addition to those bruises that were found, I noticed a peculiar odor about the body of the person and on examining I found—while the woman was lying on the bed—I found a mucous secretion between the legs right near the vulva, and on the hairs.

Q. Was the odor very perceptible? A. Yes.

Q. Was the odor something that you recognized and knew what it was from? A. It smelt like semen. When we got to the hospital I made a general examination of the body and in



going over the body I found a large bruise in the forehead, a little to one side of the center, I think, the skin was broken, on the neck, both sides of the neck there were several contused areas and the middle line of the neck and front some abrasions there that looked like might have been made from finger nails, both elbows and skin scraped off of them and were contused and around both knees there were areas of contusion about the size of a dime and over the front of one foot there was a contusion, and the scalp was removed, the head opened, the skull opened, a portion of it removed. When we removed the skull there was quite a lot of blood run out, then the brain was removed and examined and the skull for fracture and we found no fracture, the external surface of the brain was examined carefully and no specimens were taken from it, the lobe was lifted up and the brain from general appearances was normal, the abdomen was opened and I found an enlarged uterus which was opened and from which we took a fetus about seven months, the intestines and the stomach were examined and the liver and to all external appearances they were normal. On this mucous secretion between the legs I took two specimens which I kept until the next morning when I went to Baltimore and took them to the University Hospital, to Doctor Puttz, turned them over to Doctor Puttz and asked him to strain them and examine them which he did in my presence and after the examination they were returned to me and I took them back to Annapolis and turned them over to the State's Attorney.

Q. I will ask you right there, before we pass it, will you look at these and say if these are the slides that you had Doctor Puttz make an examination of and turned over to me? A. Yes, sir.

Q. Were you present when the Doctor made the examination? A. I was.

Q. Do you feel qualified to speak as to what was shown by those slides? A. Not as an expert.

Q. Not as an expert? A. No, sir.

Q. Now, go ahead, from that point please? You opened the stomach and examined the liver and the stomach? A. And the intestines and the uterus—

Q. (Interrupting): What condition did you find the uterus in? A. The uterus was in a general normal condition for that period of gestation.

Q. The fetus itself, what condition was that in? A. It was dead.

Q. What condition was that in? A. Good condition, apparently normal.

Q. Any evidence or indication of any premature birth? A. No, sir.

Q. There was no laceration of the fetus? A. No, sir; I forgot to mention in my examination before opening the body, I looked into her mouth to examine her tongue to see if the tongue had been bitten and if any blood there and I didn't find any indication of biting the tongue or blood in the mouth.

Q. What kind of wounds were those on the neck, Doctor, describe them? A. They were contusions that looked like as if they had been drawn backwards as if the pressure had been made from the front and drawn back.

Q. From the front you mean? A. From the front and drawn backwards, as though they had—

(Objected to the further testimony of the Doctor on the appearance of those wounds, as the photographs show themselves how those wounds are located and I think are rather complete in itself, if accepted as such without further description from the Doctor.)

(The Court): I don't think they eliminate the Doctor.

(Objection overruled; exception noted.)

Q. From these wounds, I understand you to say, they looked as though they had been made from behind and pressed back?

(Objected to.)

A. From the front.

(The Court): I assume the objection is because it is leading? I don't think he said that they came from the back.

(Note.—Previous answers read.)

Q. Just explain what you mean by looking as though they had been made from behind and drawn back?

(Mr. Grason): We objected to the question and we don't want to be objecting all along, but our objection is that Mr. Brady stated that: the jury by looking at the photograph are as capable of judging whether the force was applied from the front or back as the Doctor and that is our reason for objecting. If you will allow us the exceptions?

The traverser having excepted to the Court's ruling, prays the Court to sign and seal this as his Fifth Bill of Exceptions, which is accordingly done this ——— day of April, 1918.

(Exception refused.)

F. I. D.

DR. HOPKINS' testimony continued:

A. The appearance was she had been grabbed from behind and the pressure had been made from before, backwards, like that (indicating), it looked like there had been a dragging backwards of the hand.

Q. Would you say these bruises and contusions were made by hand? A. They had the appearance of it, in the front part of one or two of these bruises there were impressions there that looked as if though they had been made by finger nails.

Q. Which way was that curved? A. That curve was, the convex portion of the curve was forward.

Q. Did you notice the blood stain on the bed, where that was? A. That was under her head.

Q. Did you see any blood anywhere else? A. I am not positive of that Mr. Green, whether I saw any blood on the floor, under the bed or not, I didn't see any around the room anywhere.

Q. What is your opinion, Doctor, was the cause of the death?

A. Shock as result of the injuries to her neck and the blow on her head and probably attempted assault or rape.

Q. Shock from all three? A. Yes, sir.

(Mr. Brady): We ask that be stricken out as not being contained in the indictment, the charge in the indictment is she died from the blow on the head and strangulation of the throat.

(Mr. Hartman): There is not anything in the indictment about eclampsia, but there is a good deal in evidence about it.

(The Court): I think there is one element in that question that ought to be eliminated at this time, that is the last one.

(Note.—Answer repeated.)

(The Court): Strike out about the attempted rape.

Q. What did the condition of the genital organs and immediately outside that you found, what did that indicate? A. That somebody had attempted intercourse with her.

Q. When you consider that an intercourse was had with Mrs. Brandon on Tuesday night at ten o'clock, could that condition that you found there have existed from that intercourse? A. No, sir.

Q. Why not? A. Because the heat of the body would have dried it up in that length of time.

Q. What did the presence of that mucous there in the quantity that you found it indicate as to the time when intercourse was attempted or had, with relation to the time of her death? A. That it occurred very shortly before death, or maybe afterwards.

Q. Afterwards? A. Shortly before or afterwards.

(The Court): You say shortly before or afterwards?

A. Shortly before or afterwards.

Q. (Mr. Green): Why? A. Because if she had been alive any length of time the heat from the body and the friction of the legs would have dried it up and made it disappear.

Q. From the position of that body on the bed, the location of that blood stain under her head, in your opinion, was that wound in the forehead—where was Mrs. Brandon when she received the wound in her forehead? A. She was on the bed, in the position in which she was found.

Q. From those indications, did that body move after receiving that blow? A. No, sir.

Q. From that wound in that part of the head, Doctor, what would be the relative flow of blood, more or less? A. Be quite a large quantity, because the scalp bleeds very freely, more freely when injured probably than any other portion of the body.

Q. From the examination of the brain of the deceased, was there any evidence of apoplexy? A. No, sir.

Q. What is the effect, Doctor, usually in a pregnant woman, from eclampsia, on the fetus? A. Why, in a great many times in eclampsia the woman will give premature birth to the child, if the disease has been existing any length of time and the fetus is there; very often find the fetus lacerated, decomposition starting in.

Q. Was there any indication at all of that in the fetus? A. No, sir.

Q. Now, Doctor, you assisted in another or secondary, or another autopsy, where and when? A. In Washington, at the Emergency Hospital, one week later.

Q. When you first saw the body there, Doctor, did you recognize the incisions you had made at the first autopsy? A. Yes, sir.

Q. You recognized the sections of the skull? A. Yes, sir.

Q. Were there any other incisions or sections made than the ones you had made from the time you closed the body at the Emergency Hospital than when you saw it again in Washington? A. No, sir.

Q. Who was present at that second autopsy? A. Doctor Carr, Assistant Coroner Physician for the District of Columbia; Doctor Netlist, I think that is his name, was the Coroner; Mr. Dougherty, of the Baltimore detective force; Sheriff Sullivan, of Anne Arundel County; he was not in the room while the autopsy was going on; Doctor Joyce, of Annapolis, and myself and one or two doctors of the Emergency Hospital staff; I don't know their names.

Q. Of Washington? A. Yes, sir; and the morgue keeper of Washington.

Q. At that autopsy what was the particular line of your investigation?

(Objected to any statement of the Doctor in regards to the autopsy there.)

(The Court): Your objection.

(Mr. Brady): Your Honor, as I said before, this body, as I understood, was found dead about 5 o'clock on the evening of the 8th of August. It was then placed in the hands of the doctors for an autopsy, which was performed at the Emergency Hospital in the City of Annapolis, and it was supposed that morning when they were diagnosing the body that they would make a complete one. Now, after that autopsy had been performed at the hospital it was then turned over to the undertaker in the City of Annapolis, where the body remained for about, I think, until some time the following afternoon, and then it was turned over, as I have said before, which we expect to prove, to the husband of Mrs. Brandon, one of the suspects in this case, carried to Washington, and there again——

(Mr. Green, interrupting): We don't think that is a proper statement for my brother to make, even in addressing the Court.

(The Court): No; I don't think it is. I don't think the record would warrant your using that.

(Mr. Brady): I say we expect to prove that; that it remained for I don't know how many days and then placed in the hands of another undertaker, who prepares it as it were for burial, and then was buried, and the week following that it was exhumed and another autopsy made, for what purpose I don't know, but I would say that the Doctor from his statement has not shown conclusively to my mind that that body was in the condition that it was when it left him at the Emergency Hospital; that he does not exclude all possibility of tampering, and, under the circumstances, I think it would be a very dangerous procedure if such an autopsy, a second autopsy was made, to be allowed to go to this jury and this Court. Again, this second autopsy was not made until after the accused had been arrested. Am I right about this, Mr. Green?

(Mr. Green): I think that is right.

(Mr. Brady, continuing): That he was under arrest charged with this crime, and if I am correct in my views regarding the rights of an accused, notice should have been served upon him or his representative, to have been there to have participated in this autopsy in order to defend his rights, and I feel, your Honor, as I said before, but to allow this second autopsy, under those circumstances, with those two reasons given, that it would be a dangerous procedure to the liberty of a man.

(The Court): The body was removed from the house to the Emergency Hospital in Annapolis, and there the autopsy was held. Now, it appears that the body was then received by the undertaker for transportation to Washington, and I don't know whether the body had been interred then or not—possibly it had; but, anyhow, you have two undertakers who handled the body from the time of the first autopsy that ought to account for that body before this testimony is admissible.

(Mr. Green): All right, sir, we will do that.

(The Court): The Doctor will suspend on that second autopsy until you have laid the foundation for its admission.

(Mr. Hartman): Would your Honor want us to withdraw him now?

(The Court): You have finished with him on every other line, but that second autopsy? Anything to save time.

(Mr. Hartman): We don't want to be understood that we have finished with him.

(The Court): Did you want to examine him on any other feature of the case?

(Mr. Green): No, but we want to understand that we will have the right to bring the Doctor back for the second autopsy if we satisfy the Court it is admissible.

(The Court): Yes. Now, it strikes me that it would be better that the Doctor be withdrawn for the present or you can go ahead, just as you wish, it does not make any difference.

(Mr. Green): You want to cross-examine him now?

(Mr. Brady): No. I think we would rather wait. We don't wish to cross-examine him until we examine him on the whole case. Of course, your Honor with the understanding that if the State can't put him on the stand for the second autopsy, we expect under those circumstances to be able to cross-examine him on what he has said.

(The Court): Doctor, we will excuse you for the present.

(Examination suspended.)

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MRS. MARY PERKINS (Colored), a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where are you living now? A. Washington, D. C.

Q. Where were you living on the 8th of last August? A. On Second street, 30 Second street.



Q. Thirty Second street? A. Yes.

Q. How was that situated with No. 29 Second street? A. Directly across the street.

Q. Who lived in 29? A. Mrs. Brandon.

Q. Where were you in the morning about eleven o'clock, on Wednesday, August 8th? A. About eleven o'clock, or a few minutes after eleven, I was sitting in the parlor at my window writing a few letters, I wrote one and started on the second.

Q. Now tell what you saw and heard? A. As I started on the second letter I was attracted by some noise, I heard a noise across the street, and then I stopped and I looked and I heard this awful noise as though it was a rushing sound towards the door.

Q. Rushing sound towards the door? A. Yes, sir; foot steps and then I heard this knock up against the door as though something fell up against the door and then all of a sudden I saw this chair——

Q. (Interrupting): What house was this in you heard the noise? A. In 29.

Q. Mrs. Brandon's house? A. Yes, sir; across the street, and then I looked and I saw this chair when it was knocked in front of the window, and I kept a looking to see if any one would move the chair or if any one would come out and I didn't see any one come out then, so I continued to write and later on while I was looking and looking, my sister came in and then I told her of this awful noise I heard across the street, and I said to her it was an awful noise, and I said, suppose that man would not be beating his wife in her condition and she said No——

(Objected to.)

(The Court): Don't give the conversation; tell what you saw without any conversation from your sister.

Q. Go on from that point, Mary, after you had this conversation with your sister, then what? A. And then I was at the

window and kept looking. I waited and in about fifteen or twenty minutes I saw the door open.

Q. The front door? A. The front door opened and I saw this man when he peeped his head out and he looked towards Murray's Hill first and then towards West street that was before he brought his whole body out of the door and in coming out the door, when he closed the door, he closed the door from behind with his right hand, he never turned his back and he walked off the porch and when he got near the second porch he then began to fool with something that he took out of his pocket; I took it to be a bottle or flask, I mean it was reddish and looked as though it either had whiskey in it or it was a red flask and he took it from his hip pocket and put it in front in some of his pockets and he walked up the street and in looking behind my sister saw his face before he got far and I kept asking her who this man was and she said—

(Objected to.)

Q. (Mr. Hartman): Don't tell what your sister said, what did you do after that?

Q. (By Mr. Green): You asked your sister if she knew his name? A. Yes.

Q. Do you see that man now? A. Yes, that is the man sitting over there.

Q. Where did you see him after that, when was the first time you saw him after that day, where did you see him the next time? A. I saw him on Main street.

Q. On Main street? A. On Monday, the following Monday.

Q. What was he doing? A. He was on an ice wagon.

Q. Are you positive that was the man? A. I am positive that is the man I saw come out the door.

Q. You saw him open the door and then he came out? A. I saw him when he opened the door and came out, I didn't know what the man did in there.

Q. When you speak of his looking towards Murray's Hill, that was one way up Second street? A. Yes, sir.

Q. And when you speak of towards West street, that was? A. This way.

Q. He looked first one way and then the other? A. Yes, sir.

Q. And then came out? A. Yes.

Q. How far had he gotten when your sister saw him? A. Between Mrs. King's apartment and the other. Mrs. Taylor I think lived in that house.

Q. How far is your house where you were living, Mary, at that time, from this door of Mrs. Brandon's house, how far across the street, in this room? A. The street is very narrow, I don't think it is much further than between this space in here (indicating).

Q. Between you and where the men are sitting there? (Jury.) A. It is wider than that, I judge it is about from over here to the wall altogether.

Q. Did you know the man before that day? A. Yes, I knew him by sight, but didn't know him by name.

Q. You knew him by sight, but didn't know him by name? A. Yes, sir.

Q. Ever talk with him, ever visit him or he ever visit you? A. No, sir; he never was an associate of mine.

Q. You never had any social intercourse with him? A. I have never had any talk or conversation with him at all.

Q. Never had any trouble with him in your life? A. No, sir.

Q. Did you have any difficulty in picking him out in the Court House among all the other men? A. No, sir; I did not.

Q. Now, at the time you were looking across the street the time of this disturbance, did you notice anybody going up the

street or coming down the street? A. Yes, sir; I saw a little boy; he was right in front of the house at the time of the noise and he stopped there and stood there until this noise ceased.

Q. What did he have? A. He had a little sack of flour on his shoulder, a little paper sack and he was going toward Murray Hill.

Q. Did you know that little boy? A. No, sir; I did not.

#### CROSS-EXAMINATION.

Q. (Mr. Brady): What time did you say you were sitting at the window writing those letters? A. I said I went in the parlor about eleven o'clock or a few minutes after.

Q. Eleven or a few minutes after? A. A few minutes after eleven.

Q. You were sitting at the window? A. At the window.

Q. How were the blinds? A. I had my shutters closed, and the blinds were partly open.

Q. You heard noise? A. I heard this noise.

Q. You say it sounded somewhat like a chair dropping? A. I said it sounded as though somebody was wrestling in there.

Q. I thought you said like somebody fell up against the door? A. Yes, after this rushing noise towards the door and this bump against the door and the chair against the window.

Q. Very much of a racket there? A. Yes, sir; it was so, because I told my sister about it.

Q. When was your sister? A. My sister was not in there at the time the noise was going on, she came in afterwards, she was in the kitchen.

Q. Where was she? A. She was in the kitchen.

Q. How long after that was it that she came in there? A. Well, I guess she came in about five minutes after that as near as I can judge it.

Q. What did she do then? A. She sat in there with me.

Q. How far from you? A. It was not no distance from me, she was sitting at the window, only she was sitting in the corner and I was sitting right in front of the window.

Q. She was not near the window? A. Yes, she was near the window, but she was sitting in the corner on the settee, it was sitting cat-acorned.

Q. Was she at the window? A. After I called her.

Q. When did you call her? A. After the man walked off the porch.

Q. Going up the street? A. Yes, sir; and I asked her what his name was.

Q. How far was he from the porch; the man you saw, when you asked her his name? A. Well, he was between the Brandon's home and Mrs. King's home.

Q. When did you tell her of the noise? A. I told her of the noise as soon as she came in.

Q. As soon as she came in, and when you asked her who that was going up the street, this man then was the distance of right in front of Mrs. King's, I understand? A. Yes, between the Brandons and Mrs. King, I know he was not far.

Q. Then she came to the shutter and looked out? A. She looked out.

Q. And saw this man? A. She did.

Q. Saw his face? A. She certainly did.

Q. Full face? A. I don't know whether full face, she saw him as he turned his face around and when he turned around looking behind he had turned towards us, he turned around that way.

Q. Then he went right towards West street? A. Towards West street.

Q. And that is where Mr. Martin's saloon is? A. He lives up that way.

Q. As I understood you to say, that you kept your eye across that street after having heard that noise and you saw this man put his head out the door, look up the street, down the street, is that what you said? A. Yes, sir; that was about fifteen or twenty minutes after I heard this noise.

Q. But your sister was in the corner? A. I didn't say she was in there then, I said I told her about it shortly after she came in, she was not in there when I heard the noise.

Q. I understand that, but she was in there then when you saw her put her head out the door? A. She was in there when the man put his head out the door.

Q. And looked up and down the street, is that right? A. That is right.

Q. Did you call her attention to that? A. I did, but she didn't get up right then, when she got up the man was off the porch, that was when I wanted her to see him walking off the porch.

Q. I thought you said to her who is that man going up there? A. I said "Look, quick, quick, who is that man" and then I told her about him coming out of the house.

Q. Then it took him a little time no doubt to look up and down the street and you called her attention to that and she didn't get up? A. No, I didn't call her attention at the time he was looking up and down the street because I was gazing in his face myself.

Q. Why didn't you tell her then when you saw him put his face out the door and looked up and down the street? A. I called her, I wanted her to see him before he got off the porch, but she didn't come right then and he had gotten off the porch when she saw him.

Q. He had gotten off the porch and walked about how many feet, do you suppose, can you measure it, was it the distance from where I am to you (indicating)? A. No, it was not that far, I don't think.

Q. Was it this far (indicating)? A. I guess about that far, that is on the pavement, I mean on the pavement.

Q. In going from the door on the porch it is about how many feet, do you know? A. No, I don't know, it is not a wide porch.

Q. Four feet? A. I don't know, I guess so.

Q. Six feet? A. I don't know how many feet it is, it is a narrow porch.

Q. Where was your sister, how far was she from you, she sat right in the corner, I understand? A. Yes, all she had to do was to get up and look out the window.

Q. Look out the shutters? A. Yes.

Q. But she didn't see him until he had gotten up the street? A. He was not far up the street.

Q. Now, how long was your sister in the room with you before you saw this man that you speak of come out of that house? A. How long was she there before I saw the man?

Q. Yes, how long? A. I don't know, she was not in there long.

Q. She was there long enough for you to tell her about the noise? A. Yes.

Q. And the racket you heard across the street? A. She was.

Q. Now when did you first hear of Mrs. Brandon's death? A. Well, I heard that a few minutes after—I don't know about five o'clock, I don't know what time it was in the afternoon or the evening.

Q. Quite an excitement around there, was it not? A. Yes, sir; it was.

Q. What? A. It was.

Q. Did you hear that she had been murdered? A. I did.

Q. When did you hear that? A. I think I heard it that evening.

Q. Do you know who told you? A. Who told me?

Q. Yes? A. Why, no, I heard it singing around, the people out in the street said it.

Q. Who was the first one that told you? A. I don't know that any one told me personally, of course, it was singing in the street, anybody would be liable to have heard it.

Q. You don't know who told you of it first? A. No, I don't.

Q. Did you talk to any one about it, after you heard it? A. Yes, I talked to several persons.

Q. Who was the first you talked to after you heard it? A. Well, the first one was Mr. and Mrs. Harris.

(Mr. Hartman): What are you asking her about now, about the murder or what she testified to?

(Mr. Grason): The question speaks for itself.

(The Court): Who she told about what she saw?

(Question repeated.)

A. The very first was my mother, I told my mother of it even before I heard she was murdered.

Q. After you heard she was murdered, I asked you who you talked to first about it?

(Mr. Green): About what?

(Mr. Brady): About the murder?

A. Well, the very first person was Mr. and Mrs. Harris.

Q. What did you say to them?

(Objected to; objection sustained.)



Q. Did you make known to them what you saw? A. I did.

Q. That was about what time on the evening of the afternoon of the Wednesday, when this unfortunate occurrence took place? A. Well, I guess, it was about half-past six as near as I can get at it, I can't tell you the exact time, as near as I can get at it, I guess, it was six or seven o'clock but I know it was that very evening.

Q. Did you talk to Catherine Brown? A. No, I did not.

Q. Shortly after the occurrence? A. I did not.

Q. Did you talk to Reverend Williams? A. No, he was in the home and I had been out and came in and he was talking to my mother.

Q. When was that? A. I think it was the evening that this man was arrested.

Q. I am trying to confine yourself to the Wednesday, the 8th of August, last, after you heard that Mrs. Brandon had been murdered? A. Did I talk to him then?

Q. Yes? A. I did not.

Q. Did you talk to Catherine Brown? A. I did not.

Q. Did you talk in the presence of Mary Markell that lives on Clay street? A. No, I have not; I don't know when I have had any conversation with her, or even talked with her. I know her.

Q. Talk in her presence? A. No, I have not.

Q. Did you have any conversation at the time with Fannie Hall? A. Yes.

Q. Was not Fannie Hall, Reverend Williams, Catherine Brown and Mary Makel together at the time? A. No, I told this Mrs. Fannie Hall about it in my home, because she was living with us.

Q. Told her what? A. What I had seen and what I had heard.

Q. What you had seen and what you had heard? A. Because she was living at my home.

Q. We are talking about the Wednesday, August 8th, and you are confining yourself to that, are you? A. Yes, sir; I did not have any talk with these women.

Q. Did you make the statement in the presence of Reverend Williams, Catherine Brown and Mary Makel, 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. I did not mention it to them.

Q. That was right near your home? A. Yes, sir; it is.

Q. I am talking about right near your home that you talked to these people and made this statement or statements to that effect on that same day in the evening? A. Well, I know the ones I told it to that very evening and in fact I know every one that I mentioned it to.

Q. But you didn't make those statements to those people? A. That evening I did not; I know to Mrs. Fannie Hall, because she lived in the house.

Q. What did you tell Mrs. Fannie Hall? A. I told her just what I had heard and seen.

(Objected to; objection sustained.)

Q. I will ask you further, that the following Sunday did you say to Lottie Hamilton—do you know Lottie Hamilton? A. I do.

Q. Did you talk to her after this Wednesday at any time, about what you had heard? A. I did not.

Q. Did you talk about Mrs. Brandon having been murdered? A. I remember talking to her and she was telling me about it, but I did not explain anything to her what I had seen or heard.

Q. You talked to her about it on Friday, was it not? A. I don't know whether on Friday or what day it was I stopped in and she was talking to me about it.

Q. You talked to her about it? A. She talked to me about it, but I didn't tell her what I knew about it.

Q. Why didn't you, she is a friend of yours? A. Well, she is a friend of my mother's; she is an old lady, and, of course, I didn't feel it was my duty to explain and tell her about it because I had told several of them and some of them I had told advised me not to tell it to any one else.

Q. Who did you tell? A. Who did I tell?

Q. Yes? A. What do you mean altogether?

Q. Yes, I want to know every one you told, the names of them, what you saw that morning and what you heard? A. Well it was told to Mr. and Mrs. Harris, I told them.

Q. They are residents? A. They live on Morris street.

Q. Who else? A. And I told Mrs. Anita Parlett, she was the next one.

Q. Where did she live? A. She lives on Morris street.

Q. Who else? A. Then I told Mrs. Scott, she lives on Second street, that is Mr. Fletcher's mother.

Q. Who else?

(Objected to.)

(The Court): Let her answer, I see the purpose of it. You mentioned Fannie Hall, you want to include her?

(Witness): Yes, she knew all about it and Mr. and Mrs. Johns on Second street, of course, I recall them because my mother explained it to them, but I told it to Mrs. Carroll, she lived right on the next corner.

Q. What was her first name? A. I think Mrs. Ella Carroll. I am not sure but she lived on the corner.

(The Court): Who did you say your mother told?

A. I say my mother told Mr. and Mrs. Johns and she told the Doctor and she told several of them also.

Q. Now, you say the first you told was Mrs. Harris? A. They were the very first I told to the outside.

Q. They advised you not to say anything about it? A. They did.

Q. You didn't follow their advice? A. I had no intention of hiding it, not telling it at all.

Q. You didn't follow their advice, because you told it to a number of others? A. Yes, and those I told it to they said not to mention it and they were telling it themselves because somebody came right back and told me they heard it.

Q. When were you telling all this? A. Well, after it happened.

Q. How long after? A. Well, I told it before that following Monday.

Q. All this was before that? A. Yes, I told it to these people.

Q. You knew there were a number of detectives down there looking for a suspect, didn't you? A. I did.

Q. You know there was a good deal of excitement going on down there in the town as to who did it, did you? A. Yes, sir.

Q. You never told any of the authorities that, did you? A. No, I didn't tell any of them until that Monday.

Q. Until Monday? A. Until Monday.

Q. That was from Wednesday until Monday? A. Yes, sir.

Q. That was Thursday, Friday, Saturday, Sunday and Monday, why did you then tell the authorities? A. Well I didn't tell it to them, I told it to Mrs. Murray that Monday and then she made it known to the authorities.

Q. You went down and told it to Mrs. Murray that Monday and she made it known to the authorities? A. Yes, sir.

Q. Did any of the authorities come to your home to talk to you? A. Yes, sir; they came to my home, but they didn't see me.

Q. Where were you? A. I was there when two ladies came there.

Q. I am talking about the authorities? A. No; they did not; I didn't see any of them.

Q. You say you were not home when the authorities came there; I mean the officers of the law? A. I don't remember any coming there.

Q. Were you there all that week? A. I was.

Q. And no one came to see you about it? A. If they came there, they didn't see me—yes; I remember one night a man came there and said he was a newspaper man, and this was about 10 o'clock and he asked to see me.

Q. Did you see him? A. I was upstairs. No; I would not be seen by him.

Q. You don't know whether any of the officers of the law came there to see you? A. Not to my knowledge.

Q. You were not seeing officers, any of the officers? A. No; I didn't see any of them.

Q. Did you stay home all that week? A. Yes; I was home that week, at home all the time.

Q. At home all the time? A. Yes, sir.

Q. You don't work, do you? A. No; I am not working now.

Q. You were not working that day? A. What do you mean; did I work that day?

Q. Yes. A. I sewed; no, I don't work out; I was home.

Q. Had you known Mrs. Murray? A. Well, I knew her through my mother.

Q. You knew her through your mother? A. Yes.

Q. You didn't know her personally? A. Yes, I did; have seen her, several times.

Q. You had never spoke to her before? A. Oh, yes; I had.

Q. Are you not a total stranger to her? A. No, sir; I am not. I have talked to her, I guess, about once or twice. I went over there once when my mother was over there doing some laundry work for her. I went over to see my mother.

Q. Now, I want to call your attention to the Sunday following. On your way home from church Sunday morning, did you stop and talk to Julia Carroll about this unfortunate occurrence. A. Yes. We stopped, but she began talking of the affair; but I never told her anything of what I had seen or heard.

Q. Who was present then? A. My sister.

Q. Her sister? A. My sister, and I think her daughter was on the porch.

Q. What is her daughter's name? A. I think, Julia.

Q. Is it Clara Bell Roberts? A. Yes; that is right.

Q. Anyone else? A. I don't remember.

Q. Was a woman there by the name of Mary Bias, a very elderly, old woman? A. I don't think, on her porch.

Q. Or nearby? A. I think she was nearby.

Q. You talked about it with those people? A. No, I didn't talk about it; they were the ones that were talking.

Q. Did you make any comment at all? A. Nothing of what I had seen or heard to them.

Q. Did you say to them, or say to Julia Carroll, or one of the three, in each other's presence, that "You had seen no one come out of the house or about that house that day"? A. I positively did not.

Q. Did you say you noticed that the blinds were down, and remained that way all day? A. I did not, because the blinds were not down; the shades were up enough for me to see the top of this chair.

Q. I am asking you if you said those things? A. I did not say it.

Q. Did you say it was the custom of Mrs. Brandon to pull down her shades in the afternoon? A. To whom?

Q. In the presence of those people?

(Objected to.)

(Objection overruled.)

A. I don't remember saying it to them.

Q. You may have said that? A. I don't remember saying it.

Q. May you have said it? A. I know I have said it to people, but I don't remember saying it to them.

(Mr. Grason): What is that? A. I have mentioned it to people, but I don't remember saying it to them.

Q. (Mr. Brady): How long had you been sitting in that window that morning? A. Well, I went in, I said, about 11 or a little after 11.

Q. What were you doing before that time? A. I ate my breakfast; I didn't have breakfast until late, and as soon as I got through my breakfast I went in to write my letters.

Q. Did you eat your breakfast just as soon as you got up? A. No, I did not.

Q. What time did you get up that morning? A. Well, I judge it was about after 8 o'clock, between 8 and half-past.

Q. What were you doing from that time until you ate your breakfast? A. Well, I didn't get downstairs until about 9, and when I got downstairs I found that my mother had gone out and left the oil stove burning and the place was full of soot and the stove was about to explode, and then I called my sister to come down, because she was not down, to help me clean the soot up, and after I cleaned up the place, then I went on and got my breakfast.

Q. Then you say, with all this excitement down there and your knowledge that they were looking—I will ask you this question: Did you know that some other people were under suspicion?

(Objected to.)

(The Court): Get your full question in.

Q. Did you know during that week that there were other people under surveillance and suspicion as to killing Mrs. Brandon?

(Objected to.)

(Objection overruled.)

A. I don't know.

(Mr. Grason): What?

(Witness): I don't know.

Q. You didn't know, living directly across the street, that the detectives were not down there and the police officers? A. Yes. I knew they were down there.

Q. And the police officers were looking around? A. Yes. They were.

Q. For somebody that killed Mrs. Brandon? A. Yes.



Q. You knew that? A. Yes; I understand it.

Q. But you didn't feel that you ought to tell these people?  
A. I did so. That is why I asked these other people their opinion; I had mentioned it to them.

Q. Why didn't you go immediately to them so as to remove those from suspicion? A. Well, I was taken sick that evening and became all nervous, and my mother sent out for the doctor.

Q. You are of a very nervous temperament?

(Objected to; objection overruled.)

A. At times most everybody is liable to get nervous, it all depends.

Q. You are subject to hysteria? A. I am not.

Q. Don't you get hysterical sometimes? A. Well, not often, sometimes I get nervous of course.

Q. Then you get hysterical? A. Of course that night I was taken sick.

Q. When? A. That evening I was taken sick and became very nervous.

Q. Now, you do say that you knew of these things going on there, but you didn't feel it your duty to go and tell these officers? A. I did not.

Q. You didn't tell these officers there? A. It was not my place to go out and I didn't think to go out and tell the officers.

Q. Did you send for a doctor that evening you were taken sick? A. My mother sent for a doctor.

Q. Which Doctor? A. Doctor Garcia.

Q. Did he come? A. He certainly did.

Q. Did you tell him? A. My mother told him.

Q. About what? A. Of course he wanted to know why I was in that nervous condition and she up and told him, I didn't tell him, she told him herself.

Q. Did you on the day, or the Sunday, that you came from church and stopped and talked with Julia Carroll, Mary Belle Roberts and Mary Bias, go so far as to point across the street from where they lived, not where you lived, and show about how the blinds were? A. No.

Q. You didn't sit at the window that morning at all until eleven o'clock? A. What do you mean?

Q. Before that, did you sit there? A. No.

Q. You didn't see Mrs. Brandon or anybody that morning? A. No, I didn't see her the whole day.

Q. But you are positive it was about eleven o'clock or a few minutes after eleven when you first heard the racket? A. When I first went to the parlor I said it was eleven or a few minutes after eleven, when I went in the parlor.

Q. Did you see an express wagon in front of Mrs. King's that morning? A. I did not.

Q. That was a very hot day, was it not? A. Well, I don't know whether it was so hot or not, I judge it was warm.

#### RE-DIRECT EXAMINATION.

Q. You say that some of these people advised you not to tell what you saw and heard, did they? A. Yes, they did.

Q. Why did they advise you not to tell it?

(Objected to.)

Q. Why did they tell you not to tell it, what reason did they tell for not telling it?

(Objected to; objection overruled; exception noted.)

A. They said if I told it, it was liable to cause a race riot.

Q. Did the Reverend Williams say anything to you or in your presence about telling what you had seen or heard?

(Objected to.)

(The Court): That is leading. Ask if any one she has mentioned.

Q. Mention some of the people who told you not to tell this because it would cause a race riot, or for any other reason?

(Objected to.)

(The Court): Of those persons she has mentioned that she told it to, I think it is proper, if any of those said it to her.

(Mr. Green): They have asked her if she had any conversation with the Reverend Mr. Williams?

(Mr. Brady): She said the Harris woman.

(The Court): I think it ought to be eliminated at this time. There may be a reason for it later.

(Mr. Green): Do I understand the Court to strike out the answer to her other question?

(The Court): No, sir.

(Mr. Grason): Does that stand?

(The Court): Yes.

Q. You say that your mother sent for the doctor that night to see you and when he came your mother told him what you had seen and heard about it, what had upset you, what had made you nervous? A. Yes, she told him.

Q. What had made you nervous? What was the occasion of sending for the Doctor, what did you get nervous about? A. After seeing the man after he come out of the house and he acted so suspicious, it unnerved me, when he first opened the door, he looked up and he looked down.

Q. Then when did you hear that the woman was found dead?  
A. That evening.

Q. How did you get very nervous before you heard the woman was found dead or afterwards? A. It was afterwards.

Q. After you heard the woman was dead over there? A. Yes.

#### RE-CROSS-EXAMINATION.

Q. You have said that some one—who told you it would be a race riot? A. Doctor Garcia.

Q. Doctor Garcia? A. Yes, he said it in my presence. He said it to my mother.

Q. When was that? A. That was the Wednesday night when I was taken sick.

Q. I thought you said you didn't talk to Doctor Garcia? A. I said he said it to my mother in my presence, that is just what I said.

Q. Then you talked to the Harris people after that did you?  
A. That was before I was taken sick, I talked to the Harrises.

Q. Before you saw Doctor Garcia? A. I talked to the Harris people before I was taken sick; I was on my way in the house.

Q. Where were you? A. I had been out in the street and on the way in the house and I met this Mr. and Mrs. Harris.

Q. What time was that? A. I had been to the dressmaker's, I went to have a dress fitted.

Q. How long were you on the street? A. I was on the street long enough to go on Franklin street and back again, that was the only place I went.

Q. What time were you taken with these nervous spells? A. Well, I don't know, sometime at night.

Q. When? A. It was during the night, it was not late.

Q. About what time, give us an idea?

(Objected to.)

(The Court): I think the witness is exhausted. The only thing she was asked about on re-direct was the conversation with Doctor Garcia.

(Examination concluded.)

### TRAVERSER'S SIXTH BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first, second, third, fourth and fifth bills of exceptions, and after the evidence had been introduced as therein stated, all of which is hereby made a part hereof, as fully as if the same were herein repeated at large, witness EDITH CREDIT (colored), a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

MRS. EDITH CREDIT, colored, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

### DIRECT EXAMINATION.

Q. (By Mr. Green): What is your name? A. My name is Mrs. Credit.

Q. Is your husband living? A. My husband is dead and buried in the Navy Cemetery at Annapolis.

Q. He was in the Navy? A. Yes, sir.

Q. Is Mrs. Perkins your sister? A. She is my sister.

Q. Where is her husband? A. Away on a battle ship.

Q. He is an enlisted man in the Navy? A. Yes, sir; enlisted man.

Q. Do you remember this Wednesday, the 8th of August last, that Mrs. Brandon was found dead in her home, you remember the occasion? A. Yes, sir.

Q. Where were you living at that time? A. I was living at 30 Second street.

Q. 30 Second street? A. Yes, sir.

Q. Where was Mrs. Brandon's home? A. Direct in front of ours.

Q. Where were you in the morning between eleven and twelve o'clock? A. Between eleven and twelve, I came in the parlor after eleven o'clock.

Q. You came in the parlor after eleven o'clock? A. Yes, sir; I am sure it was after eleven because my sister left me in the kitchen.

Q. Where was your sister Mary? A. She left me in the kitchen getting my breakfast and she went on in the parlor.

Q. When you went in the parlor where was she? A. She was sitting at the window.

Q. Doing what? A. She was writing, had a writing box in her hand.

Q. Did she say anything to you? A. She went on telling me about this awful——

(Objected to.)

Q. Did she tell you anything about what happened across the street? A. She told me about this awful noise across the street.

(Objected to.)

(The Court): Don't tell what your sister said.

(Mr. Grason): We move to strike out the answer.

(The Court): Strike out anything the sister said.

Q. Where did you go after that, after your sister made this statement to you? A. I sat on the settee near the front window, near the door that leads out in the hall,

Q. Where was your sister sitting? A. She was sitting direct at the window.

Q. Did she call your attention again? A. Yes, she called my attention later, she said: "Oh, Edith, come and look at this colored man coming direct out the front door."

(Objected to.)

Q. Your sister called you to the window, when you got to the window, what did you see? A. I had to reach over my sister's head and I looked through the shutters so I could recognize this man good, recognize his face.

(The Court): What did you see?

A. When I looked through the shutters I had to reach over my sister's head to try to recognize that man's face; I wanted to see if I knew his face, and at the same time this man Snowden was walking up the street, he was by the second or third post, somewhere along there, I don't know the exact spot he was and during that time he was taking something out of his right pocket and bringing it around to the left side, I don't know whether red flask or a flask with whiskey in it, I could not see what this thing was.

Q. Did he turn around?

(Objected to.)

Q. What did he do when he took this bottle out of his pocket?  
A. He kept on towards West street.

Q. Who was he? A. Snowden.

Q. Had you known him? A. I knew him by sight and by hearing Mr. Sands call his name, he used to go on the ice wagon with Mr. Sands, and I used to keep house on Franklin street; I don't know whether in 1908 or 1909, and he used to leave ice at my house, and that is how I come to know his name was

Snowden; I never knew his first name, he was no associate of mine, I didn't know what his name was.

Q. Do you see him now? A. Yes, sir; that is Snowden (indicating prisoner).

Q. That is the man? A. Yes, sir.

Q. Do you know about what time it was? A. It was about five minutes or ten minutes of twelve, because the whistle blew for twelve while we were sitting there talking.

Q. Do you know where Martin's bar is on West street? A. Yes, sir; I know where that is.

Q. How far is Martin's bar from 29 Second street, how long would it take him to walk there or take anybody to walk there? A. I don't know how long.

(Objected to.)

(The Court): Give an idea how many squares it is.

A. I guess it is near a square.

Q. Speak louder? A. I guess it was near a square from the Brandon's home.

Q. Near a square? A. Yes, sir.

Q. Martin's bar is on what street? A. West street.

Q. How situated from Second street, across the street, or down the street or up the street? A. Down the street.

Q. How far down the street? A. It is near Washington street.

Q. 29 Second street is about how many squares, how great a distance from 29 Second street to West street? A. How many squares?



Q. Yes, about city squares? A. I don't know; I guess about near two squares the distance you would go, I don't know exactly the measurements.

Q. How far from 29 Second street, how many lots from 29 Second street to the corner of West? A. Let me see, there is Mrs. King and Mrs. Taylor and I don't know the family living in the next house, but the next house is Mrs. Baker and the next house I think was Mrs. Small, I don't know the people and there was a large bar on the corner, I think there is a garage in between them.

Q. How many houses of Friemeler there? A. 6 houses.

Q. 6 houses, and that garage and the other six houses with Mrs. Brandon's of Mr. Friemeler. How many houses in between the six of Friemeler and Martin's bar? A. Two houses in between Martin's on the corner.

Q. That is, eight houses and of course a little garage? A. Yes, I think there is a little garage, and then the other Martin's bar—that is on the corner of Second and West streets.

Q. That is all of the distance to West street? A. Oh, yes.

Q. Those houses, are they very wide houses? A. No; they are narrow houses; they are two houses together.

Q. Were you there when the doctor came to see your sister that night? A. Yes. I was home. I was in the room when he came up.

Q. Did you hear what your mother told the doctor? A. I was not there——

(Objected to.)

(Witness): I have not explained myself; I got——

(The Court): She can say whether she heard her tell the doctor: she can't say anything else but that she heard the mother tell the doctor what the trouble was?

(Objected to.)

(The Court): She can say yes or no.

(Mr. Green): What the trouble with her sister was. Yes or no, if you heard it?

(Witness): No, I was not there at the time. I had gone to the drug store after the doctor wrote the prescription. I was not there at the present time, but that is when she was sick.

Q. Did you get a good look at Snowden's face on the street that day when your sister called you to the window?

(Objected to.)

(Objection overruled.)

(Exception noted.)

Q. Did you get a good look at Snowden's face that day? A: Yes; I got a good look at his face when he turned and looked back. I have seen him more times than I have fingers and toes, because he delivered ice at my house when I lived on Franklin street, and I think you ought to know a person.

#### CROSS-EXAMINATION.

Q. When was that he delivered ice to you on Franklin street?

A. I don't know the exact year, but I think 1908 or 9.

Q. 8 or 9 years ago? A. Yes, sir.

Q. How often have you seen him in the last eight or nine years? A. I have seen him on the ice wagon; I have seen him taking big cakes of ice from Parlett's.

The traverser having excepted to the Court's ruling prays the Court to sign and seal this as his Sixth Bill of Exceptions, which is accordingly done this      day of April, 1918.

(Exception refused.)

F. I. D.

## TRAVERSER'S SEVENTH BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the First, Second, Third, Fourth, Fifth and Sixth Bill of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the same witness, EDITH CREDITT, testified as follows:

EDITH CREDITT'S testimony continued:

Q. Ever deliver ice to you after you left Franklin street? A. No, sir; I don't know anything about him leaving ice. I was a married woman; he had no right to deliver ice to me.

Q. What kind of an ice wagon was he on? A. What kind of an ice wagon was he on?

Q. Yes. A. He was on a big wagon that they carry cakes of ice on.

Q. With Mr. Sands? A. No; but on that kind of a wagon. He was on small wagon then; delivered small quantities of ice to people.

Q. When was the first time you saw Snowden before this occurrence? A. The first time I saw him—I don't know when I had seen him because I lived on Second street; I moved there the 30th of May.

Q. How long has it been since you saw him before this occurrence? A. I don't know when it was I saw him. The only occasion I saw him carrying these large cakes of ice was some time on Main street, and this big wagon with cakes in passed him.

Q. How often see him out passing you? A. I don't know. I never paid any special attention to him, except attention about when I saw him.

Q. Have you seen him once in the past year? A. I might have seen him once or twice.

Q. The year before that, how many times had you seen him? A. I don't know how many times I saw that man, because you

are liable to see a man any time going around town, going downtown; I didn't take any special time for what time I saw him.

Q. When he used to deliver ice to your house it was about eight or nine years ago? A. Yes, sir; I don't know exactly the time.

Q. Then how do you recall it was John Snowden? A. By seeing him and hearing Mr. Sands call him Snowden. I didn't know his first name.

Q. Mr. Sands called his name Snowden? A. Yes, sir.

Q. When did you hear his name Snowden? A. Yes, sir.

Q. When did you hear Sands call him Snowden? A. When he had to deliver ice in different people's houses and in mine.

Q. Were you following that ice wagon right along? A. No; I was not following it right along.

Q. Tell one place where you saw him deliver ice when you heard Mr. Sands call him, Snowden? A. He used to deliver ice right next door to me, Mrs. Ida Sims, and all down the line on Franklin street.

Q. When? A. Back in 1908 or 9.

Q. That was back in 1908? A. Yes, sir.

Q. It was then you heard it was Snowden? A. Yes, sir.

Q. You never heard Mr. Sands call him by the name of Snowden after that? A. Yes; I guess he has called him Snowden.

Q. Have you heard that? A. I have heard him because I don't know whether he was on the ice wagon.

Q. I understood you to say you saw him frequently on the ice wagon? A. Carrying large cakes of ice. He didn't deliver small cakes other times when he delivered at bars and small places which don't seem small.

Q. Do you do anything? A. Sometimes I am out and sometimes at home.

Q. Are you on the street very much? A. No, sir; not very much on the street.

Q. You are on the street sufficiently to see him deliver ice to bars in the past year. A. I have seen him when I am out on an errand; I don't go out specially to see him; no, sir; I don't go out specially to see him.

Q. How far up the street was he when you saw him; about four or five posts, did you say? A. No, sir; I didn't say four or five posts; I say the second or third, near the Brandons' home. I don't know the exact spot he was in; he was on the pavement when I got to the window.

Q. Then, as I understood you to say, you looked over your sister's shoulder? A. No. I didn't say over her shoulder. I said I had to reach over her head and look through the shutters good to recognize if this was Snowden to be sure. I wanted to catch his face, if I knew this man's name.

Q. You looked through the slate, did you, and he was about the second or third post up; is that right? A. No. I didn't say the third post; I said the second or third, somewhere along there. I don't know the exact spot he was at; he was on the pavement.

Q. Did he turn around entirely? A. Yes; he turned around and looked towards Murray Hill.

Q. He turned around? A. He turned around and looked towards Murray Hill when I reached the window, and he was putting a red flask——

Q. I have not asked you that; you said he was walking along? A. Yes, sir; he was walking along.

Q. Now you say he turned around and looked towards Murray's Hill? A. He was walking along, and turned and looked back and looked at Murray's Hill.

Q. Did he turn all the way around? A. He didn't turn his

whole self around; he turned his face around enough to see his face good.

Q. How was he walking? A. He was walking unconcerned when I saw him.

Q. He was walking leisurely along? A. Yes; he was not hurrying.

Q. Did you know that there was a reward of \$500 offered for any information leading to the arrest of the person who may have committed that act?

(Objected to.)

(Mr. Green): Who offered by and where was it offered?

(Mr. Brady): Offered by some official of Anne Arundel County.

(Mr. Green): It was not offered.

(Mr. Brady): We are asking the witness?

(The Court): Is that your question?

(Mr. Brady): Yes, sir.

(Objection sustained.)

(Exception noted)

(Mr. Grason): We offer to prove that there was a reward offered and she knew it.

(Objected to.)

(Objection sustained.)

(Exception noted.)

To which ruling the Court the traverser by his counsel excepted and prays the Court to sign and seal this his Seventh

Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

EDITH CREDITT'S testimony continued:

Q. Did you go down to the Sheriff's office the evening of the 13th, which was Monday after the death of Mrs. Brandon? A. On the 13th; yes, sir.

Q. That was the day, I think, that you or your sister first gave out the information? A. Yes, sir.

Q. Who was down there in the Sheriff's office? A. When they questioned my sister?

(Mr. Green): This witness was not asked anything about that on her examination in chief.

(The Court): I suppose it is on the question whether she identified him. Let her answer that.

Q. What was done there? A. They questioned my sister and asked her if she knew this man; there were six of them there with Snowden.

(Mr. Grason): Did you say six and Snowden? A. Snowden was the sixth man.

Q. Did you go down towards Mr. Parlett's on the afternoon of the 13th, with your sister? A. Yes, sir; I went with my sister.

Q. What did you go down there for?

(Objected to.)

(The Court): I don't know the object of it.

(Mr. Brady): I think they went down there to see if it was Snowden.

(The Court): You had better put the question so we know what you mean.

(Mr. Brady): Did you go down towards Parlett's? A. I went down there with my sister; yes, sir.

(Examination concluded.)

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JOHN M. TAYLOR, a witness of lawful age, called on behalf of the State after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where do you live? A. Annapolis, Maryland.

Q. What is your business? A. Funeral director and embalmer.

Q. Did you take charge of the body of Lottie May Brandon? A. I did.

Q. On what day? A. On August 8th.

Q. In the night? A. In the night about between eleven and twelve o'clock, I got the call.

Q. Where did you take it? A. To the Emergency Hospital, Annapolis, Maryland, from Second street, carried it to the Emergency Hospital.

Q. After the autopsy where was it taken? A. To my undertaker's establishment on Fleet street.

Q. How long did you keep it there? A. I don't know the exact time I got the body at the Emergency Hospital, but it was between two and three o'clock in the morning that I carried the body to my place and kept it there until I shipped it away the following day to Washington on the W., B. & A. that left Annapolis at 5:20.



Q. Who was at the train when you shipped it? A. Sheriff Sullivan, Mr. Brandon and some other people; I don't know who they were, newspaper people I think.

Q. Who had access to that body when in your possession? A. I did.

Q. Anybody in your presence have access to it at all? A. No, sir.

#### CROSS-EXAMINATION.

Q. (By Mr. Brady): You say nobody out of your presence had anything to do with that body after you took it to your undertaker's establishment about half past two on the morning of the 9th until five o'clock in the afternoon of the 9th? A. Of course, there was a lady that dressed the body, but I was present at the establishment and with her when she was dressing it.

Q. After you took it to the establishment on Fleet street at half past two, did you stay there all that night? A. No, sir.

Q. Who stayed there? A. We didn't leave until early in the morning.

Q. What time did you leave? A. We worked all night up until long after day-light.

Q. Long after day-light who was with you? A. I put the body in the dead room and locked the door and left my brother there, he was there until I went to my breakfast and when I come from breakfast, after I finished my breakfast I went back and stayed there, I was there all the morning, he was there with me and I walked up town I guess about eleven o'clock and left him there, the body was locked up in the dead room and the key was in my possession.

Q. What kind of a key was it, Doctor? A. It is a sliding door on the dead room and has a peculiar kind of a key, I have seen them in sliding doors. I don't know what kind of a key you would call it, but there was only one key to it.

Q. As near as you can recall, tell me what time you left there, you say about day-light, what time was that? A. It gets day-light pretty early in the summer time, I will say I left there between six and seven.

Q. Between six and seven o'clock? A. Yes, sir.

Q. What time did you come back? A. About 8:30.

Q. Who was there from six o'clock to 8:30? A. My brother.

Q. Anyone else? A. No, sir; not that I know of.

Q. Have you not a watchman there? A. Yes.

Q. Was he there? A. He may have been there I don't know.

Q. He may have been there? A. He may have been there, but I don't think he was there that day, because he was over to the farm in August and working over there, and Dan, my brother, was there; I am positive Dan, my brother, was there at that time.

Q. You don't know positively your brother was there during that interval? A. That he was there?

Q. That he stayed there of your own knowledge? A. Yes, he was there all the time.

Q. Of your own knowledge? A. Yes, I will say he was there, and I left him there and when I tell him to stay there I know he is there.

Q. Is that the reason? A. I had occasion to call up there, when I leave him there when I go home and I call up, especially on that occasion, always when I have a body, often at midnight if I have a body there I call him up once in a while and he calls me.

Q. It is for that reason you say he was there all the time? A. Yes, sir.

Q. Not of your own knowledge? A. That is my knowledge I know he was there, I left him there and am positive he stayed there.

Q. That was about eight o'clock? A. I think when I returned.

Q. How long did you stay there then? A. I stayed there until quarter of eleven when I left.

Q. What time did you come back? A. I came back about 11:30.

Q. 11:30? A. Yes, sir.

Q. Stay there all the time then until you shipped the body? A. Yes, sir.

Q. From that time on every minute? A. Yes, I didn't get any dinner I know.

Q. Why did you stay there, Doctor, during that entire time, for any special reason? A. Yes, sir.

Q. What was the reason? A. When I went up town I met Mrs. Brandon's father and they come down to my place and they bought the casket and I didn't have much time then you see from 11:30 to get that casket trimmed and get the body in and get it to the station by 5:20.

Q. That was your reason for being there all during that time? A. Yes.

Q. Who assisted you in preparing the body for burial? A. What do you mean, by dressing it?

Q. Yes? A. Mrs. Prosky does the dressing for all ladies.

Q. Were you in that room all the time that Mrs. Prosky was dressing the body? A. Yes.

Q. The entire time? A. Yes, sir.

Q. You are positive of that? A. Positive.

Q. Now, tell me what you did in your preparation of the body for burial? A. I embalmed the body, arterial and cavity—

Q. What fluid do you use? A. I used a fluid, Hygia, made by Kelly Chemical Company of Baltimore, which I have been using for some time.

Q. Hygia? A. Hygia; yes, sir.

Q. Tell us your process of embalming what did you first do?  
A. First sever the artery and inject the fluid in the artery system.

Q. Where do you open that artery? A. Different places in this case I am not positive whether it was the axillary or the brachial artery, but it was one of them.

Q. Where is the artery you first mentioned? A. Axillary is up under the arm pit, the brachial is a little below, the axillary artery is a little larger than the brachial, in small people we try to get the largest artery we can as it gives a better circulation for fluid.

Q. After opening that artery what do you do? A. Inject the artery with fluid with a bulk syringe.

Q. Don't you remove something first? A. No, sir; remove it afterwards.

Q. Remove it afterwards? A. Yes, sir.

Q. You inject, as I understand, this fluid first after opening the artery where you explained and you inject some fluid in that? A. Yes, sir.

Q. Then what do you do, Doctor? A. We draw her blood from the sack of the heart and the gasee.

(Mr. Green): This witness is not a doctor.

(The Court): No.

Q. You remove all the blood from the body? A. All we think is necessary.

Q. How much did you remove from the body of Mrs. Brandon? A. Very little.

Q. Very little? A. Yes, sir.

Q. Why didn't you remove more? A. Because was not much there.

Q. Was not much there? A. No, sir.

Q. Now, after having removed the fluid that you had injected and the blood, what then did you do?

(Mr. Green): Don't remove the fluid.

(Witness): What do you mean?

Q. That is what I am trying to find out, what you did then?  
A. Well, then, we sew up the incision and then let the lady, when it is a lady, we get her and have her dressed and put her in a casket.

Q. Do you inject the fluid in the same artery that you remove the blood? A. No, sir.

Q. What part of the body did you make an incision for the purpose of removing the blood? A. I didn't make any incision, there was already an incision there from the autopsy.

Q. Then you opened up the wound or rather the incision of the autopsy? A. Yes, sir.

Q. How much of that incision did you open up? A. Opened it all up.

Q. You opened it all up? A. Yes.

Q. How far did you go into the interior? A. Didn't go anywhere into the interior, only to the intestines, we use a trocar for drawing gases, it is an instrument that long (indicating) like a hollow needle, just puncture the intestines with it and draw the gas.

Q. Then what do you do? A. Then put fluid in the cavity, sew the body up, and we are through.

Q. You have explained of having removed the gas; now tell us how you remove the blood? A. Remove the blood through the same needle that we use for gas with a pump; we have a pump that has a suction on it that draws the gas and blood from the body; has a suction pump.

Q. Where did you inject that needle for the puncture? What part did you puncture to remove the blood? A. In the heart.

Q. You punctured the heart? A. Under the heart sack where the blood goes, where the fluid forces it.

Q. Did you puncture any other place? A. Went above the lungs for gas; that is where we find gas, right above the lungs; in between the lungs and the artery.

Q. Then you punctured the lungs also? A. No, sir; I said I punctured above the lungs.

Q. So as to remove—— A. Gas from above the lungs.

Q. Did you have also a tendency to remove it from the lungs? A. No, sir; go above the lungs; never go in the lungs. The gas forms in between the lungs and the ribs. There is always a space there where gases form, and we go right above it as near the surface as we can get to follow it up.

Q. Did you puncture any other portion? A. No, sir.

Q. Now, you opened up the incision that was made by the doctor at the hospital? A. Yes, sir.

Q. All of it? A. Yes, sir.

(The Court): That was the abdomen?

(Witness): Yes, sir.

(Mr. Brady): Did you leave it that way? A. No, sir; sewed it up again.

Q. Did you open up the head? A. No, sir.

Q. Did you do anything at all to the head? A. No, sir; washed the hair.

Q. You washed the hair? A. Yes, sir.

Q. Wash the hair? A. Mrs. Prosky washed the face.

Q. Were you there? A. Yes, sir.

Q. Wash the body? A. She washed the body.

Q. You were in there? A. Yes, sir.

Q. Was this done before or after the embalming process?  
A. After the embalming.

Q. Now, tell us what else you did, Doctor; particularly what you did? A. Particularly?

Q. Yes. In detail, as near as possible? A. The body was washed and the clothes brought down and put on and she was put in a casket and washed by Mrs. Prosky and myself.

Q. And a little later? A. The body was washed and dressed and put in a casket and had the hands and face and body washed clean.

Q. You did everything else but washing? A. Everything else but washing?

Q. Yes. You say you washed the hands? A. Yes.

Q. And washed the body? A. Yes.

Q. And washed the head? A. Yes.

Q. And you cleansed certain portions; what portions did you cleanse? A. Cleanse the hands; hands were a little dirty, tips of her fingers and her fingernails; cleansed those. We didn't scrub the fingers like a surgeon; it would take too much time. I took a pair of scissors. There was some dirt in the tips of her fingernails, and I took a pair of blunt scissors—I have them in my pocket if the jury wants to see them.

Q. You have them in your pocket? A. The scissors I cleaned them with are in my pocket.

Q. Let me see those?

(Note.—Witness shows the scissors.)

Q. Are these the scissors you cleansed the nails with? A. They are.

Q. Did you cleanse all the nails? A. Yes. Her fingernails were a little long, and I noticed the dirt in them and took these scissors like we do in ordinary cases and clean out what dirt we can that we can get out. Her fingernails were very long at the time.

(The Court): Did you cut the nails?

(Witness): Trim them; yes, sir; always trim them and scrape inside.

Q. You trimmed the nails; found dirt in the nails, between the nails and the flesh? A. Yes; dirt from the autopsy.

Q. And you cleansed them? A. I cleansed them.

Q. You took out all that dirt? A. I don't say I took it all out.

Q. Why did you go into it at all? A. Why, because the nails were dirty. Take people who have long fingernails, there are always some dirt there to be cleaned. What you call cleaning a fingernail, it takes some time to clean a fingernail, especially not scrubbing them. You have to scrub a nail as a surgeon does before an operation, and it takes at least two minutes to scrub them and clean them with a file or orange stick, and I don't say I got all the dirt. I just took these scissors and cleaned what dirt I saw. I tried to make them look clean; that was all.

Q. You cleansed them so they looked clean? A. Yes.

Q. I understood you to say a moment ago that surgeons when they perform an operation they wash and scrub the nails? A. Yes, sir.

Q. Do they all do that? A. Yes, before every operation, they take a file. I am speaking now of getting down to it to get the finger nails clean. I don't do that, I don't do it on anybody, because it takes too much time, we try to make the hands look decent and respectable on every body.



Q. Did you see the body after it was taken out of your care at Annapolis? A. Did I see the body?

Q. Yes, you never saw it after that? A. No, sir; the body was shipped to an undertaker, I called him up for Mr. Brandon in Washington and I think he met it at the station.

Q. You don't know that? A. I know I telegraphed to him and told him what time to meet it.

Q. How did you dress that body, what clothes did you put on? A. Dressed it in the clothes that they brought down to put on it.

Q. Who brought it down? A. Mrs. Brandon's father and Mr. Brandon and I don't know the other young man's name, maybe he is in this room.

Q. What clothes were used? A. Underclothes, dress, shirt, stockings and talked about getting a shroud from me to dress her with, but I didn't have any, I had one on hand I don't think would suit.

Q. What kind of stockings did they bring to put on? A. Black stockings.

(Objected to; don't see the materiality.)

(The Court): I know the purpose of it. He says they were black.

Q. What kind were they? A. What kind?

Q. Yes; black, long or short? A. No, sir; short stockings, looked like men's stockings, we put them on, as we didn't have time to do anything, I wanted to take that 5:20 car.

Q. You didn't have time to do anything? A. No, sir; that is, we didn't have time to go out, otherwise we would have gone out and bought stockings.

#### RE-DIRECT EXAMINATION.

(Mr. Green): Let us see those scissors, you say you used in cleaning the finger nails?

(Note.—Scissors produced.)

Q. How did you use them? A. They were lying on a table and I picked them up when I was injecting fluid, standing there injecting fluid and I picked them up, noticing the finger nails were dirty and I picked up the scissors and scraped them.

Q. Had them together close like that (indicating)? A. Yes.

Q. They are blunt on the points? A. Yes.

Q. Around the points? A. One is round and one is sharp.

Q. Did you make any effort to get down under the finer nail between the flesh and nails? A. No, sir; didn't make no special effort to get away down in them.

Q. You say you didn't intend to clean those finger nails thoroughly or otherwise? A. No, sir.

Q. You don't pretend to say you got all the dirt out? A. No, sir; I don't say I got all of it.

Q. What time did you do that? A. I don't know what time it was. It was while I was embalming the body.

Q. Do you recall my coming down there that morning? A. Yes.

Q. Was it before that, was the body all done with before I came down there? A. Yes.

Q. Do you remember who was with me? A. I can't remember just who was with you, I think Mr. Munford was there with you.

Q. Did you take us in the dead room? A. Yes.

Q. You had to unlock the door to do it? A. Yes. I had the key in my pocket and I opened it and let you in.

Q. Who was the undertaker you called up in Washington? A. Mr. Sardo, I called him on the phone for Mr. Brandon, asked Mr. Brandon if he had any one he wanted and he told me to call up Mr. Sardo and I called him up from the place and told him what time the body would be there.

## RE-CROSS-EXAMINATION.

Q. (Mr. Brady): But you said you cleansed the nails, if you didn't go down deep, to the quick as it were? A. No, sir.

(Mr. Green): I think the witness has been examined and cross-examined on that line.

(The Court): It seems to be quite thorough. I want to ask one or two questions.

Q. How was that body shipped? A. Shipped by a passenger, that is, you can buy a ticket if you have a corpse ticket, you can buy just an ordinary ticket.

Q. How was it shipped? A. In a casket in an outside case.

Q. In a casket? A. Yes.

Q. And the casket was enclosed in an outside case? A. Yes.

Q. How was the top fastened to the outside case? A. Screwed with thumb screws, generally six or eight thumb screws.

Q. 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 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.

(Examination concluded.)

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VALENTINE N. BRANDON, recalled by the State and testified as follows:

Q. (Mr. Green): Were you on the train in which your wife's body was shipped to Washington? A. Yes, sir.

Q. Were you given the ticket for the corpse by Mr. Taylor? A. Yes, sir.

Q. Did you go right straight through to Washington on the train? A. Yes, sir; changed cars at the junction where they put on another car.

Q. About what time did you get to Washington, do you recall? A. Left 5:20 and it didn't take more than an hour and a half or two hours to make the trip.

Q. Who met you at the train? A. Mr. Sardo.

Q. Who took the body away from the train? A. Mr. Sardo took it in his own hearse.

Q. Where did he take it? A. Straight to his establishment.

Q. When was it brought away from his establishment? A. Well, he got it Thursday evening I think it was and brought it away from the establishment Saturday morning.

Q. Where did he take it? A. To my house, to my father's house.

Q. Who brought it there? A. Mr. Sardo.

Q. Did he stay there with it? A. To the best of my knowledge he did. I didn't see him all the time.

Q. Was the body then buried that day? A. That morning, yes, sir.

Q. It was taken to what cemetery? A. Glenwood Cemetery.

Q. Glenwood Cemetery? A. Yes, sir.

Q. And buried? A. Yes, sir.

Q. That was on the Saturday following her death? A. Yes, sir.

Q. You were there at the burial? A. Yes, sir.

Q. Was the body taken out of the casket at all when it got to your house on Saturday morning? A. No, sir.

Q. Did you give permission for the body to be taken up again? A. Yes, I went down with Mr. Sardo when he got it from the District authority.

Q. What was that? A. I went down to the District building with Mr. Sardo when he got permission to exhume the body.

Q. Did he exhume it, take it up? A. Yes, sir.

Q. Do you know what day that was, do you remember? A. No, sir; I could not say what day it was.

Q. Was it the same day the doctors went over there and made the complete, secondary autopsy?

(Objected to.)

(The Court): It seems to be harmless.

(Question repeated.)

(Objected to.)

(The Court): Don't say when it was.

A. Yes, sir; it was the same day.

Q. You were not present at the examination in Washington?  
A. I was not in the same room, I was in the same building. I was down there.

#### CROSS-EXAMINATION.

Q. You received the body at the W., B. & A. Station in the City of Annapolis? A. Yes, sir.

Q. Where was the body placed? A. It was in the freight room there in the station, when the car came up it was put on the car.

Q. Who was in the freight room with it? A. I was there.

Q. Any one else? A. This undertaker that just left the stand, I have forgotten his name—Mr. Taylor.

Q. Then it was put on the car, where did you sit? A. After I saw it was put on the car, I got on, I don't recall whether I got a seat right away or not, the car was pretty crowded.

Q. The next time you saw the box in which the body was encased was where, when did you see the casket or the case? A. I saw it about twenty-five minutes later when we got to the junction.

Q. Then it was placed on the W., B. & A. car going to Washington? A. Yes. I saw them take it off the car that was headed for Baltimore and put it on the other car for Washington.

Q. When you reached Washington the undertaker took charge of it? A. He met the train.

Q. And carried it to his establishment? A. Yes.

Q. And there it remained from Thursday until Saturday morning? A. From Thursday evening unto Saturday morning.

Q. Saturday it was carried to your home? A. Yes.

Q. Where is your home in Washington? A. Sixth street, about two squares from Mr. Sardo's establishment.

Q. Two squares? A. Yes; his is fourth and mine is sixth.

Q. Is that your home? A. My father's home.

Q. How large a room is it? A. Six-room house.

Q. Is there any special reason why you didn't have the body directly carried to your home?

(Objected to; objection overruled.)

A. Well, at the time my father was not home, we were not living home, we were stopping next door with a friend, and on account of so much notoriety, the people coming up to the house, we didn't really want it there until the day of the funeral when friends came around.

Q. Was your mother home? A. Yes.

Q. Did she stay home? A. No, she didn't stay right in her own home she was not feeling very well.

Q. You don't know whether the undertaker in Washington did anything to the body, do you? A. I know that he did, he redressed the body and fixed it up a little and arranged the hair and little things like that.

Q. Arranged the hair and things like that.

Q. It had been prepared in the City of Annapolis by the authority of you or your father-in-law? A. Yes, you see we didn't have the proper clothes that we wanted to have her buried in and Mr. Taylor didn't have what he wanted, he had grey clothes and black clothes and we put some of her own clothes on and when we got to Washington we bought a white dress.

Q. You were the ones that sent the clothes to Mr. Taylor, when he asked you in the City of Annapolis, to bury her in? A. I went down with them.

Q. Did you get them out of the house? A. I was there when they got them, I would not know what to get out, some other lady friend got them for us.

Q. Was your mother with you? A. Not when I got the clothes; no, sir.

Q. You know of nothing else that the undertaker did other than what you have said? A. No, sir; I don't know what he did.

Q. When the undertaker took the body containing the body at the station in Washington, did you accompany him to his establishment? A. After he put it in his hearse, his assistant drove the hearse and I went along with Mr. Sardo in his machine directly behind it.

Q. After it had been placed in the establishment of the undertaker, when did you see it again? A. I saw it the next day.

Q. At what time? A. I don't recall the exact time, sometime in the afternoon.

Q. What time was the casket brought to your father's home in Washington by the undertaker? A. I could not say that, I was not there when he first brought it in. I was up to my wife's father's house, it was there when I got back about ten o'clock.

Q. About ten o'clock? A. I think around ten o'clock.

Q. What time did the burial take place? A. It was in the forenoon, around noon, I don't know the exact hour.

Q. You don't know the time? A. I don't know the exact time.

Q. Just before noon? A. It was around noon; it might have been half hour after, I was not bothering about time that day.

Q. You don't know what time the undertaker brought it to the home, but you know it was there when you reached there about ten o'clock? A. Around ten o'clock; yes, sir.

#### RE-DIRECT EXAMINATION.

Q. When you saw the body the next afternoon, did you touch it or disturb it?

(Objected to.)

(The Court): What is the objection?

(Mr. Brady): The next afternoon, whether he touched it?

(The Court): He was asked the question on cross-examination whether he saw the body and when he saw the body after it reached Washington, he said he saw it the next day, well, now, he is brought back on re-direct not the question would be presumably, "Did you examine it, did you look it over, did you touch it now that is the question, did you touch it, that body which you say you saw the day after.

(Mr. Green): Yes, sir.

(Objection overruled.)



Q. Answer the question? A. No, sir; I didn't touch it; I looked at it long enough to recognize it and know who it was, I didn't even go very close to it, more than three feet, I guess.

#### RE-CROSS EXAMINATION.

Q. Do you know whether any one else touched it or not? A. Didn't touch it when I saw it. I didn't camp around there all day, you know.

Q. You were not with the body very much after it was taken in charge in Washington?

(Objected to.)

(Examination concluded.)

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G. WYTHE MUMFORD, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Did you see the body of Lottie May Brandon on the 9th day of August at the undertaker's establishment? A. Yes, sir; I did.

Q. Who was with you? A. You and Mr. Kennedy, of the Baltimore Evening Sun.

Q. Did you notice the deceased's hands? A. I did.

Q. Did you notice her finger nails? A. I did.

Q. What was their condition? A. The nails were a scant to give an idea, a very scant tenth of an inch long for such small nails she had and the rim around the end of the fingers was outlined in absolute black from the soil or deposit under the nails.

## CROSS-EXAMINATION.

Q. Then the undertaker is mistaken when he says he cleansed the nails.

(Objected to.)

(The Court): He was asked a question as to what he saw, now the undertaker has testified to what he did.

(Objection sustained.)

Q. Were the nails discolored? A. How do you mean, the surface of the nails?

Q. No, the appearance; I don't know whether the surface or underneath the nails, I am asking whether discolored? A. What portion?

Q. Any portion? A. No discoloration other than this dark ridge around the front of the nail apparently under the nail.

Q. Any blood there? A. I saw none, no.

(Examination concluded.)

(Mr. Green): We are in this position, Mr. Sardo in Washington had a funeral this morning at 9 o'clock and could not start, but I just received a phone message and he is on the way and will be here twelve o'clock; that is the best we can do under the circumstances.

(The Court): That is all right; have you got somebody else to put up?

(Mr. Green): No, sir; that completes that with the undertaker in Washington.

(The Court): I would like to ask the undertaker a question.

MR. TAYLOR recalled.

(The Court): You said something in your examination, Mr. Taylor, that was not followed up, I want to ask you one or two

questions: When you washed the hands of the deceased, the body and hands, I would like you to describe the hands and say what you found, if anything, on the hands?

A. The hands were pretty dirty from the autopsy.

(The Court): That is what I want you to explain?

A. In holding an autopsy of course that is some blood and fluid that comes from the body and by laying on the morgue table I suppose, probably this blood and water had gotten on the hands and had stained them and that is what I mean when I washed the hands to take that fluid and blood and stuff off.

(The Court): That is all I want to know.

(Examination concluded.)

(Mr. Hartman): We will have to wait for the undertaker.

(Note): Trial suspended until the arrival of the undertaker from Washington.

WILLIAM H. SARDO, a witness of lawful age called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where do you live? A. Washington, D. C.

Q. What is your business? A. Undertaking business.

Q. When did you receive the body of Mrs. Lottie May Brandon? A. I think I have it right here (reaching in pocket for a paper): on August 8, 1917, I think that was on Thursday, I believe Wednesday or Thursday, August 8th.

Q. What day of the week did you receive the body? A. That was Thursday evening I believe between six and seven.

Q. Where did you get the body? A. From the W., B. & A. Station, the White House Station, 15th and H.

Q. How did you know the body would be there? A. I had a telephone from Mr. Brandon to meet the remains at the White House Station, 15th and H streets.

Q. Where did you take the body when you received it? A. I took her remains to my establishment, my assistant and myself.

Q. How long did it stay there? A. It stayed at my establishment from Thursday until Saturday; Mrs. Brandon's mother was very nervous and we didn't take the remains home until half an hour before the funeral services.

Q. Stayed in your establishment? A. Right in my chapel.

Q. Who had access to the body during that time? A. Myself.

Q. In your absence was your chapel locked up? A. Yes.

(Mr. Grason): He didn't say anything about a chapel, he said establishment.

(Mr. Green): He did.

(Mr. Grason): What did he say?

(Note): Stenographer reads the previous question and answer as follows: "Q. Stayed in your establishment? A. Right in my chapel."

Q. Where is your dwelling? A. We live right over the establishment.

Q. What did you do to the body? A. When we got the remains I presume Mr. Taylor at Annapolis didn't have time, was quite busy at the time——

(Objected to.)

Q. What did I do?

Q. Yes? A. I can tell you that we got the remains and they didn't suit me and we washed her face with chemical and put some cosmetics on to make her look better than she did and redress her and put her back in the casket.

Q. Did you notice her nails or hands? A. No, sir; because when we got Mrs. Brandon the hands were in this position (indicating).

(Mr. Brady): That position (indicating)?

(Witness): No, sir; did I say that position?

(Objected to.)

(Witness): Her hands were not that way, I didn't say that way; I know what I am speaking about; they were in this position (indicating); not this position where her fingers were out; I said Mrs. Brandon's fingers were turned in that way.

Q. (Mr. Green): Her fingers turned in that way? A. Yes, sir; just in her natural position; you don't put your hands out like that.

Q. Did you notice her fingernails? A. No, sir.

Q. Did you touch them? A. No, sir; if I had gotten the remains first——

(Objected to.)

Q. You didn't notice her fingernails and didn't touch them? A. No, sir.

Q. You say you carried the body to the house half an hour before the funeral? A. Yes, sir.

Q. Who went with you? A. My two assistants and myself.

Q. Were you there all the time? A. Yes, sir.

Q. Did anybody have access to that body, without your knowledge, in your establishment? A. No, sir.

Q. Were you present at the house all the time? A. Yes, sir; about five minutes before the services the minister arrived, five minutes after the hearse arrived at the house.

Q. Where was the body buried? A. Glenwood.

Q. Did you take the body up again? A. We buried her on Saturday; exhumed her on Tuesday about 2.30, and carried her to my establishment. She laid in the chapel until Tuesday night, where we were going to have the autopsy, and the Coroner notified me, and said going to have the autopsy at the Emergency Hospital, and my two assistants and myself put Mrs. Brandon's remains in my hearse and carried the body to the Emergency Hospital, where the autopsy was performed, and immediately after the autopsy returned the remains to my chapel where she laid in my chapel until Tuesday, when we buried her; at least we buried her on Wednesday.

Q. When you took the remains up on the following Tuesday in the afternoon, was the body in the same condition as when you buried it? A. Yes, sir.

#### CROSS-EXAMINATION.

(Mr. Brady): You say when you saw the body the first time you were not satisfied with it, and that you washed the face, and I supposed you tried to make it look neat and nice in appearance; was that the idea? A. Yes. I said I washed the face with chemicals and cosmetics and redressed her.

Q. Why did you do that? A. To make her more presentable.

Q. Any other place? A. No, sir.

Q. Washed her no other place? A. No, sir.

Q. Now, Mr. Sardo, do you mean to tell me, the only place you put those cosmetics were on the face? A. That is what I said.

Q. Why did you put them on her face? A. To make her look better than when I received her.

Q. How did she look? A. She didn't look very good.

Q. Why? A. Because I said, Mr. Taylor, I presume——

Q. (Interrupting): Say what you did? A. I said this, Mr. Taylor did not have time enough——

(Objected to.)

(Witness): I said the face didn't look presentable enough, and to my knowledge I knew I could make her look better for Mr. Brandon to look at.

Q. What was the appearance of her face—— A. Well, because I didn't think it looked the way I wanted it to look, and I washed her face with chemicals and put cosmetics on, like I would want to make anybody of yours to look and want them to look good.

Q. See any mark on her face? A. The mark we saw was on the forehead.

Q. Put anything on that? A. No, sir.

Q. Never touched that? A. No, sir; just put the chemicals and cosmetics all over the face.

Q. Where was that mark on the forehead? A. I don't know whether right or left now; right up here (indicating), right alongside (indicating); I presume the size of a quarter.

(Mr. Brady): Where are those photographs?

(Photographs handed Mr. Brady.)

(Witness): The photographs were taken in my establishment and were pictures of the throat.

Q. Does that photograph show the wound on her forehead? A. I presume it was up here somewhere (indicating).

Q. Does it show there? A. It shows these black marks; here right up on her forehead.

Q. Are you sure that is the mark of the wound? A. I presume it is.

Q. Are you an undertaker? A. Sure; I hope so.

Q. Does that look like a wound? A. I said the marks were here; on the temple here.

Q. Does that photograph show it? A. I suppose it does.

Q. Will you show it to me? A. I presume that is what it is (indicating), that mark there is the same as that black mark here.

Q. Is that black mark not here? A. It was, because the cosmetics didn't touch it.

Q. You say they didn't disturb it? A. It didn't disturb it; the hardening compound that had been placed in her kept it that way.

Q. You said you didn't disturb it? A. I said I put cosmetics all over the face.

Q. Not on the throat? A. I didn't have to.

Q. Why not? A. Because the throat was dressed up and those marks (indicating) were the marks you saw when you took the clothes off.

Q. Were they as prominent as that? A. Just as those on her throat were.

Q. Now, show the jury where that mark is that you see on that photograph? A. Right there (indicating) these marks on her throat where she was strangled, she had on a high neck dress, we didn't touch those marks, but we put the cosmetics all over the face, this hole here I suppose showed up, this hole we didn't have to take that out.

Q. Does that represent the hole or mark? A. I presume it was.

Q. It was a very small one? A. It was the size of a quarter.



Q. Size of a quarter? A. Yes.

Q. What was the size of this one? A. I didn't measure to find out what the size was.

Q. You say this was the size of a quarter? A. Yes.

Q. Now, in proportion—— A. (Interrupting): They were big prints, some big man's hands.

Q. You say that? A. I say it was and I mean it.

Q. What right have you to say that?

(Objected to.)

Q. When was that photograph taken?

(Objected to.)

Q. I could not tell the exact time it was taken?

(Mr. Grason): He said he was there.

(Witness): I was there whenever Mr. Stansberg (?) took that photograph. I could not really tell the exact time, it was taken in the evening, I could not say the exact date.

(The Court): He was not examined about the photographs.

(Mr. Brady): I want to know whether the day of the receipt of the body or after the autopsy?

(Objected to.)

(The Court): If he knows, let him answer.

Q. Do you know when that was taken?

(Mr. Green): I understood the witness to say he didn't know the day.

(Witness): I don't know the date.

Q. Was it after the autopsy or before? A. That was—I could not tell, because my wife was very low at the time, I

could not exactly tell you, my mind was concentrated on my dear wife, I could not tell you.

Q. I am speaking was it taken in your establishment? A. In my morgue.

Q. After you brought it from the Emergency Hospital? A. I could not tell whether it was or not, I could not exactly tell you that, let me see—I don't know whether that was taken after we exhumed her or not, but I was there when it was taken.

Q. Was it taken after the funeral? A. Really I could not tell you that, I can't tell that.

Q. You can't tell me that? A. No, I can't tell you that part at all.

Q. Who had access to your chapel in your establishment where this body was laying? A. Nobody has access to my chapel but myself and my assistants.

Q. Your assistants have access to it? A. I said myself and my assistants, but I was there the whole time while Mrs. Brandon's remains were in my place because Mr. Brandon was a personal friend of mine.

Q. You were there from Thursday, the time you received the body until you buried it? A. Yes, from Thursday until Saturday morning.

Q. Didn't you have some funerals during that time? A. I had funerals, but my assistants went to the funeral.

Q. You stayed and remained with the body? A. Yes.

Q. From that time on? A. Yes.

Q. Night and day? A. Yes; I live right there.

Q. Do you live in the chapel? A. I live in my office.

Q. Is your office in the chapel? A. My office is in front of my chapel.

Q. The reason why you paid so much attention to that body was because Mrs. Brandon was a friend of yours? A. A personal friend of mine.

Q. A personal friend of yours? A. Yes.

Q. Who was talking to you, how long were you downstairs after you reached the Court House? A. I was talking to no one, I met Mr. Green at the door and coming upstairs and some gentlemen came after us.

Q. You met Mr. Green? A. He was coming upstairs, he was looking for me and just came in and walked upstairs.

Q. Had no talk? A. No, sir; I never saw him before.

Q. Have any talk with anybody? A. No, sir; I never saw the gentleman before.

Q. Have you talked with any one? A. No, sir.

Q. Have you talked with any one over in Washington before before you came over? A. No, sir; I don't talk about my business.

(Objected to; objection sustained.)

Q. These cosmetics, did they have a tendency of covering up any little marks that may have been on the face? A. The only mark we covered up was the one on the forehead or the temple, so that it would not look so bad for the ones that cared for the lady to see, the dress covered up the marks on her neck, didn't have to cover those, tried to make the remains look presentable.

Q. That mark on the cheek there, why didn't you cover that up with your cosmetics? A. That mark is right here (indicating).

Q. Which one? A. This mark here is about in here (indicating).

Q. Come over and show the jury? A. They can see without me, can't they?

Q. No. A. This is the mark, do you see this mark here (indicating) when you lean your head over that draws the skin down and you put your head that way (indicating) that will come like that (indicating).

Q. That was not covered up by the ruffles (indicating)? A. No, sir; it didn't look bad it was not a big hole, it looked like some person's big hand, that is what it was.

Q. That was a scar (indicating) right at the mouth? A. No, I presume that is a shadow, look at that, don't you see shadows?

Q. Yes, I often see shadows. A. Well, they are shadows, just as you see down here and here (indicating) and all over the pictures, maybe the negative was not so clean, had specks on it, you have seen moving pictures sometimes that look like it is raining, and know what that is?

Q. Yes. A. What is it that makes a Moving Picture look like it is raining?

Q. You say the negative may be a little dirty? A. Yes, that is the same in a moving picture.

Q. That is not a good picture of Mrs. Brandon? A. Yes, that is a fine picture.

Q. That don't show the scars? A. Yes that show the scars, but you speak of this that it might have been a shadow, but these on the neck are right there.

Q. That picture shows rather little mouth marks there on her face? A. Oh, no; it don't show any mouth marks.

Q. That one on the mouth there? A. No. I said that was a shadow.

(Mr. Green): I understand the State objects to this testimony.

(The Court): Let it go in; it has gone this far.

Q. (Mr. Brady): Come over here again (before the jury). This is the mark I had reference to, right at the mouth? A. You said right there?

Q. Yes. A. You can tell how this picture was taken. Here is a mark in here; that may have been a bad streak in the negative, dirt or something on it, but all this are handprints, great big hand, at that, and a great big hand at that.

Q. You are as positive of that being a handmark? A. You bet. You would not have liked to have those marks on your face.

Q. You are positive that those marks having been produced by a large hand as you are in the other part of your testimony regarding the condition of that body when you first saw it? A. I said they were large handprints.

Q. Are you as positive of that; that they are large handprints, as you are in regard to the other testimony? A. Just as large a hand as you see there.

(Question repeated.)

(Witness): What other testimony do you mean?

(The Court): The testimony you have given.

A. I mean to say that those handmarks, those marks on her neck, on Mrs. Brandon's neck, were made by a person with a pretty good size hand.

(The Court): No. His question is, are you as sure of that as everything else you have said?

A. Yes, sir.

(Examination concluded.)

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MRS. GRACE SARLES, a witness of lawful age called on behalf of the State, after having been duly sworn, testified as follows:

## DIRECT EXAMINATION.

Q. (Mr. Green): Where do you live? A. 23 Second street.

Q. Annapolis? A. Yes.

Q. Did you know Mrs. Brandon? A. Yes.

Q. And Mr. Brandon? A. Yes.

Q. How far was your home from their home? A. Their little home was three doors from me.

Q. On the same side of the street? A. On the same side.

Q. Did you hear any trouble in the Brandon home on the afternoon of the 8th of August last? A. No; not until Mr. Brandon came for me.

Q. That is what I am trying to reach. What time did he come to your house for you? A. Well, I judge it was about quarter of 5 or 5.

Q. Between quarter of 5 and 5? A. Between quarter of 5 and 5.

Q. In response to whatever he said to you, where did you go? A. Well, when Mr. Brandon came to my home I sent my niece to the door, as I was fitting a dress for myself, and he told her to tell me to come——

(Objected to.)

Q. Don't tell what he told you; what did you do in response to what he said? A. I went to the house.

Q. Went to the Brandon home? A. Yes.

Q. Who was there when you got there? A. Mrs. Burch was standing on the porch and Mrs. Carroll was on the pavement.

Q. Then did you go into the house? A. Yes.

Q. Did you see Mrs. Brandon, or the body there? A. Yes.

Q. Where was that? A. She was lying on the bed.

Q. Can you describe what you saw there? A. Yes.

Q. Please tell the Court and jury what you saw? A. She was lying on the bed with her hands thrown up; her dress was above the knee and one foot crossed over the other, and one stocking on and the other was across her instep, with the top to the floor.

Q. Hanging on her toe? A. Hanging on her toe to the floor.

Q. Did you notice anything about the bed or on the bed?  
A. No; only the blood.

Q. Where was that? A. That was under her forehead.

Q. Did you notice blood anywhere else? A. No.

Q. How was that blood in shape; how was the stain of the blood stain? A. It looked like a round spot of blood on her forehead and dripped down.

Q. Could you see where it came from? A. From what I could see it looked as though a wound over her forehead, and that had dropped from there on to the bed.

Q. What was her position in the bed in reference to the body laying on the back or on the side? A. No; on the side. She was lying on the left side.

Q. Did you stay there until the doctor came? A. I did.

Q. Who else? You have stated that Mrs. Burch and the colored woman were there? A. When I arrived.

Q. You all went in together, did you? A. Well, I went in first and then Mrs. Burch and Mrs. Carroll came in right after me.

Q. Mrs. Brandon was on the bed, did you speak to her? A. Yes.

Q. Did she answer you? A. No.

Q. Why? A. Because she was dead.

Q. Did you notice anything about the body, any marks on her body are where? A. No, I did not; only the mark here (indicating) on face.

Q. Did you observe—did you look for other marks? A. I looked over her when I went in, not thinking she was dead, and I saw the froth from her mouth and knew of course she was dead.

Q. You knew she was dead then? A. Yes.

Q. Why did you know she was dead? A. I placed my hand on her hip and she was cold.

Q. She was cold? A. Yes.

Q. When the doctor came did you notice anything about the body after he came? A. I noticed her hair being pulled down around her throat and the doctor asking for water and I got the water and gave him, I got the water, Mrs. Burch and I went out and got the water, he asked for warm water and could not get the gas to burn and got the cold water and took the cold water to him.

Q. When the doctor moved the hair from the neck, did you notice anything? A. No.

Q. You didn't observe? A. No.

#### CROSS-EXAMINATION.

Q. Did you see her that day? A. No.

Q. Had you been on your front porch that morning? A. I washed the porch off.

Q. What time? A. I didn't pay any attention to the time but I judge it was somewhere about ten o'clock.

Q. How long did it take you to wipe that porch, about? A. I guess about ten minutes.



Q. Had you been in the habit of seeing her in the morning?  
A. Well, I am not out front very much of a morning.

Q. Speaking about the mark on her forehead, you say about there (indicating)? A. Over the eye from what I saw, it looked to be over the eye.

Q. How was she dressed when you saw her? A. She was dressed in a jumper waist with a faded blue stripe in it and had on a white skirt and her skirt was above her knees.

Q. The flesh exposed, I suppose? A. Yes.

Q. I heard you say the stockings were off? A. One stocking on and other off.

Q. How was the sleeve of that jumper? A. I didn't notice that.

Q. You say the only part of the body that you touched was the hip? A. That is all.

Q. Did you touch the naked flesh? A. No.

Q. Then it was through the clothes you felt her? A. Yes.

Q. And you felt her cold? A. Felt her cold.

Q. You don't know whether the sleeves were up or not? A. No, I didn't notice.

Q. Why didn't you feel her pulse? A. Because I didn't think it was my duty.

Q. But you felt it was your duty to feel her hip? A. I felt when I went in—I felt it my place. Mr. Brandon came for me, I felt it my place to do what I could for her and when I went in I placed my hand on her hip.

Q. You noticed no mark on the body whatever? A. I did not.

Q. You say you looked for them? A. No, I did not.

Q. I thought you said you did? A. No, I only noticed the place on her forehead.

Q. Did you look at her leg? A. I could not help seeing that.

Q. See no marks there? A. No, I didn't notice any there.

Q. How long were you in the house with Mrs. Burch and Ella Carroll? A. I judge it was a little after six that I left. Mr. Green was there when I left.

Q. You say when Mr. Brandon came to tell you then of this, that it was quarter of five or five o'clock? A. Yes.

Q. Did you go back to the house that night? A. Back to Mrs. Brandon's?

Q. Yes? A. No.

Q. That is all you did? A. That is all I did.

Q. The froth on the mouth that you spoke of, was there very much froth there? A. Well, I just can't say, of course it was out of the mouth, it was enough to know she was dead.

Q. You say the doctor called for water? A. Yes.

Q. What did he do with that water? A. He bathed the forehead.

Q. Bathe any other part of the body? A. I noticed him bathing the throat when he pulled the hair back, the hair was around the throat.

Q. Did he bathe the face? A. I didn't notice, I only noticed him bathing the throat.

Q. That was when you saw the wound on her forehead? A. No when I walked around the foot of the bed.

Q. After he had washed the forehead you saw it? A. No, I didn't notice it after he washed the forehead.

Q. Did he wash the mouth? A. I didn't notice that.

Q. Was there any other blood spots on that bed? A. I didn't notice any.

Q. You could see, could you not? A. I didn't see any.

Q. What was the color of the bed clothing? A. Had a sheet on the bed, white sheet.

Q. Any other on the bed, anything else on the bed? A. I didn't notice any more.

Q. Was the bed disturbed? A. I didn't notice it being disturbed.

Q. Was not rumpled in any way? A. No.

(Examination concluded.)

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DOCTOR JOHN F. LITZ, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where are you stationed now? A. Fort McHenry, Maryland.

Q. Where were you on August last, the 9th or 10th day of last August? A. University of Maryland Hospital, Greene and Lombard streets.

Q. What were you doing? A. Resident physician, doing laboratory work.

Q. How long had you been doing that work? A. Two and a half years.

Q. In what line did that work lead your investigation? A. Well, solely bacteriological work and examination of slides and smears and experiments for the hospital.

Q. Did your work lead you into post mortem work, too? A. Yes.

Q. Much of that? A. I assisted, too, at all the autopsies that occurred, that we had at the University Hospital.

Q. What are you doing now, you were then at the University of Maryland, what is your line of duty now? A. Stationed at Fort Myer, now doing general work.

Q. Did you take a special course? A. Yes, I did.

Q. Whereabouts? A. Rockefeller Institute, New York.

(Mr. Green): We think we have qualified the Doctor as an expert.

(The Court): Any objection?

(Mr. Brady): I don't know whether he has gone far enough to say he had had much experience in the examination of the subject in question here.

(The Court): He was resident pathologist there and did that work for two and a half years.

(Mr. Brady): Has he had experience in the examination of semen?

(Witness): I have.

Q. (By Mr. Green): Did Doctor Hopkins deliver to you the specimens about August 9th? A. Yes.

Q. On or thereabouts I understood. Did you examine them? A. I did.

Q. What was the result of your examination? A. Why, I found a number of spermatozo.

Q. What did that indicate? A. That indicated that there was a portion of semen on the slide.

Q. The specimen that Doctor Hopkins delivered to you, could have gotten a specimen of that kind from a discharge of

semen that had been on the body from ten o'clock on Tuesday night until twelve o'clock on Wednesday night?

(Objected to.)

(Objection overruled.)

(Question repeated.)

A. No, sir; I don't think so.

Q. Why, Doctor why do you say you don't think so? A. Well, semen would not remain in the moistened condition for that length of time and spermatazo that I have referred to would have undergone degenerated changes in that time, so it would have been beyond recognition.

#### CROSS-EXAMINATION.

Q. In what time, you said in that time, what time? A. The time he referred to.

Q. What was that? A. From about ten o'clock on Tuesday night until about eleven or twelve o'clock on the following night, Wednesday night.

Q. It was two days old, was it? A. I don't know how old it was.

Q. Did you say Wednesday night? A. That is what I understood Mr. Green to say.

Q. I thought you didn't see those specimens until the morning of the 11th? A. I didn't say when I saw them.

Q. When did you see them? A. He asked me on or about the 9th and I said on or thereabouts, I don't know what date it was.

Q. 9th of what? A. Of August.

Q. Then you saw these specimens? A. About what time?

Q. I think you are a little mistaken about that, at what time of day was it? A. I don't recall the time of day, I think it

was in the morning, I believe about eleven o'clock, I am not sure about that.

Q. Did you immediately make the experiment of examination? A. Yes; just as soon as Doctor Hopkins asked me I stained the slides and looked at them immediately.

Q. How long do spermatozo live? A. How long will they live?

Q. Yes. A. Where?

Q. On the body; just where you say they were taken from; on the parts of the limb? A. They would live if the semen dries; they only live an hour or so.

Q. You say they were moist when brought to you? A. No, sir; I did not.

Q. Was it dry? A. It was on the slide dry.

Q. How do you say it only lives for an hour or so if dry, and how can you account for it that it was living at the time? A. I didn't say it was living.

Q. It was not living? A. No, sir.

Q. It was dead? A. Yes, sir.

Q. Now, Doctor, now tell me how long it will generally live on the parts of a woman, in the vagina? A. Do you mean externally or internally?

Q. Internally? A. Not more than four to six hours.

Q. Not more than four to six hours? A. No, sir.

Q. If that be the case, suppose it was said here by Mr. Brandon that on the night of the 7th, between 10 and 11 o'clock, that he had marital relations with his wife; supposing that the semen remained, she going to sleep, remained on the inside now the next day; you know her condition, that she was very heavy with child, seven months? A. I heard the testimony here.

Q. Is there not a secretion that comes from a woman in that condition generally? A. Yes.

Q. Could this secretion have been mixed with the semen and flown to the parts of the woman and remained there? A. Yes, they could; but the semen that has been deposited there the night before you referred to?

Q. Yes. A. The spermatozo would have been killed by the acid in the vagina secretion.

Q. When you say it was killed—— A. Yes; not only by the said acid secretion of the vagina, but in a normal condition it would have been killed; degenerated in the spermatozo so that probably you would not have been able to recognize it.

Q. Do you know when it degenerated? A. No; he would tell you.

Q. It was dead? A. Dead when I saw it.

Q. I understood you to say that the secretion that naturally flows from a woman in the condition that it was stated Mrs. Brandon was in, it could have been brought forth and mixed, and be in the condition it was when Dr. Hopkins found it; is that right? A. I would not think so.

Q. Why not? From what you said I thought you did think so. A. He said this material, as I understood him, was not on the vulva, but between the legs.

Q. It was in the hair, I think, and the legs. A. Probably would not have been in that position. Where did he obtain the smears?

(Mr. Green): Mr. Stenographer, refer back to Dr. Hopkins' testimony.

(Note.—Stenographer reads from Dr. Hopkins' testimony, as follows: "While the woman was lying in the bed I noticed mucous secretion between the legs right near the vulva and on the hairs \* \* \* Of this mucous secretion between the legs I took two specimens which I kept until the next morning, when I went to Baltimore and took them to the University Hospital

to Dr. Litz, turned them over to Dr. Litz, and asked him to stain them, which he did in my presence, and after the examination they were returned to me and I took them back to Annapolis and turned them over to the State's Attorney."

Q. A woman in the stage of pregnancy that Mrs. Brandon was described as being in, having intercourse with her husband the night before at 10 o'clock, between 10 and 11, and she having slept the entire night and the next morning had gotten up, could not part of the semen discharge remaining on the interior, as I understood you to say, with the secretion that comes naturally from a woman in that state; could that not have been the same semen of the night of the 7th?

(Objected to.)

(Mr. Green): These specimens were not taken until 12 o'clock on the night of the succeeding day.

(The Court): That is true.

Q. I will ask you if that secretion could not have contained the spermatozo? A. Not for that length of time.

Q. Not for that length of time? A. In my opinion.

Q. Had there been any there and flown out, where do you think it would have gone unless the lady had cleansed herself?  
A. I don't know what you mean.

Q. Suppose that the lady had not cleansed herself that day, and this spermatozo had come out on this secretion and remained where the doctor found it; that is what I asked for; where do you think that would have gone? A. That is only a conjecture; I can't say.

Q. It could have come out and could have been found on the body? A. It could have been washed out mechanically.

Q. Could it not come out naturally with the secretion which I say flows frequently from a woman in that condition? A. It may have.

Q. Then the secretion that Dr. Hopkins, from what you saw brought to you, the specimen, could have been the semen of the



night before, from what you say? A. It is possible, but not probable.

### REDIRECT EXAMINATION.

Q. You mean to say that it would have been alive that long?

(Mr. Brady): It was not alive when he saw it.

(Mr. Green): There would not have been any other change in it, any indication of the life in it; would there have been any change in the form so you would not have been able to recognize it at that time? A. Yes.

### RECROSS EXAMINATION.

Q. Dead? A. When I saw it.

Q. Had a thing died there could have been a change taken place? A. The change may have taken place before it died.

Q. It may have died that morning, would you say four hours afterwards—what may have died, you don't say, Doctor, that any change could have taken place if it was dead? A. No, sir; I didn't say that, I said the change had taken place before it died.

Q. But you say it would die within four hours? A. Four to six hours.

Q. Then I say no change could take place if it were dead, am I right? A. I could not answer that question.

Q. You can't answer that question? A. No.

Q. But you won't say and you say it is possible it could have been the semen of the night before, you do say that? A. I did say that.

### RE-RE-DIRECT EXAMINATION.

Q. I understand you said that if it had flown out and had been the semen of the night before mixed with this secretion

that the form of the life of the semen would have been so changed that it would not have been recognized? A. That is what I said.

#### RE-RE-CROSS EXAMINATION.

Q. As I understood you to say, Doctor, that this spermatozo would die four hours afterwards, is that right? A. Four to six hours.

Q. Then I asked you further if it had died four to six hours, being the semen of Mr. Brandon and having laid there in a bed all night long sleeping and then have flown out with the other secretion, could have that not have been the same specimen or specimens of the same that Doctor Hopkins brought you, and you said possibly, didn't you? A. I did.

#### RE-DIRECT EXAMINATION.

Q. Would the secretion from the vagina have had any cells in it that you could have seen? A. Yes.

Q. Were there any other cells in this specimen? A. The only other cells that I examined were the epithelia cells from the vagina.

Q. No pus cells there? A. A few but not many.

(Examination concluded.)

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LEROY SISCO (colored), a witness called by the State, after having been examined by the Court, was duly sworn, and says as follows:

(The Court): How old are you?

A. 11 years old.

(Note.—Court examined the witness in private.)

(The Court): I think he is competent. He says if he tells a lie you will catch him in it and lock him up.

(Mr. Green) : He knows, he has been a delivery boy there at that store.

Q. LeRoy, who do you work for? A. Mr. Stromyer.

Q. What does he keep? A. Sir?

Q. What does he sell? A. (No answer.)

Q. Has he got a store? A. Yes, sir.

Q. What does he sell in that store? A. He sells groceries.

Q. What do you do there? A. I carry little orders.

Q. You carry out orders for him? A. Yes, sir.

Q. Do you remember this day they found this woman dead up in her house on Second street? A. Yes, sir.

Q. Did you go up Second street that day? A. Yes, sir.

Q. Where did you go? A. I went to Mrs. Lee's house.

Q. Mrs. Lee's house? A. Yes, sir.

Q. What did you take down there? A. Bag of flour.

Q. Who sent you? A. Mr. Smith.

Q. Mr. Smith sent you? A. Yes, sir.

Q. What time of the day was it, do you know? A. Between eleven and twelve o'clock.

Q. Did you see or hear anything on Second street? A. Yes, sir; I heard a little noise.

Q. What house was it in? A. The last house down by the preacher's house.

Q. What preacher? A. Preacher Williams.

Q. On the side next to West street or out to Murray Hill?  
A. Out to Murray Hill.

- Q. Preacher Williams you mean? A. Yes, sir.
- Q. Which house was the noise in? A. The last house down on this side.
- Q. On this side? A. Yes, sir.
- Q. You heard a noise there? A. Yes, sir; a little noise.
- Q. Did you see anything? A. Yes, sir; I saw a lady's arm start to come out the door and somebody pulled her back and shut the door.
- Q. How wide was the door opened? A. It was about that wide (indicating about 4 inches).
- Q. Her arm came out? A. Yes, sir; just like that (indicating).
- Q. And somebody grabbed her and pushed her back? A. Yes, sir; and shut the door.
- Q. Did you tell anybody about it when you got back to the store? A. Yes, sir; I told Mr. Smith.
- Q. Did you stop or keep on when you heard the noise? A. I just stopped?
- Q. You stopped? A. Yes, sir.
- Q. And then went on? A. When the door shut to, I went on.
- Q. When the door shut to you went on? A. Yes, sir.

## CROSS-EXAMINATION.

- Q. Did you see her hand? A. No, sir.
- Q. Didn't see the hand? A. No, sir; just saw the elbow.
- Q. How wide was the door open? A. That door was that wide open (indicating). About that wide (indicating).
- Q. About that wide? A. Yes, sir.

Q. And you saw an elbow come out? A. Yes, sir.

Q. Could you see inside, where were you standing? A. I was standing right by the door.

Q. On the porch? A. No, sir.

Q. On the pavement? A. Yes, sir.

Q. Right in front of the door? A. Yes, sir.

Q. Could you see inside the house? A. I could not see much in there.

Q. Could not see much in there? A. No, sir.

Q. Could you see anything in there? A. No, sir; I didn't see nothing in there.

Q. You could not see anything in there? A. No, sir; I could not.

Q. But all you saw was that arm went in there, the elbow went in there? A. Yes, sir.

Q. That is all you saw? A. Yes, sir.

Q. Saw the elbow and then saw it go in? A. Yes, sir.

Q. You didn't see anything else? A. No, sir.

Q. How old are you? A. 11 years old.

Q. Were you going or coming from Mr. Lee's? A. I was going down there.

Q. You were going down there? A. Yes, sir.

Q. Where does Mr. Lee live? A. He lives down there next to that baker shop that was down there.

Q. The baker shop that was down there? A. Yes, sir.

Q. Next to the baker shop that was down there? A. Yes, sir.

Q. What time did you get back to the store, do you recall?  
A. No, sir; I don't know what time I got back.

Q. What? A. No, sir.

Q. You don't know what time you got back to the store? A.  
No, sir.

Q. Was it twelve o'clock when you got back to the store?  
A. I think it was.

Q. You think it was? A. Yes, sir.

Q. LeRoy—— A. Sir?

Q. Do you know how long this has been? A. No, sir; I  
don't.

Q. You don't know how long it has been? A. No, sir.

Q. You know whether it was a summer time, or in July that  
you speak of, or June, do you know that? A. No, sir.

Q. Do you know that it was last August, you don't know  
that do you? A. No, sir.

Q. All you do know is what you saw there? A. Yes, sir.

Q. Now, LeRoy, who has been talking to you since that time  
about this? A. Mr. Lee.

Q. Which Mr. Lee? A. Sheriff Lee.

Q. How often has he talked to you about this? A. I don't  
know.

Q. How many times has he talked to you lately about it, do  
you know? A. No, sir.

Q. What? A. No, sir.

Q. When was the last time he talked to you, tell me just  
about when it was Mr. Lee talked to you about it, if you can  
recall, this week, did Mr. Lee say something to you this week  
about it? A. Yes, sir.

Q. What did Mr. Lee say to you, did he tell you just what you have said? A. Yes, sir.

Q. He told you just what you have said? A. Yes, sir.

Q. Did he tell you to tell that on the stand, when you got on the stand? A. Yes, sir.

Q. He told you to tell that when you got on the stand? A. Yes.

Q. Did he talk to you last week about it? A. I think he did.

Q. He has talked to you several times about it? A. Yes sir.

Q. A number of times about it, anybody else talk to you about it? A. No, sir.

Q. Nobody but Mr. Lee, the Sheriff? A. No, sir.

Q. And as I understand you to say, he told you this week to say just what you have said he told you? A. Yes, sir.

#### RE-DIRECT EXAMINATION.

Q. What you have said is what you saw and heard? A. Yes, sir.

(Examination concluded.)

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MISS HELEN LEWIS, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): Where were you employed last August?  
A. At Mr. Frank Strohmeier's.

Q. In Annapolis? A. Annapolis, Maryland.

Q. You remember the day, the 8th of August, when Mrs. Brandon was found dead in her home on Second street? A. Yes, sir.

Q. You know this little boy LeRoy Sisco? A. Yes, sir.

Q. Where was he working? A. At Mt. Strohmeier's.

Q. Do you know whether he was sent that day between eleven and twelve o'clock? A. To Mr. J. A. Lee's house with a bag of flour.

Q. Where does Mr. Lee live? A. 51 Second street.

Q. Is that down towards Murray's Hill, past 29 Second street? A. Yes, sir.

Q. Do you know about what time it was? A. Between eleven and twelve o'clock.

Q. Nearer twelve or nearer eleven? A. I could not say, I think it was nearer eleven o'clock.

Q. Do you know the occasion for sending, you started him out? A. Yes, sir; I live at Mrs. Lee's and she told me to send a bag of flour that morning for hot biscuits and I had nearly finished my morning work and forgot it and I jumped up real quickly and went to Mr. Smith and told him to send somebody around to the house with a bag of flour, that Mrs. Lee wanted hot biscuits and when I got to the house, I said where is the hot biscuits and Mrs. Lee said the flour came too late for them.

Q. Too late for hot biscuits? A. Yes, sir.

Q. Were you there when the boy came back? A. I don't know.

Q. What time did you leave to go home to dinner? A. Twelve o'clock.

Q. You don't recall whether you went after he got back? A. No, I don't recall that?

(No cross-examination.)

(Examination concluded.)



WILLIAM A SMITH, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (By Mr. Green): Mr. Smith, where were you employed last August? A. F. Strohberg's, 56 First street Annapolis.

Q. Do you recall the 8th of August, the day Mrs. Brandon was found dead in her home? A. Yes, sir.

Q. Do you know this little boy, LeRoy Sisco? A. Yes, he takes small orders around for us.

Q. Was he sent out that day? A. Sent out that morning.

Q. Do you remember what time? A. Between half past eleven and twelve.

Q. Where to? A. 51 Second street.

Q. Were you there when he came back? A. Yes, sir.

Q. Did he tell you what he heard and saw on Second street when he came back? A. Yes, sir; fifteen minutes after he got in the store.

CROSS-EXAMINATION.

(Mr. Brady): You say he was sent out between half past eleven and twelve? A. I did.

Q. How long did it take LeRoy to walk from your place? A. He was not crippled then.

Q. He was not crippled then? A. No, sir.

Q. What size of bag of flour did he have? A. Twelve pounds.

Q. How long would it take him, do you think? A. Not over ten minutes anyhow and he could play on his way a little bit.

Q. Would not take him over ten minutes to go that far?  
A. No.

Q. Now, as a matter of fact, just before the Brandon case was to be called in the City of Annapolis last October, you recall of me having come to you and asked you a question as to the time about when LeRoy was sent up the street that day?  
A. I do. What did I tell you that afternoon?

Q. Did you tell me it was in the afternoon sometime? A. I did until I asked Miss Lewis, the bookkeeper.

Q. You told me it was in the afternoon sometime? A. I did.

Q. That was about a month or two months afterwards? A. I don't know exactly how long, I could not tell you, didn't I tell you the next day when you came up there you came up there the next day, and I said, Mr. Brady, I was mistaken on that.

Q. That is the idea? A. I am on my oath.

Q. But you did tell him? A. I said I did.

Q. You said to me about two months at the trial—— A. It may have been the next week.

Q. It was sometime in October or November? A. I can't recall the day it was called.

Q. In the City of Annapolis? A. Yes.

Q. And you did tell me that LeRoy went up there in the afternoon? A. I told you better the next time when I saw you, the next day, no longer than the next day, either.

Q. Therefore I didn't summons you, did I? A. I don't know whether you summoned me or no, I don't know anything about it.

Q. You do admit you said that? A. I do; yes, sir. When you send out 35 or 40 orders in the morning——

(Mr. Brady): That is all.

(Examination concluded.)

(Adjourned until tomorrow morning.)

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MRS. FLORENCE BAKER, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (By Mr. Green): Where do you live? A. I live 19 Second street.

Q. 19 Second street? A. Yes.

Q. You recall this day when Mrs. Brandon's body was found dead in her home? A. I was told that she was killed on the 8th of August.

Q. You remember the day, the time? A. Yes, I remember.

Q. Do you know John Snowden? A. Yes I know him when I see him.

Q. Did you see him on Second street about twelve o'clock or any time that day? A. No, sir; I was not out.

Q. Did you say to him that day, why he was not at work? A. No, sir.

Q. Did you say, you people have to work pretty hard down there? A. No, sir.

Q. Where were you at that time? A. I was in my kitchen, preparing dinner for my brother, as we have dinner at twelve.

Q. You didn't see him at all that day? A. No, sir.

## CROSS-EXAMINATION.

Q. How far is it from your home on West street? A. I can't tell you that, I live 19 Second street and between the two houses, Mrs. Small, used to be Mrs. Myers, and then some garage where they keep automobiles and Mr. Martin's bar and you can consider how far I live on Second street.

Q. Not more than 100 yards? A. I would not say, I don't know.

(Examination concluded.)

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WILLIAM H. SPENCE, a witness of lawful age, called on behalf of the State after having been duly sworn, testified as follows:

## DIRECT EXAMINATION.

Q. (By Mr. Green): Where do you live? A. Acton lane.

Q. What number? A. 54.

Q. You know John Snowden? A. Yes, sir.

Q. Did you see him on Wednesday, the day Mrs. Brandon was found dead? A. Yes, sir.

Q. Whereabouts? A. In Mr. Martin's bar.

Q. What time? A. Little after twelve o'clock.

Q. How long after twelve? A. I could not tell, we came from work, on our way to dinner. We stopped at the bar and he and Pink Johnson each had a bottle of beer before them and asked me if I would have one, and I said yes, I would take a bottle of beer.

Q. As soon as you came from work you stopped at Martin's bar? A. Yes, sir.

Q. Where were you at work? A. Over on Thompson street.

Q. You came over from there? A. Yes, sir; me and John Jacobs (?).

Q. Where was Snowden when you got there? A. Standing at the counter, he and Pink Johnson.

Q. Each had a bottle of beer in front of them? A.——

Q. Did you see him Tuesday night, the night before this Wednesday? A. Yes, sir; Tuesday night.

Q. Where? A. Up at Mr. Martin's bar.

Q. About what time? A. Somewhere around twelve o'clock, near twelve o'clock.

Q. Did he tell you to do anything for him? A. Yes, sir; to take two bottles home to Edna for him.

Q. What time was that? A. Near twelve o'clock.

Q. What message did he tell you to give Edna? A. To tell Edna he was going out on the truck.

#### CROSS-EXAMINATION.

Q. What truck? A. He didn't say.

Q. You don't know anything about the truck? A. No, sir.

(Examination concluded.)

#### TRAVERSER'S EIGHTH BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first, second, third, fourth, fifth, sixth and seventh bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large,

MRS. THOMAS A. KING, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

## DIRECT EXAMINATION.

Q. (By Mr. Green) : You are the wife of Thomas A. King?  
A. Yes, sir.

Q. Where were you living on the 8th day of August last, 1917? A. We were living at 27 Second street, Annapolis, Md.

Q. When did you come there Mrs. King? A. I came there on the 6th of August?

Q. What day of the week was that? A. Monday evening.

Q. On Wednesday morning, Mrs. King, did you see Mrs. Brandon? A. Yes, sir.

Q. How late in the morning did you see her? A. It was about 8:30 when I saw Mrs. Brandon.

Q. Did you talk with her? A. Yes.

Q. How late was it when you had the talk with her in the morning? A. About quarter of ten.

Q. About quarter of ten? A. Yes.

Q. Where was she then? A. She was sitting at the opposite window, cat-cornered from our window.

Q. Where were you? A. I was sitting in the kitchen and she was sitting in the kitchen across.

Q. You were in your kitchen and she was in her kitchen? A. Yes.

Q. Did you see her after that? A. I did not see her after our conversation.

Q. What were you doing all day? A. Well, I had not been there but about two days and I had so much to do that I was busy taking the things out of the boxes.

Q. Why do you turn your head, are you a little deaf in one ear? A. Yes.

Q. Which one? A. This ear, the left.

Q. You were busy in your own house? A. Yes.

Q. When did you hear of any trouble next door? A. I did not hear of the trouble until that evening when Mr. King came home and he told me of the disturbance next door—

(Objected to.)

Q. He told you there was some disturbance next door? A. Yes.

(Objected to.)

(The Court): He didn't tell her anything except there was a disturbance next door—that is, she didn't tell anything about that; that is all right. He called her attention to it.

Q. You didn't go into the house that night? A. No, sir.

Q. Why? A. Well, Mr. and Mrs. Brandon were strangers to me, and I had seen so many people in there that evening, and I didn't feel that my services were needed, because she was an absolute stranger to me.

#### CROSS-EXAMINATION.

Q. When did you first meet Mrs. Brandon? A. I first met Mrs. Brandon on the Monday evening that I arrived there.

Q. Who introduced you to Mrs. Brandon? A. Mr. King.

Q. Your husband? A. Yes.

Q. Where were you when you were introduced? A. We were on the front, the front porch of Mrs. Brandon's.

Q. Did you see her the next day? A. On Tuesday?

Q. Yes. A. I saw them.

Q. Did you talk to her? A. Yes.

Q. How many times did you talk that day? A. Just talked to her that morning and that evening as I went out, just twice.

Q. Did you say to anybody as to what was said to you by Mrs. Brandon after the unfortunate woman was found dead?

(Objected to.)

(The Court): How was the question?

Q. (Mr. Brady): Did you say anything to anyone after Mrs. Brandon was found dead as to what Mrs. Brandon had told her, in order to give any information to the authorities as to who might have been the guilty party?

(The Court): She can answer that question yes or no.

(Mr. Green): Have my brother frame the question.

Q. After the authorities had been looking around for some clue on someone who may have committed the alleged crime, did you tell any of them that Mrs. Brandon had told you which might in any way give them a clue as to who might be the guilty party?

(Objected to.)

(The Court): She can answer that yes or no.

A. No.

Q. Did you not tell the authorities that Mrs. Brandon had told you something about a photograph or something like that?

(Objected to.)

(Objection sustained.)

Q. Did Mrs. Brandon at any time confide to you during those days? Did Mrs. Brandon confide in you during the time of your acquaintance with her, anything pertaining to her life?

(Objected to.)

(Objection sustained.)



Q. You say the reason why you would not go in next door was you were not well acquainted with the Brandons? A. Yes.

Q. You were not well acquainted? A. Yes. We were strangers to speak of.

Q. You had not met on Monday night immediately on your arrival at Annapolis? A. No.

Q. I thought you said you had? A. We did meet her, but not as soon as I arrived in Annapolis.

Q. That same evening? A. Yes.

Q. You talked to her the next evening? A. Yes.

Q. You talked to her that afternoon? A. No, sir.

Q. When was the next time? A. I spoke to her that evening as I went out.

Q. You talked to her on the morning of the 8th, the day on which the body was found, about 10 o'clock? A. Yes; I did.

Q. Then after you heard of Mrs. Brandon's death you did not think you were well enough acquainted under those circumstances to go in and see what was going on and see whether you could render any assistance to her? A. No.

Q. Now, what time was it that your husband came home? A. What day?

Q. That day of the 8th? A. The day of the 8th; you mean in the evening?

Q. Yes. A. He arrived home about 4.30 from work.

Q. You say he told you immediately upon his arrival of what was going on next door? A. He said there was a commotion on the outside.

Q. A commotion on the outside? A. A lot of people had gathered together out front.

Q. Mr. Brandon says he didn't arrive home until about quarter of 5? A. Well, he came home from work and went to the express agent to see about the box and rug that we had expected. We expected dishes and a small rug to arrive that day, but, finding they were not at the house as we expected them, he went to the agent at the express office and inquired about them, and he learned that they were there, and then he brought them home, what he could bring back, and that was when he told me he saw this commotion.

Q. What time was that? A. That was a little after 5.

Q. A little after 5? A. Between 5 and around 6.

Q. Between 5 and what? A. Well, around 5 o'clock.

Q. How was your home or your little flat situated as to Mrs. Brandon's flat, or Mr. Brandon's flat? A. Our apartment is right next to theirs.

Q. What time were you opening your box, taking out the clothes, or your china, I think you said, from a box? A. Yes; a large packing box.

Q. What time were you doing that? A. It was during the afternoon.

Q. What were you doing in the morning? A. In the morning I had the dishes to wash up and the bed to make, and I was in the back of the house cleaning my kitchen and bedroom.

Q. What were you doing between the hours of 11 and 12; where were you? A. I was in the back of the house. I had the work to do myself, and it took me a little while in cleaning up and all.

Q. It didn't take you very long to clean up that little flat? A. Well, I was arranging things there that I got out of that trunk. We brought pictures down and put them up in the bedroom.

Q. You say you were in the kitchen? A. And in the bedroom.

Q. Where was this box you were unpacking, in the kitchen or the bedroom? A. The box was in the parlor.

Q. You were packing this box? A. I was not packing the box that morning. I took the things out of the trunk that morning and brought them in the bedroom and kitchen, and also had some pictures there. We had them down there in the bedroom.

Q. What time in the morning were you unpacking that box or the trunk? A. I can't say just what time it was in the morning.

Q. Was it 11 o'clock? May it have been between 11 and 12 o'clock? A. Around that time.

Q. Between 11 and 12 o'clock? A. Around that time.

Q. Your flat or apartment was just about the size of Mrs. Brandon's? A. Yes.

Q. How were the walls? Were they very thick or thin; very thick walls between the two houses? A. I don't really know; I can't say.

Q. You could not say? A. No.

Q. Very small houses, were they? A. Well, I considered the back part rather small; the front room is large, the bedroom and kitchen were not so large.

Q. How long was your husband occupying that apartment before you came? A. Well, he came around the last part of July.

Q. The last part of July? A. Yes.

Q. About how many weeks before? A. Just before; two or three weeks.

Q. Two or three weeks before? A. Yes.

Q. When were you married, Mrs. King? A. I was married on December 16, 1916.

Q. Where? A. In Washington, D. C.

Q. Who did you talk with first after you learned of Mrs. Brandon's death?

(Objected to.)

(The Court): Who did you talk with after the death?

(Mr. Brady): Yes.

(The Court): What is the object?

(Mr. Brady): I suppose the object is the same as I had in asking Mr. Brandon; as your Honor said, I had better prove that by the detectives or the officers of the law, so I withdrew it.

Q. Were you suspicioned of having killed Mrs. Brandon?

(Objected to; objection sustained; exception noted.)

(Mr. Grason): We offer to prove that she was and that suspicion was directed and we offer to prove it as evidence tending to go to this jury as affecting the weight of her evidence.

(The Court): By whom?

(Mr. Grason): By the authorities and she was actually taken in charge for this reason.

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

FRANK I. DUNCAN. (Seal)

#### TRAVERSER'S NINTH BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first, second, third, fourth, fifth, sixth, seventh and eighth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the same witness MRS. THOMAS A. KING testified as follows:

Q. Was your husband placed under surveillance by the authorities as being suspected of this crime?

(Objected to; objection sustained; exception noted.)

(Objected to; objection sustained; exception noted.)

Q. Was your husband placed under surveillance by the authorities being suspected of this crime?

(Objected to; objection sustained; exception noted.)

Q. Were you talked to by the authorities?

(Objected to; objection sustained; exception noted.)

(Mr. Grason): We would like to ask a question for the record?

(Mr. Hartman): We don't think a question ought to be asked after it was ruled on. If they want to make an offer let them dictate it to the stenographer and then submit it.

(The Court): That is the rule.

(Mr. Brady): That is the rule?

(The Court): Yes.

To which ruling of the Court the traverser, by his counsel, excepted and prays the Court to sign and seal this his ninth bill of exceptions, which is accordingly done this — day of April, 1918.

(Exception refused.)

F. I. D.

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#### TRAVERSER'S TENTH BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth bills of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the same witness MRS. THOMAS A. KING testified as follows:

(Mr. Grason: Dictating to Stenographer): Before you were talked to by the authorities, don't you know that your husband had been charged with the crime of this murder by the authorities?

(Offer:—We offer to prove that she was talked to by the authorities respecting this murder and that at that time she knew that the authorities had charged her husband with the commission of this crime.)

(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 tenth bill of exceptions, which is accordingly done this 23 day of September, 1918.

FRANK I. DUNCAN. (Seal)

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Testimony of MRS. THOMAS A. KING continued.

Q. About that wide, I presume (indicating)? A. As wide as that rail in front of you?

Q. As wide as that rail in front of you? A. Yes, I think it is rather narrow.

Q. You recognize that photograph? A. Yes.

Q. This is the door into whose house? A. Into the Brandon's house.

Q. And this? A. Our house.

Q. What is that like? A. That is the alley way.

Q. What is that (indicating)? A. This is the back of the house, this is the fence between the two houses.

Q. Between the two yards? A. Yes.

Q. And this is what? A. The steps to the porch.

Q. Of whose house? A. Of the Brandon house.

(Mr. Green): Now, we would like to submit these photographs, as evidence to the jury.

(Note): Photographs shown to the jury and explained by the witness and Mr. Green.

Q. Do you know what this is? A. Steps to the second floor.

Q. Your back porch is where? A. Next to the Brandon's.

(Mr. Green): With the Court's permission I would like to have these photographs marked as the ones identified by Mr. Brandon.

(The Court): The stenographer will mark them.

(Note): Pictures marked as exhibits.

(Mr. Brady): We object to one of these photographs as having been identified by Mr. Brandon.

(The Court): I asked the question specially, so they could be marked if he identified all these and he said yes.

#### RE-CROSS EXAMINATION.

(Mr. Brady): This little alley way between your home and that of Mr. Brandon's was under cover, there was a roof over it? A. Yes.

Q. Now, back of your home what was there, was that built up or was that a commons? A. Why, there is a rather high fence, that is in the yard, the fence was rather high there, but of course I was not there long enough to take a good notice of the back appearance, but I went upstairs to get our cut glass that we had stored away and I noticed there was quite a lot of little houses in the back, but there appeared to be quite a good deal of ground back there.

Q. Directly back how far were the houses away from you?  
A. Well, I could not say just how far they were.

Q. Well directly back of you there was a vacant lot, was there not? A. Yes.

(Examination concluded.)

(Adjourned until tomorrow morning.)

#### TRAVERSER'S ELEVENTH BILL OF EXCEPTIONS.

After the occurrences of the matters set out in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness FRED SANDBERG, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): What is your official position? A. I am a detective of the Metropolitan Police of Washington, D. C. detailed as official photographer.

Q. Can you identify those photographs, first? A. Yes, sir.

Q. Who took those photographs? A. I took those photographs.

(The Court): You say he was the official photographer?

(Mr. Green): Yes, sir, and took the photographs.

Q. Now, Mr. Sandberg, did you visit Annapolis? A. Yes, sir.

Q. Did you visit this scene of this alleged crime? A. Yes, sir.

Q. Did you make a sketch of it? A. I did.

Q. Of the building and the position of the different noted?



(Objected to unless it was shown by the State that he was there before the body was moved. I don't know whether the body was moved or not, I don't know when he was there, what time.)

(The Court): What is the purpose of it?

(Mr. Green): It is a sketch that I want the witness to identify as being a proper representation of the inside of the dwelling.

(The Court): It is not intended to show the body.

(Mr. Green): No, it represents the body lying on the bed in the position that all the witnesses testified it was there.

(Objected to.)

(Mr. Green): It was first offered by my brother for some sketch of the room.

(Mr. Brady): I only asked my question to satisfy myself as to where the lady was standing when she saw the body.

(Mr. Green): My understanding is you used that sketch.

(Mr. Brady): I didn't show it to the jury.

(The Court): This is admissible and it is not admissible; if certain sections of it is taken out, if you eliminate the bed and the figure on it, and the officer will say it was the surroundings as he saw it and somebody has said so, but that figure ought not to be there.

(Mr. Green): We will obliterate the figure, but can't obliterate the bed because it was there.

(The Court): Yes.

(Mr. Green): We will do that.

(The Court): Strike out the figure and it will be admissible. I suppose that is your principal objection to it?

(Mr. Brady): Yes sir; I don't know what they are going to prove.

Q. When did you make that sketch? A. On the afternoon of August 12th.

Q. That was two days afterwards? A. Four days afterwards.

(Objected to, even the bed.)

(The Court): I understand what you have there outside of that figure is what you took yourself?

A. What I saw in the house that was taken from my own observation and information.

(The Court): The figure was put there as described by somebody else?

A. Yes, sir.

(Mr. Hartman): It has been identified by two witnesses who said that was the location.

(The Court): I think the plat was first shown by you on cross-examination.

(Mr. Brady): I didn't show it for the purpose of using the plat; I only wanted to satisfy myself as to where the lady was standing and she said she was between the bed and the wall, which was about two feet.

(Mr. Green): I have cut out the figure and left the word bed there.

(Mr. Brady): I will ask a question whether he knows that is the same position of everything the night of August 8th as it was when taken on the day of August 12th?

(The Court): I don't suppose he could answer that, other witnesses, one has said it is, just as it was that night. I forget the lady's name, one of the ladies said that is a correct representation of the ground floor.

(Mr. Green): Yes, I asked her about the bath room, the table, the range and everything.

(The Court): Yes, that is all right.

(Exception noted.)

(Mr. Green): Now, gentlemen of the jury, we show you the sketch of the location of the furniture in the room and the middle room and the kitchen and the chiffonier and the dresser and the door in the front room and the entrance in the cellar way and the location of the different pieces of furniture in the kitchen.

#### CROSS-EXAMINATION.

Q. When did you take the photograph? A. I took it on the 10th of August.

Q. Where? A. At Sardo's undertaking establishment in Washington.

Q. In Washington? A. Yes, sir.

Q. Who was present? A. The undertaker and myself and his assistant.

Q. Who authorized you to take that?

To which ruling of the Court the traverser by his counsel excepted, and prays the Court to sign and seal this his Eleventh Bill of Exceptions which is accordingly done this — day of April, 1918.

(Exception refused.)

FRANK I. DUNCAN.

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#### TRAVERSER'S TWELFTH BILL OF EXCEPTION.

After the occurrence of the matter set out in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large,

witness FRED SANDBERG, a witness of lawful age, called on behalf of the State, further testified as follows:

FRED SANDBERG's testimony continued:—

A. I was sent there by direction of the Chief of Police of Washington.

Q. The Chief of Police of Washington? A. Yes, sir.

(Mr. Brady): I move that these photographs be stricken out, your Honor, from the record or withdrawn.

(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 Twelfth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

### TRAVERSER'S THIRTEENTH BILL OF EXCEPTIONS.

After the occurrence of the matter set out in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness JOSEPH L. RALEY, a witness of lawful age, called on behalf of the State, testified as follows:

JOSEPH L. RALEY, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

### DIRECT EXAMINATION.

Q. (By Mr. Green): Where are you employed? A. At J. B. Martin's, 102 West street, Annapolis.

Q. Do you know John Snowden? A. Yes, sir.

Q. Do you remember the Wednesday, the 8th of August, the day that Mrs. Brandon was found dead at her home on Second street? A. I don't remember the day, but I heard of it.

Q. You remember it was that time, you remember the day she was found? A. Yes, sir.

Q. Did you see Snowden the night before? A. Yes, sir.

Q. Whereabouts? A. He was in Mr. Martin's saloon.

Q. About what time? A. Somewheres near twelve o'clock.

Q. Near twelve o'clock? A. Yes, sir.

Q. What was he doing there? A. He bought some beer and sent it home by a fellow by the name of Tobe Spencer.

Q. How much beer? A. I just don't remember, about two or three bottles.

Q. Did you sell him anything else? A. Some devil crabs.

Q. Do you know whether he treated that night? A. No, he didn't treat that night.

Q. Do you know how much he spent? A. I didn't take any notice.

Q. How much would that be? A. Well, he bought two or three bottles of beer, I don't just remember what it was I can't keep track of what a man spends in a place.

Q. You know how much at least he spent? A. He spent twenty-five cents, I guess.

Q. How many bottles—he sent home two bottles of beer? A. He sent home two bottles of beer, that was ten cents.

Q. How much was that? A. Ten cents.

Q. Who did he treat there? A. He treated Tobe Spencer.

Q. To what? A. A bottle of beer.

Q. Did he get one, too? A. I don't remember whether he got one or not.

Q. How much were the devil crabs? A. I was selling two for five to get rid of them, to keep from keeping them over next morning.

Q. How many did he get? A. I don't know.

Q. Will you say he spent at least how much money there?  
A. Between twenty and twenty-five cents.

Q. When did he come back? A. He didn't come back any more that night.

Q. That night? A. No, sir.

Q. What time next morning did you see him? A. I don't remember what time, it was during the day he came in.

Q. Did he come in there before nine o'clock? A. No, not before nine o'clock, he came in there sometime between ten and twelve, something like that, between ten and eleven.

Q. He come in there twice during that morning? A. I think he did.

Q. He came in there twice during that morning? A. Yes, sir.

Q. When was the first time he came in? A. I don't remember what time it was because I didn't take notice what time a man comes in the bar.

Q. Would you say eight or eight-thirty? A. I could not say.

Q. What did you say to him on that day? A. I asked him what was the matter, he didn't go to work and he said he overslept himself.

Q. When was the next time he came in? A. I don't remember.

Q. Around what time was it? A. I could not say.

Q. What did he get the second time? A. I sold him some beer to send out and he came back again and brought the bottles and went out again.

Q. Was that before noon? A. Yes, sir.

Q. Was he in there about noon? A. Well, I don't know.

(Mr. Brady): Don't you think it better for the witness to testify?

Q. Did you hear him make any statement, tell anybody else about where he had been the night before? A. No, sir; I did not.

Q. Do you know this gentleman here (indicating)? A. Yes, I know him when I see him, I don't know his name.

Q. Ever have a talk with him? A. He came up in the Court room, in the yard, and asked me some questions.

Q. Did you tell him that Snowden spent—that you know Snowden spent thirty-five cents in there? A. No, sir; I didn't say that.

(Objected to.)

Q. Did you tell Mr. Dougherty that he came in your place between eight and eight-thirty A. M. Wednesday morning?

(Objected to.)

(The Court): That is objected to. Now, what theory do you ask him that?

(Mr. Green): I want to ask him, he has taken us by surprise, we thought we knew what the witness was going to testify to and he is now testifying to a statement of facts entirely different from what he told us before.

(The Court): You can ask him and take the exception.

(Exception noted.)

(Mr. Grason): We will take one general exception to all of this so as to save taking it to every question for that reason.

Q. Did you tell Mr. Dougherty that he came back between eight and eight-thirty A. M. Wednesday morning? A. I don't remember.

Q. Will you say you didn't tell him? A. I could not say.

Q. Do you know whether you did or not? A. No, sir; I don't.

Q. You say you asked him on that occasion that he bought a bottle of beer between eight and eight-thirty, you asked him where he had been and he said he overslept himself? A. I asked him the morning when he first came up there, why he did not go to work and he said he overslept himself.

Q. Did you tell him that you heard him tell a fellow that he was out all night? A. No, sir.

Q. Didn't tell him that? A. No, sir.

Q. Tell him on Wednesday afternoon, he came back twice between 12 and 5 and got two bottles of beer and brought back the empty bottles? A. Yes, sir.

Q. That is correct? A. Yes, sir.

Q. Between twelve and five he came and got two bottles of beer and carried them away and brought the empties back? A. Yes, sir.

Q. What did he pay you for those? A. Five cents a bottle.

#### CROSS-EXAMINATION.

Q. Who was in the bar with you at that time? A. I don't remember, I could not look around and see who everybody was in the bar there and hear everything.

Q. I mean behind the bar with you? A. Not anybody.

Q. Was Mr. Martin there? A. Not when he first came in.



Q. I am talking about between twelve and five? A. I don't think so.

Q. You don't think he was? A. No, sir.

Q. He may have been there? A. Yes, sir.

Q. You say he bought two bottles of beer? A. Yes, sir.

Q. Took them out? A. Took them out.

Q. And brought the two bottles back? A. And brought the bottles back.

Q. Where did he have those bottles? A. Well, I don't know where he had them.

Q. In his hand? A. I wrapped them up for him.

Q. The two bottles he brought back? A. He brought them back wrapped up.

Q. Wrapped up? A. Yes, sir.

Q. You can't say as to what time that was? A. No, sir; I can't.

#### RE-DIRECT EXAMINATION.

Q. You know that gentleman sitting at the end of the table?  
A. No, sir; I don't.

Q. Do you know whether you ever had any conversation with him about this matter? A. I might have had a conversation with him.

(Objected to.)

(Objection sustained.)

(Examination concluded.)

(General exception to Mr. Raley's testimony.)

## CROSS-EXAMINATION.

(Mr. Brady): When did you make these inquiries of Mr. Raley, Mr. Dougherty? A. The next day after Snowden was taken. We took Snowden into Baltimore on the night of the 13th. The next day I stayed in Annapolis to make this investigation, and it was during the day of the 14th or the 15th of August, which day I will not be positive.

Q. Did you make a note of what Mr. Raley told you? A. Yes. I have the notes in my pocket, I think.

Q. When did you make the notes? A. At the time he made the statement.

(Examination concluded.)

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## TRAVERSER'S FOURTEENTH 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 Bill of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, DR. WILLIAM B. CARR was called as a witness on behalf of the State.

DR. WILLIAM B. CARR, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

## DIRECT EXAMINATION.

Q. (By Mr. Green): Your name is William B. Carr? A. Yes.

Q. You are a resident of Washington, D. C.

Q. What is your profession? A. I am a physician and surgeon.

Q. How long have you been practicing? A. I graduated from the George Washington Medical School in 1907, June.

Q. What has been your experience in autopsy work; tell that, please, first? A. I have done in the neighborhood of eighteen hundred to two thousand autopsies, in the neighborhood of one thousand to fifteen hundred legal autopsies for the District of Columbia as Deputy Coroner of the District.

Q. What has been your experience in accident cases? A. I was house surgeon for the Emergency Hospital from 1907 to, well, in 1908, a period of about fourteen months; then went in private practice for a year, and then entered the Medical Corps of the United States as a student officer for eight months, remaining in Regular Army until I left the army in 1913, and entered private practice; assistant surgeon for the Emergency Hospital since 1914, and I suppose I have treated, I don't know how many, but several thousand cases of serious accidents and ten or fifteen thousand of minor accident cases.

Q. Have you had experience in bacteriology? A. I have been assistant bacteriologist and pathologist at George Washington University before entering the army, and while I was a student I took what I believed at the time and still believe to be, one of the best courses under Major Russell, of the Medical Corps of the Army, now Lieutenant-Colonel Russell, and the instruction extending over eight months, with three hours a day for six days in a week, which consisted of experiments in bacteriology and pathology, and I have done a lot of my own research.

Q. Does that include the microscope? A. Most all of that work, with the exception of gross pathology, is done by the use of the microscope.

Q. Your experience has been with the microscope? A. Both with and without. I am present instructor of morbid anatomy and surgical pathology at the George Washington University.

Q. Did you perform an autopsy on the body of Lottie May Brandon on or about the 14th of August, 1917, at the Emergency Hospital, Washington, in company with Dr. Walton H. Hopkins, who just left the stand? A. I did, about 8.30 P. M. that evening.

Q. Give to the Court and jury a detailed description of your findings at the autopsy? A. First, an inspection of the body was made. At the time I found evidence of the wounds and abrasions that have been described in my presence. The ones more noticeable at sight were on the throat, two bruises on the right knee, one right about an inch and a half below the right kneecap and one inch on the outside, and bruises or abrasions about an inch and a half below the left kneecap; slight bruise on the left wrist, a wound on the head about half an inch long, above the root of the nose and a half inch to the left of the middle line; it had pretty well cut through the skin and down to or was down to the skull. There were bruises up and down both sides of the neck, contusions there, also slight abrasions; the skin was torn to some extent, but more bruises than there were abrasions. On the two sides, one went further forward than the other, and lower on one side; it was a convex curve; the curve would be forward. They were the main evidences of external injury. The brain was examined thoroughly and found normal with slight area of softening under this wound in the forehead, which I think was tissue decomposition due probably to some minute hemorrhage. The heart and lungs were normal. The heart normal in size and shape and position and structure; the intestines and spleen and all of the organs were normal, with the exception of the uterus, which contained a fetus of about 7½ months. The urine was not examined, as the body had been embalmed and examination would have been of no value. After making the inspection of the body, it had been suggested to me that possibly—

(Objected to.)

(The Court): Tell what you did?

(Witness): Due to suggestion, I examined this woman's hands, particularly the finger-nails, and found a good deal of dirt under the first three on the right hand and two on the left. I very carefully took off those finger-nails, and then proceeded with the autopsy that I have described, after which I took the finger-nails to the laboratory, placed them in distilled and sterile water, and made slides of the same and examined them, and on that slide I found—

(Objected to.)

(The Court): The objection is that it was done out of the presence of the prisoner and his representatives?

(Mr. Brady): Yes, sir; and from the testimony of the undertaker of Annapolis, what he said he did.

(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 Fourteenth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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#### TRAVERSER'S FIFTEENTH 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 and Fourteenth Bill of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness DR. WILLIAM B. CARR, called on behalf of the State, continuing, says:

DR. WILLIAM B. CARR, continuing, says:

A. Examining that showed some epithelium, which is the kind of epithelium which composes the outer layers of the skin, which was very heavily pigmented, pigment being coloring matter in the skin; and I made some slides at that time from my own skin, and thus showing a decided difference, as much difference almost as black and white: but I may state positively that what I took from those nails indicated the same character that you would get from a member of the colored race. I also found several short hairs, the ends or roots of the hair were there, and it was cut off at an angle like a cornstalk would be, cut off you could positively say from the beard of a person's face or somewhere where there has been shaving, if they

had not been cut off with a sharp knife the hair would dwindle down to the point; these were cut off at an angle. Those were the findings.

Q. You don't think there could be any possible doubt about the difference in pigmented epithelium coming from a white man and that shown in this case from a member of the colored race?

(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 Fifteenth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

A. Not at all an absolutely demonstrated experiment I have examined it a great many times. If I had a microscope here I could take it and show you with your own eyes that the difference is very decided where you have a dark skinned person and a fair skin face, as to whether a negro or South American Indian I would not say.

Q. Explain, Doctor, what you mean by epithelium? A. Well, the skin is composed of various layers, the outer layer is composed of horny epithelium, squamous epithelium, the reviv maligii or layer containing the pigment and under this the papillary layer. The outside skin is known as the epidermis, that is the part of the skin that has the pigment or coloring of the skin.

Q. From your examination of those wounds and the autopsy, what in your opinion was the cause of the death? A. The cause of death was shock induced by I believe a series of injuries, I would not presume to say which condition was the cause. You have got to take into consideration the fact that

a seven months and a half pregnant woman more susceptible to shock than a normal woman and that an injury such as she received might not injure a normal woman, but would undoubtedly injure her, she had the blow on the head and had evidently been choked and those other conditions and I think she died from shock caused by an accumulation of injuries.

### CROSS-EXAMINATION.

Q. What layer did you say pigment was found? A. I said it was found in the reti malpighii.

Q. How many layers of skin are there? A. A flat horny layer, the reti malpighii and under the squamous layer, the epithelial cells have a tendency to round out more and under the three or four layers and under that the papillary layer, in which you find the small blood vessels and you get down to the muscle layers, and so forth.

Q. Now, Doctor, you say that pigment or the same as you found could be found in a dark complexioned person? A. Well, it depends of course in what you call a dark complexioned person.

Q. I would say a white person of the Caucasian race with very dark complexion? A. No, sir.

Q. It would not be found there? A. Not to that degree, every one has some pigment or they would have perfectly dead white color.

Q. From the outer surface to the place where you found that pigment what would be the thickness? A. Several millimeters.

Q. What is that? A. About one sixty-fourth of an inch.

Q. You say about sixty-fourth of an inch? A. It depends a good deal on the texture of the different skins, it is a very short distance.

Q. Did I understand you to say that you could indicate the difference between the beard of a white man and that of a black man? A. You did not.

Q. You could not indicate that? A. No, sir.

Q. Then how many hairs did you find there? A. Three or four.

Q. Then you don't know from what face that hair came? A. Absolutely no.

Q. Whether it be a white man or black man? A. No, not that; I do not know where that pigment epithelium came from, I know where it is found, that is all.

Q. In the examination of the interior organs of Mrs. Brandon, did you apply the microscope to the liver? A. No, sir; I did not.

Q. Then you can't say whether there was any lesion or area that caused eclampsia, can you? A. All of the organs—I think I can save you some time; the brain, the heart the lungs, the liver and the spleen were examined and were found normal.

Q. You won't say on account of not having thoroughly examined these organs under the microscope, you can't say whether there was an eclampsia condition? A. I would not say had I examined them under the microscope that there was not such a condition.

Q. She may have been suffering from eclampsia and probably to uremic or eclampsia trouble? A. If I had been able to examine her urine I would then have found more fully from that than all the other examination.

Q. On account of the embalming fluid you were not able to examine that? A. No, sir.

Q. That more or less destroyed part of the evidence that may have had to show conclusively whether she was suffering from eclampsia? A. It is the best single test.

Q. If she had been suffering from eclampsia, I would say, and have had one of those epileptic convulsions, could she not have fallen, striking her head on the iron bedstead, laid there in a coma and death intervened? A. The picture is possible,



generally speaking at least, for a woman to have convulsions, strike her head and be rendered unconscious, and subsequently die is possible.

Q. Is it more liable to happen in an eclamptic woman than it would be in a woman who has not been suffering from that disease before that? A. We know that a pregnant woman is more susceptible to shock than a woman not so delicate.

Q. Did you examine the lungs thoroughly? A. I did.

Q. Was there any edema there? A. If you recall—I am trying to save time, everything I examined was normal by the examination I made.

Q. Was your examination complete? A. It was, I will say there was no edema.

Q. You say there was a slight rupture in the brain? A. No, sir.

Q. What did you say? A. I said the brain was normal with the exception of a slight area of softening under the center of this wound in the forehead which I said was due to some slight tissue degeneration, which cause this premature softening when the rest of the brain was normal.

Q. Then as I understand you to say, that neither one of these wounds of itself would cause death, that altogether the cause of shock caused death? A. I did not say and I don't want it to be considered that one of those wounds might not have caused her death: I would not say which one. I believe that her death was due to shock as the sum of several different injuries, the choking, the blow on the head, all taken into consideration.

Q. Would you distinguish between shock and the epileptic convulsions when I state to you that there has been evidence given that there was froth around the mouth when the body was found? A. You mean before or after death?

Q. When you examined it? A. I don't know, I can distinguish before death very easily.

Q. But you could not now distinguished? A. The froth on the mouth would not even be considered in forming my opinion as I don't consider it of any value one way or the other.

#### RE-DIRECT EXAMINATION.

Q. You recall the wounds that the body showed, the bruise from the blow in the forehead, the bruised arms, both sides of the neck, the wounds on both knees and on the ankle and her hands, on her elbow, in your opinion, would those bruises have been caused all at one time, by one fall? A. Why there are some of those wounds that could not have been caused by a fall.

Q. Which ones are they? A. The wounds on the neck would never have been made by a fall. They are wounds caused by pressure, my opinion they were wounds due to some one grasping the woman around the neck and choking her.

Q. Much pressure? A. Sufficient to cause considerable contusion and some slight abrasions.

Q. From the location, nature and shape of those wounds would the party grasping that neck be relative to the subject? A. Behind.

Q. They would be behind? A. Yes, sir.

Q. In your opinion from the nature and appearance and construction of those wounds, would it be possible for Mrs. Brandon to have made those with her own hands? A. Impossible.

(Mr. Hartman): Impossible did you say?

A. Yes, sir.

#### RE-CROSS-EXAMINATION.

Q. A person being attacked with eclampsia, supposing that she was sitting from here to that gentleman over there (indicating) and she had one of those convulsions, falling to the floor very hard, produce those wounds on the knees and then gotten up and had another fall again and then have another, until she reached that bed? A. An eclampsia convulsion there and another one here and another one here followed right along, I don't believe you gentlemen know what eclampsia convulsions

are. A person may have eclampsia and fall unconscious for a minute and get up and have another one. When any one has eclampsia convulsions, as a rule get well or they die with the one convulsion.

Q. Doctor Williams is quite an authority on obstetrics? A. On obstetrics he is our authority.

Q. He says a woman suffering from eclampsia, could have a hundred convulsions, one after the other? A. Seizures, but not continuous and be able to walk between each one of those convulsions seizures.

Q. As I understand reading him, he says she could fall in coma or fall and become unconscious and lie there in sort of coma and get up and regain consciousness and fall again and regain consciousness and have those convulsions until death intervened. I am speaking of what I read or what I remember reading? A. You do not qualify the length of time between the convulsions, because you would not get over eclampsia convulsions as you do over an attack of sneezing, if you string it over a day or two days, or six or seven hours.

Q. I am talking about eclamptic fits? A. It would be sufficient to render you unconscious you would not recover from them in a minute or a matter of minutes, it would be a matter of hours; you might recover and never have but the one and might have another one and if a pregnant woman goes on and has a series of convulsions, you remove the child and she gets well. I have had a good many and have done that and they get well, but it is a different matter where you fall and get up and fall again, it takes some time to get well from that convulsion, it renders you unconscious, particularly an eclampsia convulsion, it causes a sufficient blow to the nervous system to cause coma, and that cannot pass away in a matter of minutes I would not indicate the time, but it is not a matter of minutes.

(Mr. Green): If you regain consciousness?

(Mr. Brady): That is what I mean and have as many as a hundred, one after the other.

A. Probably if one had a hundred it is a condition of status epilepticus, that is continuous fits and they are not walking anywhere.

(Examination concluded.)

TRAVERSER'S SIXTEENTH 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 and fifteenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, DR. WALTON H. HOPKINS, a witness on behalf of the State, testified as follows:

DOCTOR WALTON H. HOPKINS, continued:

Q. (By Mr. Green): When you saw the body of Lottie May Brandon, in Washington, on what day was it? A. It was the Wednesday following.

Q. What do you mean? A. The Wednesday following the day she was found dead.

Q. Whereabouts did you see the body? A. In the autopsy of the Emergency Hospital, in Washington.

Q. Who was there with the body? A. There were two undertakers there.

Q. (Mr. Brady): Where from? A. Two undertaker's Mr. Sargo, was one; I don't know who the other one was, an assistant I suppose.

Q. What was the first thing done, where was the body when you first got to the hospital? A. The body was in the casket in the autopsy room of the Emergency Hospital.

Q. What was the first thing done?

(Objected to anything concerning the second autopsy.)

(Mr. Green): I have not gotten to that, I want to show the condition of the body.

Q. What was the first thing done after you got there in reference to the body, you say the body was in the casket? A. Yes, the first thing the undertaker removed the top from the casket, took the body out of the casket and put in on the table.

Q. In what state of preservation was the body? A. Very good.

Q. Were you present at an autopsy that was held immediately? A. I was.

Q. Did you assist in the autopsy? A. I did.

Q. Who else? A. Dr. Carr, the Deputy Coroner of Washington, performed the autopsy, I assisted him, Dr. Joseph C. Joyce of Annapolis was there, Dr. Nesbitt, the Coroner of the District of Columbia was there, and one or two house physicians of the Emergency Hospital, I don't know their names, and the Morgue Keeper of the District of Columbia. I think Mr. Dougherty of the Baltimore Detective Force was in the room.

Q. Give, please, the Court and jury a detailed description of what you did and the findings of the autopsy performed on that night?

(Objected to.)

(Objection overruled.)

(Exception noted.)

(The Court): I should probably say here so that you understand, the Doctor is a witness in this case, and the question is to show the cause of death. Now, the Doctor has testified what he has found in chief, and he will be cross-examined by the other side, and the value of his testimony is, of course, a matter for the jury.

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

FRANK I. DUNCAN. (Seal)

## TRAVERSER'S SEVENTEENTH 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 and Sixteenth Bills of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, the witness DR. WALTON H. HOPKINS, continuing, says:

DR. HOPKINS' testimony continued:

(Witness): After the clothes were removed an examination of the exterior of the body was made and the various wounds that I mentioned that I found in the autopsy in Annapolis were still present. There was one wound made under the armpit, I think it was the right arm, where the undertaker had injected his embalming fluid. After noting those wounds, an examination was made of the hands.

(Objected to. Special objection.)

(The Court): For what reason?

(Mr. Brady): I don't know. I will at this time object and ask the Court's ruling.

(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 Seventeenth Bill of Exceptions, which is accordingly done this day of April, 1918.

(Exception refused.)

F. I. D.

# TRAVERSER'S EIGHTEENTH 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 and Seventeenth Bills of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness DR. WALTON H. HOPKINS, continuing, says:

(Witness, continuing): Especially the finger-nails under which there was dirt seen, and this was done by a large magnifying glass, and the finger-nails from the first three fingers of the right hand were removed and the finger-nails from the first two fingers of the left hand. After that Dr. Carr opened the scalp, removed the skull and examined the brain, in which nothing was found. Then the heart and lungs were examined, and found to be normal, and the intestines—there were several openings or holes in the intestines evidently made by the undertaker in the embalming.

(Objected to.)

(Witness): Well, there were several holes in the intestines that were not there when I saw her in Annapolis. All of the abdominal organs were examined, the kidneys, and all found to be normal. After that we went to the laboratory of the Emergency Hospital, where Dr. Carr examined the finger-nails, secretion under the finger-nails, in the laboratory, and from this secretion and from this dirt we found——

(Objected to.)

(Mr. Grason): We don't want him to give any evidence that Dr. Carr thought was there.

(Mr. Green): I only want to tell what you saw.

(Witness): I saw Dr. Carr put some of these finger-nails in water, and after a few minutes the finger-nails were removed and the water was dried over a gas flame, and the glass slide with this substance, put under the microscope, and Dr. Carr examined it and asked me to look through it, and after looking——

(Objected to.)

(The Court): The objection is good, unless the Doctor shows his familiarity with a microscope, and has had occasion to make these investigations before.

(Witness): I own a microscope, but I am not expert in those things.

Q. You have a microscope? A. Yes.

Q. When you looked through this, was it plainly visible to the naked eye what you could see, through the microscope; could you see what was there? A. Yes.

Q. Are you familiar enough with what you saw there to state what it was?

(Objected to.)

(Objection overruled.)

A. I think so.

(Mr. Grason): Let him detail his familiarity.

(Mr. Green): He can't do that without telling what he saw, and I don't want to do that.

(The Court): I think in this character of testimony you ought to show the witness is perfectly familiar with it.

Q. Are you familiar with the formation of the human skin?  
A. To a certain extent.

Q. Are you familiar enough to know the difference in the skins of the different races?

(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 Eighteenth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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TRAVERSER'S NINETEENTH 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 and Eighteenth Bill of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness DR. WALTON H. HOPKINS, continuing, says:

A. Well, the only way I can answer that is by saying I can tell one epithelium from another epithelium, but I could not distinguish all of the varieities.

Q. Can you distinguish plain epithelium from pigmented epithelium? A. Yes.

Q. Can you testify beyond any Joubt as to what you saw through that microscope?

(Objected to.)

(The Court): Let him answer that. Not what he saw, but what he could distinguish.

(Mr. Green): Of what you saw there?

(Witness): I know what I saw there, but I could not say that I could say it without doubt.

Q. Anything you saw there? A. Some things I saw there I don't know what they were, and some things I do know what they were.

Q. Could you tell anything that you recognized beyond any doubt? A. Yes.

Q. Are you familiar enough with the hair or the beard of a man to be able to tell that when you saw it beyond a doubt? A. I think so.

Q. You say you can beyond a doubt tell the difference between plain epithelium and pigmented epithelium? A. Yes.

(Mr. Green): Now, I think if we confine the Doctor's testimony to these particular facts, and I will do that, I think his testimony is permissible.

(Objected to, for the reason that we have stated and especially for the reason and that this man having been under arrest, we feel he should have had a representative there and notice should have been given him so that he could have seen it was properly carried out and conducted.)

(Objection sustained.)

(Mr. Green): I want to make the offer, if it pleases the Court.

(Mr. Grason): Objected to: Dictated to the stenographer.

(Mr. Green): I will take my direction from the Court and not from you.

(The Court): We have a rule to that effect here. The reason I sustain the objection to that, the Doctor has not shown, in my judgment, sufficiently qualified, with the microscope and its uses to qualify him as an expert in this case. The Doctor is very modest about it himself, he does not claim to be an expert.

(Mr. Green): (Dictated to the stenographer): I offer to show by this witness that he could see through the microscope hair representing such hair as would come from a man's beard, and that he could see pigmented epithelium.

(Objection sustained.)

Q. After you examined the wounds shown on the subject's neck, both in Annapolis on the night of Wednesday the eighth

of August and at the Emergency Hospital in Washington, on the night of the fourteenth what did those wounds show as to what degree of force was used in causing those wounds and why, the reason for your answer?

(Mr. Brady): If he knows.

(Mr. Green): He can't answer if he don't know.

(Witness): There was a good deal of force.

(Mr. Grason): We object to the question.

(Mr. Brady): Is he qualified sufficiently to determine that?

(The Court): I rather think he has been, he described the wounds very carefully when he was on the stand.

(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 Nineteenth Bill of Exceptions which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

#### TRAVERSER'S TWENTIETH BILL OF EXCEPTION.

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 and nineteenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, witness, DR. WALTON H. HOPKINS, continuing, says:

(Witness): The wounds had the appearance of being put there with a good deal of force because the tissue was bruised and contused.

Q. Bruised and contused? A. Yes, sir.

Q. What in your opinion, would have made such bruises? I am talking about on the throat.

(Mr. Granson): We don't think that is a matter that calls for an expert opinion. The jury is capable of determining that as well as the Doctor.

(The Court): It is a very usual thing to ask a physician who examined a wound what condition the wound was in and then in his judgment, what kind of an instrument might have produced it, whether a sharp instrument, blunt instrument, I think the question is all right.

(Exception noted.)

A. It looked to me like it had been made by the pressure of fingers.

Q. Why?

(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 Twentieth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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#### TRAVERSER'S TWENTY-FIRST 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 and nineteenth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large Witness DR. WALTON H. HOPKINS, continuing, says:

A. On account of the arrangement of the neck and the impression at the forward end of what appeared to be finger-nail prints.

Q. Was there any perceptible difference in the appearance of those wounds at the time you saw them at the Emergency Hospital in Annapolis, or at the bedside of the dead woman on the night of August 8th, and the time of the autopsy in Washington on August 14th? A. Practically no difference, except that the skin of the whole body was hard.

Q. That was due to what? A. To embalming.

Q. What is the general effect of embalming fluid in the preservation of the tissues of the body? A. They are to preserve and harden the tissues.

Q. Would the embalming fluid have a tendency to prevent a proper examination of the subject?

(Objected to the form of the question.)

(Objection overruled.)

A. No, sir.

#### CROSS-EXAMINATION.

Q. (By Mr. Brady): Doctor, if I recall your testimony taken last week some time, I think you said you saw the body of Mrs. Brandon about nine or ten o'clock, is that right? A. Between nine and ten I said.

Q. Would you be so good as to state the position of the body at the time that you saw it, just as you saw it, that is at the home? A. When I saw it, she was lying on the bed with the head to the foot of the bed. She was on her back with the left side of her head turned towards the bed one leg was straight and the other was slightly bent at the knee.

Q. You don't know that that was the position of the body when it was first seen by Mr. Brandon? A. No, sir; I don't know that; I only know what I saw at that time, Mr. Brady.

Q. You further said, I believe, that the blow on the head did you say that it caused instantaneous death? A. No sir; I did not.

Q. What did you say that blow caused? A. I didn't say that that blow caused anything.

Q. What kind of a blow was it, describe the wound? A. Why, it was a contused area on her forehead, near the hair, a little to one side of the center line, and in the center of that there was a small hole that would not admit the tip of your little finger.

Q. Was that hole round? A. It was not like you take a knife and take a piece of paper, and cut a hold out round, it was more of a mashed wound.

Q. How deep was that wound? A. How do you mean?

Q. How deep was it, did it reach the bone? A. By pressing your finger in you could feel the bone underneath it through this hole.

Q. Was there any skin between the bone and the wound, in other words, was the bone exposed? A. No, you could not see the bone through the wound.

Q. How large was the opening, the wound itself? A. I said you could not get your little finger through it.

Q. Did you say in your examination in chief that she never moved after that blow was struck? A. I don't think I did, I think it was Dr. Joyce said that.

Q. You did too? A. I say now I don't think she did.

Q. You won't say positively that she didn't move or that the body didn't move after the blow that produced that wound was struck? A. I will say that positively.

Q. No part of the body? A. I don't know, she didn't move her head after that, the reason I say that is, because there was no blood on the other side of her face at all, it all run down the left side and on the bed under her head.

Q. As I understood you to say, then, the head was on the left side? A. The face was turned towards the left, like that (indicating).

Q. The wound, how close was the wound to the pillow on the bed? A. The distance from almost the center of her forehead to the bed.

Q. I think you said that the wound was caused by some blunt instrument, did you say that? A. I don't remember whether I said it or not, but it was.

Q. It was caused by some blunt instrument? A. Yes.

Q. Could that wound have been produced or caused by her falling against the iron or brass bedstead? A. A wound of that kind could have, yes, sir.

(Mr. Green): The Doctor's answer, said a wound of that kind could have been produced by that.

Q. How near was the head from the iron part or the brass part of the bedstead? A. Well, I should say it was probably just the same distance you held your hands apart that time.

Q. About that far (indicating)? A. Yes.

Q. About ten inches or a foot? A. Just about that far, eight, ten or twelve inches, something like that.

Q. After you had gone through your testimony for a little while in the description of the body you forgot to say that when you were at the house and first saw the body that you discovered a peculiar odor, which odor you know was that right? A. Yes, sir.

Q. And after you reached the hospital, you examined the parts of Mrs. Brandon and discovered certain things, would you please state what you said, that you found there? A. I said I found this mucous between the legs from which I took two specimens and took them to Baltimore and then examined them.

Q. Did you find anything else? A. Between the legs?

Q. Yes? A. No.

Q. Did you say that from what you found there that you concluded that Mrs. Brandon had been raped before or after that blow was delivered, or after death, I believe you said, after death? A. I think I said that.

Q. Before or after, now Doctor? A. Yes, I think I said shortly before.

Q. Shortly before or after? A. Yes, I think I said that.

Q. It has been testified here by Mr. Brandon, Mrs. Burch and I think another lady and Dr. Joyce, that when the body was found that it was lying on its left side with one leg over, is that right? A. I don't know what they testified to, I only know what I saw.

Q. They said that, anyhow, lying on its side, with one leg across like that (indicating). if that be true—

(Mr. Hartman): I don't think any of the witnesses have said that the body was lying on the side.

(The Court): My recollection is that the head was on the left side.

(Mr. Brady): She was lying on her left side, that is the way I understood it.

(Note.—Testimony read.)

Q. Now, I will ask you if she was lying on her left side as described by Dr. Joyce, will you say now that she may have been assaulted after death? A. How do mean, Mr. Brady?

(Question repeated.)

A. She may have been, because the body may have been moved afterward.

Q. You say, you took two specimens or this specimen of what you found on the body to Baltimore to Dr. Litz, the reason for taking it to Dr. Litz was because of your great respect for his authority, I suppose?



(Objected to.)

(Mr. Brady): I am only asking if that was his reason.

(The Court): The objection is—if you are misquoting the testimony.

(Mr. Brady): I am asking the reason.

A. I took it to Dr. Littz because I knew he was pathologist at the University Hospital and had been for a year or two and I asked him to examine it.

Q. And on account of his ability as a pathologist? A. Yes.

Q. Now, Doctor, the mucous that was found may that not have come from the interior of the woman? A. It could have, yes, sir.

Q. After death? A. I don't think after death, no, sir.

Q. Dr. Littz said that it may have? A. It is just the difference of opinion.

Q. Mr. Brandon stated in his examination in chief that between ten and eleven o'clock the night before that he had sexual intercourse with his wife for the last time, could any of that semen have remained on the interior of Mrs. Brandon? A. Oh, yes.

Q. A woman in that condition is apt to be very free with secretion, is she not? A. Great many of them are.

Q. How long would that remain there, not being cleansed or taken out? A. That may stay in there a number of days.

Q. Now, could the specimen that you took to Baltimore to have examined have oozed from the vagina of Mrs. Brandon? A. It could have.

Q. Then, Doctor, you are not positive whether that was the semen from Mr. Brandon or not, are you? A. No, sir; I am not positive.

Q. Now, Doctor, I will ask you, in view of what you have said whether you are positive Mrs. Brandon was ravaged or raped before she died? A. No, sir; I am not positive of it.

(Mr. Brady): Now, your Honor, I want to move that all evidence of Dr. Joyce and of Dr. Littz and also of Dr. Hopkins, regarding assault or rape be stricken from the record. My object in making that motion is entirely based upon the requirements of the law in establishing corpus delicti which must be beyond a reasonable doubt. This is not a question for the jury, but a question to be determined by experienced men such as those who have made statements regarding an assault, etc.

(The Court): The woman was found dead at five o'clock there was some evidence of violence, a great deal of blood and the physicians, the first one who examined her when he came in the room, I think about nine o'clock noticed a peculiar smell as being the smell from semen of a male and he made an investigation, he found on the body of the woman a mucous discharge, that he found on the hair as well, now he took some smears of this specimen and he took that for examination to a specialist in that line, he did venture the opinion later that that was an attempt of ravage.

(Mr. Brady): Who?

(The Court): One of the physicians testified that in his judgment that there was an attempt of ravage, now the expert says that he found there male semen, he says that the specimen he had examined had been alive when the smear was taken.

(Mr. Brady): No, sir.

(The Court): No life in it when he got it, but alive at the time the smear was made, he said it didn't show that it had disintegrated. Now the objection to that is as throwing any light on this case that there was cohabitation between the husband and the wife the night before at ten or half past ten o'clock, the testimony so far, the testimony so far as admitted that after the cohabitation the wife went to bed and later in an adjoining room and remained there a little while and came back and presented a wet towel to her husband and he used it, first there was an objection to what the lady's usual custom was, now this is only a subsidiary question, it does not rule in the case, it is not alleged that by reason of rape she lost her life.

I think these are all circumstances to go to the jury. The prisoner will be entitled to all reasonable doubt. I think the evidence should stand. I have to overrule the motion.

(Exception noted.)

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

FRANK I. DUNCAN. (Seal)

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#### TRAVERSER'S TWENTY-SECOND BILL OF EXCEPTIONS.

After the occurrence of the matters set out in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twenty and Twenty-first 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 DR. WALTON H. HOPKINS, continuing, says:

DR. WALTON H. HOPKINS, continuing, says:

Q. Now, Doctor, as I understood you to say last, was that you could not determine from that specimen that Mrs. Brandon had been ravished; is that right? A. I think I said that.

Q. Now, Doctor, then you examined the wound on the head. Was that a fracture of the skull? A. No, sir.

Q. You further said that on opening the skull that there was a quantity of blood. Did you say a great deal or a quantity of blood? A. I said a quantity of blood?

Q. About how much? A. Well, probably a quarter of a pint.

Q. How did you open the head; what instrument did you use? A. A saw.

Q. Is it a very easy matter? A. No; it is not an easy matter.

Q. Very hard; is it not? Did you say that the blood that flowed from the head on opening the skull came from the exterior of the lining of the brain? A. Between the covering of the brain and the skull.

Q. Now, in sawing through the skull would you have to cut that lining? A. Not if you are careful.

Q. Did you cut that lining? A. I don't think I did.

Q. Do you say that positively that you don't think you did? Could you be positive that you didn't? A. I said I didn't think I did cut it.

Q. You are in doubt whether you did or not? A. You heard my answer.

Q. How is that? A. You heard my answer. I said I didn't think I cut it.

Q. I say you are in doubt, then, whether you did or not; you won't say that you didn't cut it? A. I won't say positively no, but I don't think I cut it.

Q. Therefore, you can't say positively whether or not the blood came from the lining of the brain and the skull, or whether you had punctured or cut the lining, and that some portion of that blood came from the brain? A. No portion of that blood came from the brain.

Q. Why do you say that, Doctor? A. Because it didn't.

Q. Why do you say that, Doctor? A. Why do I say it?

Q. Yes. A. Because if there had been hemorrhage from the brain it would have shown in the tissue of the brain. There were no ruptures of vessels on the surface of the brain at all.

Q. Did you notice the brain whether or not you had cut the lining of the brain? A. I had to cut the lining of the brain to get the brain out.

Q. I am talking when you sawed it through? A. When I sawed it through?

Q. Yes; when you sawed through the skull? A. Did I notice what?

(Question repeated.)

A. I said I didn't think I had sawed through it.

Q. Are you positive that there was no rupture there, Doctor, in the brain? A. Yes.

Q. At Annapolis? A. I examined the brain carefully, the surface of the brain, and there was no injury to any other vessel.

Q. Then the blood that came from there was between the brain lining and the skull? A. That is what I said.

Q. The blow that caused that wound, was that of sufficient force to fracture the skull? A. The skull was not fractured, so I don't suppose it was of sufficient force.

Q. How thick was Mrs. Brandon's skull? A. I didn't measure it.

Q. What was her size? A. She was a woman that weighed, I should say, between 115 and 120 pounds, as near as I can judge. She was not a large woman.

Q. You can't give any idea of the thickness of the brain of a woman of that size, can you? A. No, sir; the average thickness, I would say.

Q. Sir? A. I suppose it was the average thickness.

Q. Was there any concussion of the brain? A. I could not see a concussion of the brain with the eye.

Q. You didn't examine it? A. It is impossible for anyone to tell if there is a concussion of the brain with the eye.

Q. Did you use a microscope? A. No, sir.

Q. Can't you tell with a microscope? A. I don't think you could.

Q. How would you tell concussion of the brain? A. By the symptoms that the patient shows.

Q. Was there any symptoms there? A. The patient was dead when I saw it; how could I tell?

Q. You could only tell when alive whether there was concussion of the brain? A. Yes.

Q. Did you examine in your autopsy, did you examine the cerebral artery? A. I looked at the base of the brain where those arteries are.

Q. How were they? A. They seemed to be in a good normal condition.

Q. You didn't make a statement at the first autopsy that the cause of death you supposed was due to a ruptured brain, of one of those cerebral arteries; are you sure of that? A. I have not said it anywhere here.

Q. Did you say it there? A. I don't know what I said; I should not think I said it because there were no injuries to those vessels.

Q. You won't deny that you said that? A. Yes, I will deny it, because I didn't say it.

Q. You deny that? A. Yes, because there was no injury to those vessels.

Q. When you were at the Emergency Hospital in the City of Annapolis, did you make the statement there that the cause of death was due to the break of one of those cerebral arteries? A. No, sir; I did not.

Q. Will you say positively whether or not that wound to the head was the cause of death? A. No, sir; I will not say positively that that was the cause of death.

Q. Will you state the causes of strangulation? A. Strangulation may be due to a number of causes.

Q. For instance, mention one? A. Something around the neck.

Q. What? A. Something around the neck will cause, if tight enough.

Q. The pressure on the neck what portion of the neck is affected? A. What?

Q. What portion of the neck is affected? A. Strangulation is caused by some obstruction to the air going in the lungs.

Q. Would you say whether or not Mrs. Brandon was strangled to death? A. No, sir; I would not say whether or not she was strangled to death.

Q. Now, those wounds on the neck, or the marks on the neck, could they have been produced by Mrs. Brandon's own hands? A. No, sir.

Q. Are you positive of that? A. Yes.

Q. Why do you say that? A. From the position of those wounds.

Q. I noticed from the photograph there that there were a great number of scratches on either side of the neck, both sides of the neck, would you suppose that would be done with one hand or two hands? A. Both sides of the neck.

Q. Yes? A. Those wounds I say were done by two hands.

Q. This is the left side, Doctor, they look like scratches? A. They look like bruises.

Q. Those on the left side of the neck are sort of oblong, they do not look like finger print or nail print? A. Those don't (indicating); those in there do (indicating).

Q. You can't see them plain on there, the other side shows up plainer. Do those pictures show the wounds on the head?

A. That one does not but that one shows right in there, right at the edge of the hair.

Q. Then the undertaker was mistaken when he said that was the wound?

(Objected to.)

(The Court): Let him describe it.

Q. Did you say that this described the wound, right about there? A. Right about in there, close to her hair (indicating on Exhibit No. 2).

Q. These marks on the knee, and on the instep, were they fresh when you saw them? A. Yes, sir.

Q. Can you say whether or not they were a day old? A. I don't think they were, because there was no scab on them.

Q. No scab on them? A. No, sir.

Q. Could they have been caused by Mrs. Brandon's knees striking against something? A. She struck them pretty hard, would have to be struck pretty hard because the skin was broken off.

Q. Falling on the floor I mean, if she had fallen on the floor? A. It all depends on the position she fell on the floor.

Q. Now, suppose a person falling this way (indicating) forward on the floor? A. No, sir.

Q. Is that right on the knee cap or not? A. No, sir; that one on the left leg is down about there (indicating) on the outside, this one on the right leg about there (indicating) and that one about there (indicating).

(Note): Witness points out to the jury where the wounds were, on his own legs.

(Juryman): Were they on the outside?

(Witness): One on the inside and one on the outside.



Q. Was there not force applied that caused that wound from the head?

(Objected to.)

(Objection sustained.)

Q. Now, I am asking whether the blow that caused that wound was there much force from the blow that caused that wound? A. It was hard enough to break the skin and cause quite a bruising around there.

Q. Could a slipper, the heel of a slipper, have produced that blow? A. Yes.

Q. What? A. Yes.

Q. That would have produced it, did it look very much like the wound was produced by the heel of a slipper?

(Objected to.)

(Objection overruled.)

Q. Did it or not? A. It looked like it was caused by some blunt instrument.

Q. I am taking the heel of a slipper, don't it look more like a blow from the heel of a slipper than any other blunt instrument? A. The heel of a slipper could be called a blunt instrument.

Q. Didn't it look more like that? A. I don't know whether it did or not, I tried to describe the wound to you, I could not say whether the heel of the slipper or the bed post.

Q. I will ask you about your examination of the interior, was there any edema of the lungs discovered in your second autopsy? A. No, sir.

Q. Or in your first autopsy? A. I didn't examine the lungs in the first autopsy.

Q. In the second autopsy? A. No, sir.

Q. No edema there? A. No, sir.

Q. Was there any appearance of eclampsia, any indication of eclampsia? A. No, sir.

Q. Of any of the parts you saw? A. No, sir.

Q. It has been stated here that when Mrs. Brandon was found that there was a good deal of foam or froth on the mouth, what produces that?

(Mr. Green): It was not stated there was a good deal——

(The Court): Some.

A. Decomposition and the gases.

Q. Decomposition and the gases? A. Decomposition that forms the gases.

Q. Would you say that froth came there after or before death? A. I should say that froth came there after death.

Q. It may have been there before death? A. I said I thought it came after death.

Q. I say it may have been there before death? A. It may have been, anything may happen.

Q. If it was there before death what does that indicate? A. It might have indicated that the woman had been choked.

Q. Anything else? A. She might have had an epileptic convulsion.

Q. Anything else? A. I don't know, it may have been from some other thing.

Q. If she had an epileptic convulsion, was it possible for her to have fallen on that bed in that convulsion and struck her head against the iron or brass part of the bedstead and not recover? A. But she would not have been in the position she was when I saw her.

Q. It has been testified, too, that she was not in the position that you found her and which I expect to show that a great many handled that body before you saw it, or several of them? A. She had had an epileptic convulsion and fallen and struck her head or some other place, there would have been blood in more places, which there was not.

Q. You seem to be peeved, you are only a physician.

(Witness): No, I am not peeved.

(Objected to.)

(The Court): Strike out that the Doctor was peeved.

(Mr. Hartman): I think the peevishness is on the other side.

(Mr. Brady): That is my natural way.

Q. You said the head was about ten inches from the iron portion of the bed? A. Yes.

Q. If she had struck her head on that bed she would not have kept her head right where she fell, it would be perfectly natural for her to have some a little ways from it. A. If she had struck her head like that and fallen down she would probably have been on her face.

Q. Why I understood she was on the left side? A. The face was turned to the left, if she had fallen like that, when she struck her head she would have kept straight down with her face on the bed.

Q. She could have fallen side-ways? A. Yes, she could have fallen side-ways.

Q. You say the wound was towards the bed? A. I said the left side of the face was towards the bed.

Q. And the wound towards the bed? A. Yes, near the mattress.

Q. With that wound on the head what position would a person have had to stand to have delivered that blow? A. Would have had to stand over her and hit down like that (indicating).

Q. Will you say positively after your two autopsies, whether Mrs. Brandon had before death been suffering with eclampsia?

A. She had not been.

Q. You are positive of that? There were no symptoms at all of eclampsia? A. No, sir.

Q. You positively say there was no eclampsia condition? A. Yes.

Q. Now, if I stated such a person could have one of those attacks, and would come on them like a thunder bolt from the clear sky——

(Witness, Interrupting): That is what Mr. Williams says, Dr. Williams.

Q. That is true? A. Yes.

Q. If such had taken place, necessarily some lesions, certain lesions, such as to the liver or intestines or the lungs or brain would show that? A. Yes.

Q. That would be done? A. Yes, let us quote Dr. Williams right. He said lots of times nothing is shown.

Q. That she could have had a convulsion, epileptic convulsion or an epileptic fit and of your not being able to find any indications of it in your autopsy? A. She could have, yes, sir.

Q. Strangulation causes a sudden congestion, does it not? A. Yes.

Q. Where is that congestion shown? A. It would show in the face.

Q. Any indications of that in the face when you saw that body? A. No, sir.

Q. No indication at all? A. No, sir; there was no bulging of the eyes or anything like that.

Q. How about the tongue? A. No evidence of anything in the tongue at all.

Q. Was the mouth open in any way? A. I opened the mouth and looked in and there was no evidence of biting.

Q. Why did you look at the tongue? A. To see if she had had any convulsion or anything like that to see if the tongue had been bitten.

Q. When you first saw the body it dawned on you that there may have been a convulsion before she died? A. No, sir; I was looking for anything.

Q. You looked at the tongue to see if she had any convulsion or not? A. I looked at the tongue to see if the tongue was bitten.

Q. When you see a tongue bitten like that your natural conclusion is that she had a convulsion, or something like that, and bit the tongue? A.——

Q. In every convulsion they don't always bite the tongue? A. No.

Q. Don't that congestion also show in the lungs? A. Yes, it shows in the lungs.

Q. Why did you say in your examination awhile ago in chief that the lungs were perfectly normal? A. There was no congestion shown there.

Q. Now you say the congestion shows in the lungs I mean congestion from strangulation shows in the lungs and in the face, and that there was no evidence of strangulation if you don't find congestion in the face? A. No we didn't find anything.

Q. Then she didn't die from strangulation? A. No, she didn't die from strangulation, she died of shock as a result of the injury to the head——

(Objected to; motion to strike out; 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 Twenty-

second Bill of Exceptions, which is accordingly done this — day of April, 1918.

(Exception refused.)

F. I. D.

### TRAVERSER'S TWENTY-THIRD BILL OF EXCEPTION.

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, twenty, twenty-first and twenty-second 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 DR. WALTON H. HOPKINS, continuing, says:

(Mr. Grason): Indictment don't call for death from shock.

(Mr. Green): The indictment calls for death from anything.

Q. From the conclusions I reached from your diagnosis that she didn't die directly from the wound in the head nor did she die from strangulation? A. She died from shock as the result of her injuries.

(Objection to the answer and motion to strike out; 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 Twenty-third bill of exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

Q. Now, Doctor, do you say positively that those wounds on her neck were not caused by the hand of a woman? A. I would not say positively they were not caused by the hands of a woman; all I say is they were large bruises, they were like they were made by large fingers.

Q. Now, a person, a little hand, to catch hold of a neck like that and cause those contusions and those bruises afterwards, would they not spread slightly, the bruises—spread so that you could not determine the exact size of the surface that had been pressing upon the neck? A. They had not spread any because there was a deep impression there.

Q. You won't say if the pressure had been enough to bruise it that it would not spread larger than my finger? A. If you press yourself like she would press, and live long enough afterwards there would be a big bruise there and discoloration all around.

Q. The first impression that appeared on her throat may have been exaggerated and enlarged by reason of the extension of the bruises afterwards? A. No, sir.

Q. Why, not? A. These bruises were perfectly fresh and had not extended any.

Q. I thought you said they would not extend after death? A. I didn't say that.

Q. What did you say? A. You said that.

Q. Would they extend after death? A. No.

Q. You say there was a great mark from blood on the sheet of the bed? A. Yes.

Q. You said it came from this wound on the head? A. Yes.

Q. What vessel did that come from? A. That was probably from the anterior branch of the arteries or brain.

Q. You think—you said the wound on the head bleeds very freely? A. Yes.

Q. Have you any idea how long Mrs. Brandon lived after that blow was delivered? A. No, sir; I have not.

Q. Or from the amount of blood that you spoke of? A. No, sir.

Q. How long would you suppose, in your opinion, from that blood you observed there? A. I don't know. I would not express an opinion on that because I don't know.

Q. Does that artery flow freely? A. Any wound in the scalp flows very freely.

Q. But you have not any idea how long it would take to dispose of that much blood? A. No, sir.

Q. Did you examine that room thoroughly? A. No; I didn't examine the room.

Q. I thought you said in your examination in chief that you looked around? A. I looked around, but I didn't examine it thoroughly.

Q. You don't know whether or not there was any blood on the floor? A. I didn't see any on the floor. I don't think I saw any on the floor. As I told Mr. Green in my direct examination, I would not say whether there was any there or not.

#### REDIRECT EXAMINATION.

Q. In your opinion, was the wound on the forehead caused by the subject falling and hitting her head on the bed? A. No, sir.

Q. In your opinion, would that mucous that you found between the legs come from the interior of the woman? A. I don't think it did, from the position I found it in.

Q. What position was that; where do you mean? A. On the legs; on the inside of each leg.

Q. If it came from the woman, where do you think, what courses do you think it would naturally have taken? A. A backward course.

Q. In your opinion, Doctor, could the mucous you found have come from the vagina from the intercourse of the husband the night before? A. If she had been walking around a lot during that morning, it could have come from the vagina—that is, some mucous could have come from the vagina.



Q. In the morning do you think it would have stayed here where you found it, from that time until you found it? A. I don't think it would have, because the heat of the body would probably have dried it up to a great extent. It would not have been so noticeable as I found it.

Q. Would it have been possible, in your opinion, from the examination of that body, the marks on the woman's throat, the marks on her arm, hands, fingers, knees and ankle and head, all come from one fall, by any possibility? A. No, sir.

### RE-CROSS-EXAMINATION.

Q. I understood you to say that you didn't know how long those wounds on the legs had been there; they may have been there a day or day and a half? A. No, sir; I didn't say that.

Q. They may have been there a day? A. My opinion was that they had not. They were fresh wounds recently put there; no scab on them.

Q. But they could have been from the day before? A. No, sir; I don't think so.

Q. As I said to you before regarding the mucous that you found there, that you took a specimen of, that when it was first found she was lying on her side; now, do you say that it would have gone back from the vagina?

(Objected to.)

(Objection overruled.)

A. If she had been lying on her side, it could have gotten on her leg that way.

Q. That was a very warm day, was it not, the 8th of August?  
A. I don't remember exactly what the temperature was, but it is pretty warm that time of the year, you know.

(Examination concluded.)

TRAVERSER'S TWENTY-FOURTH 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, Twenty, Twenty-first, Twenty-second and Twenty-third Bills of Exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, WILLIAM HERMAN POHLER, called on behalf of the State, testified as follows:

DETECTIVE HERMAN POHLER a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (Mr. Green): What is your business? A. I am a detective of the Baltimore City Police Department.

Q. How long have you been connected with the Police Department of Baltimore? A. Nearly 35 years.

Q. Were you called to Annapolis in reference to the death of Lottie May Brandon? A. I was, on the night of August 8th last.

Q. Do you know John Snowden? A. I know him now; I didn't at that time.

Q. Were you there the day he was arrested in Annapolis? A. Yes; I arrested him, with some other man.

Q. Did you hear him make any statement on that day—yes or no to that? A. I did.

Q. Whereabouts was the statement made? A. In Sheriff Sullivan's office in the Court House at Annapolis.

Q. To whom was the statement made? A. Made to you, State's Attorney Green.

Q. Do you recall what I said to Snowden before I asked him to make his statement? A. You told him that you wanted to know his whereabouts on that Wednesday, August 8th, and furthermore you told him he need not make any statement if he didn't want to, but he was willing to make the statement.

Q. Were there any inducements or threats or immunity from punishment made to him? A. None whatever.

Q. Were there any threats made by me or anybody else? A. None whatever.

Q. Was that statement free and voluntary? A. It was on the part of John Snowden.

(Mr. Green): Now, we are going to ask the witness to tell what the statement was?

(Mr. Grason): When did you see Snowden, first see Snowden? A. I saw Snowden the first time on August the 13th.

Q. On August 13th? A. On August 13th; yes.

Q. What time of the day? A. That was in the evening about, I presume, about 5 o'clock in the afternoon, I saw him on a wagon on the main street. He stopped at a fountain to water his horses on that afternoon.

Q. Who was with you? A. Detective, Kratz, Detective Dougherty and, I think, Deputy Sheriff Lee.

Q. Was there anybody with Snowden? A. There was another colored man on the wagon with him.

Q. Now, what did you do? A. That afternoon we received certain information——

Q. What did you do then? A. I wanted to explain to you——

Q. I don't want any explanation. I want to know what you did when you saw him at the watering trough? A. When at the watering fountain—we had gotten certain information about Snowden and also a description—he came driving down the

street in a wagon and a pair of horses that belonged to Parlett & Parlett. As he went to water his horses I went to him—I didn't know whether that was Snowden or not—and I said, "Did you deliver that load of ice to my place yet?" He said: "To what place?" I said, "I guess you are not the man." I said, "What is your name?" He said, "John Snowden." I got up on the wagon and took him down, and when we got down on the street I said, "We are officers and you are under arrest." And he never asked what he was arrested for and nothing else, and I took him direct from there up to the Court House to Sheriff Sullivan's office.

Q. What became of the team? A. I left it there.

Q. What did you do with the team? A. Left it standing there, in fact, we first went over, he had some money belonging to Parlett that he wanted to deliver over to him, he delivered the money to Parlett, and Parlett said he would look out for the team, and we walked up to the Sheriff's office.

Q. You say you caught hold of him, while he was in the wagon? A. I got up on the wagon and got hold of him and took him off the wagon.

Q. He got down, didn't he? A. He had to.

Q. He did do it? A. Yes.

Q. You were very determined in your actions? A. I suppose the same as anybody else, anybody is determined in the business they are engaged in.

Q. You walked from there to the Sheriff's office? A. Yes, the Sheriff's office in the Court House.

Q. Those other detectives were with you? A. Yes.

Q. And Mr. Lee, I think you said? A. Yes.

Q. Where did you take him? A. Took him to Sheriff Sullivan's office in the Court House.

Q. Did you say anything to him going up the street, you or any of the detectives? A. No, I only told him——

Q. Who was walking with Snowden? A. I had him by myself.

Q. Where were the other detectives? A. They were there, they also brought the other man along, that was on the wagon.

Q. Walking in front or behind you? A. Behind, I was in the lead.

Q. Did you handcuff him? A. No, sir; never handcuffed anybody.

Q. He walked along with you? A. Yes.

Q. You took him direct to the Sheriff's office? A. Yes.

Q. Who was in the Sheriff's office when you got there? A. I think we met Sheriff Sullivan and he walked in with us, in fact, he was there, I don't know whether at that time, but he came in there.

Q. Who was in the Sheriff's office when you took Snowden in there? A. I don't remember of anybody being in there at that time.

Q. You all went in together? A. Yes, sir.

Q. How long did you stay in there? A. We stayed in there until we took Snowden to Baltimore that evening?

Q. How long was that? A. Well, I guess that was probably two or three hours, I don't know the exact time.

Q. How long were you and the detectives after you got in the Sheriff's office, in there alone with him? A. It was some-time.

Q. Sometime before Mr. Green came in? A. Not very long.

Q. How long? A. I don't remember.

Q. Can't you give an idea? A. I cannot.

Q. Half hour? A. I can't give you that, Mr. Green can give that best himself.

Q. I am asking you? A. I don't remember.

Q. You don't know how long you were in the Sheriff's office, before Mr. Green came in? A. I don't; it was not very long.

Q. What did you do with Snowden, when you first came in the Sheriff's office? A. He sat there and we waited for Mr. Green.

Q. Is that all? A. And Mr. Green spoke to him.

Q. Was that all? A. Yes.

Q. It was you and Detective Dougherty and Detective Kratz and Mr. Lee and Mr. Sullivan there? A. Yes.

Q. All of you officers of the law? A. Yes.

Q. And you sat there? A. Yes.

Q. Didn't you say anything to Snowden? A. I talked to Snowden, yes.

Q. What did you talk to him about? A. Nothing in particular, I was waiting for Mr. Green to come and do the talking to Snowden.

Q. Didn't you tell him what you brought him up there for? A. Not until Mr. Green came.

Q. Did any one of you in there, one of the five, tell Snowden what you had brought him in there for? A. I don't think they did at that time.

Q. You were in there? A. Yes I was talking to him afterwards.

Q. You were in there? A. Yes, I was in there; I had charge of Snowden from the time I brought him in there until I took him to Baltimore.

Q. What did you say? A. I had charge of him until I took him to Baltimore.

Q. Do you tell the jury that you didn't or that nobody else said anything to Snowden until Mr. Green came in? A. I am satisfied they didn't because we were waiting for Mr. Green to do the talking.

Q. Did Snowden ask you to do anything why you brought him up there? A. No, sir; he did not; he never said, what am I arrested for or anything else.

Q. You had the other colored man in there, too? A. Yes.

Q. Did he say anything? A. No, sir; he was talking afterwards.

Q. He waited in there until Mr. Green came in? A. Yes.

Q. Did he ask you why you had him up there? A. I don't remember. I didn't have charge of him.

Q. You could hear what was said, you were all in there together? A. No, sir; not in that room, he was in another room.

Q. What? A. He was in an adjoining room.

Q. Were the doors open? A. Sometimes they were open and sometimes closed.

Q. When were they opened and closed, were you going in and out? A. I don't know why Sheriff Sullivan kept it closed.

Q. Why did he open it? A. I didn't ask him.

Q. You have no idea what was going on there? A. No, sir.

Q. Now, Chambers was not dismissed until after Mr. Green came there, was he? A. No, sir; not until after Mr. Green was there.

Q. How long afterwards? A. I don't remember when he went out, in fact I didn't talk to him at all, I never had any conversation with him whatever.

Q. Do you remember anything at all, what you talked to Snowden about before Mr. Green came in there? A. No, I

told him that we were going to keep him there until Mr. Green came, that Mr. Green wanted to have a talk with him and he sat there and waited for Mr. Green.

Q. Did you say anything else to him? A. No, sir.

Q. Is that all you said to him? A. That is about all.

(Mr. Grason): That is all.

(The Court): Do you object?

(Mr. Brady): No, sir.

(Mr. Green): Now, Mr. Pohler, tell what statement Snowden made there in your presence to me?

A. Snowden made his statement: he stated that he was working for Parlett & Parlett, and that on Tuesday, that was the day prior to the finding of the body of Mrs. Brandon, he went into the office of Parlett & Parlett, as was his usual custom to do that on Tuesday, among the men down there, he drew three dollars, he went home that night and went out, he said he got to drinking and sent two bottles of beer home by a man to Edna Wallace living at 56 Acton lane.

(Mr. Grason): Have you not a written statement?

(Witness): I would rather give it to you.

(Mr. Green): That statement was never taken down and signed by Snowden that he made to me.

A. I don't remember.

(Mr. Grason): Was it written?

(Witness): I don't think so.

(Mr. Green): It was not written then.

(Witness, continuing): He said he got in a crap game on Pleasant street with a man named Walter Young, John Franklin, Lovey Joe of Baltimore and some white sailor.



(The Court): What was that?

A. Walter Young and a colored man by the name of John Franklin, "Loving" Joe of Baltimore and some white sailor, and he said he won fifty cents, and that he had spent fifty cents and that made him even three dollars again; he said he went home, he said he didn't remember what time he got home that night; the next morning about twenty minutes of seven. Wednesday, he got up and he fooled around the house, he says, he and Edna Wallace had been on the outs and were mad with each other, and before he left the house, he gave Edna Wallace a dollar and ninety cents of the three dollars he then had in his possession. He left the house at a quarter of eleven o'clock on Wednesday morning, that was on August the 8th, he says he went down Acton lane,—now Acton lane is the street as you go along West street, passing the W., B. & A. Depot, before you get to Second street; his house, naturally the back almost faces—

(Mr. Grason): Were you asked to describe the location or what he said?

(The Court): Go ahead with what he said.

(Witness): He said he went down Acton lane and crossed over a lot into a narrow street, which I found out was wide enough for a wagon to pass there, and he spoke to his niece, Ruth Isaac, who is about 21 years of age. I saw her afterwards; he left there and walked up that street and went up a little hill to Second street, to where a minister who lives here by the name of Williams, he turned that corner and went up the street as far as West street and went over in Martin's saloon; there he met Tobe Spencer (witness refers to memorandum) and Pink Johnson.

Q. (By Mr. Grason): When did you make that memorandum? A. I made it last night, when I was thinking over the names he told me.

(Mr. Grason): We object to him using that any more.

(Witness): I don't want it any further. He said he met them and went and got a bottle of beer and he asked these two men to have a bottle with him which they did, they took a bottle with him and he gave Mr. Martin's bartender a dollar bill

and he took out fifteen cents, that was when he entered the saloon, that it was about five minutes of twelve, noon.

(Mr. Brady): Did he say that was that time?

A. Yes, he said he remained there until five minutes after twelve, when he came out, he saw a mule down on the street up near the corner of Second street, he went up there and helped get the mule up, he then walked down West street toward Acton lane, and went down Acton lane and went home.

Q. Did he say anything about who he met on Second street?  
A. He said in coming up Second street just as he got near West, he met Mrs. Baker and she said, "Hello, ain't you working," and he said "No"; she said, "You fellows have to work pretty hard," and he said, "Yes."

(Mr. Brady): Did you mean he said that or she said it?

A. She asked him the question and he gave that answer.

(Mr. Green): Mrs. Florence Baker?

(Witness): Yes.

Q. Did he say anything about having seen anybody else on Second street at all? A. He said that coming up the hill towards Preacher Williams house that he saw him on the back porch, he was stooping as if he was fixing something or doing some kind of work, but he had not seen anybody else as I remember he said on Second street.

Q. Was that on Second street that he saw Williams? A. In rear of the house on the porch.

Q. In the back part? A. Yes.

Q. He was coming up Shaw street? A. Coming up that small street.

Q. What did he say when he was asked how he accounted for all the time from quarter of eleven until twelve o'clock, when he was found in Martin's bar?

(The Court): Ask the question, was he asked?

A. He was asked that question and he could not make any reply; could not account for that time at all.

Q. Mr. Pohler, what, if anything, did you notice about Snowden's appearance that attracted your attention? A. He had some scratches on his face that appeared to be fresh scratches; and asked him how he got those scratches, why he said Edna Wallace scratched my face and asked him when and he said last Sunday a week.

(Mr. Brady): Do I understand this as a conversation that took place in the Sheriff's office at Annapolis?

A. Yes; he said last Sunday week, and said where were you and he said, I came home half past one, from my work—that was the Sunday prior to the 8th he had reference to, and he went in the yard and Edna Wallace got to sky-larking and scratched his face. He stated that two ladies, two colored women, one by the name of Burns was lying on the fence like and one on the other side hanging out the window and saw her when she done it.

Q. Did you ever hear that statement made by Snowden in the presence of Edna Wallace and what Edna Wallace said in Snowden's presence about having scratched his face?

(Objected to.)

(The Court): What is the objection?

(Mr. Brady): We would like to examine this witness about any statement made by Snowden in regard to the Wallace woman that took place other than the sheriff's office.

(The Court): This very statement as I understand it, that the scratches that were found on his face, that they were made in sky-larking about with Edna Wallace; the question is, did he reiterate that statement in the presence of Edna Wallace?

(Mr. Brady): And where?

(The Court): And what she said in his presence about it?

(Mr. Brady): What we object to, if it was made after he was taken to Baltimore City, I think we can show some things there very clearly what was done to him and how he was treated.

(Mr. Green): This is a statement of two people about it and what Edna Wallace said in this man's presence as to his statement that she had scratched his face.

(The Court): The proposition is this: The officer had testified to a statement he made about scratches on his face; the offer is that he made this identical statement in the presence of Edna Wallace and they want to know what she replied.

(Mr. Brady): Is she not the proper one?

(The Court): Well, that is one way of doing it, I don't think there is any trouble about this.

(Mr. Brady): At this time?

(The Court): Yes.

(Mr. Brady): And it is secondary, it is not the best.

(The Court): Let him answer it.

(Mr. Grason): As I understand it then, this is a statement not given on the evening he was arrested and talked to in the sheriff's office at Annapolis, but at a subsequent time in the presence of officers?

(The Court): In the presence of Edna Wallace.

(Mr. Grason): I understand the officers were there and we have a right, it seems to me, to know what was done by the officers at that time and what, if anything, was done by them to Edna Wallace, or to this woman before this statement was made.

(The Court): Well, you may do that; find the place, the circumstances and all about it. If this man and this woman were in the presence of the officers; I don't know whether she was in custody or not, but they were together with the officers at some other time and some other place, then you can inquire the same things, whether any promises, etc.

(Mr. Grason): I will ask you where at this meeting between Snowden and Edna Wallace took place?

A. It was in Marshal Carter's office, in the City of Baltimore.

Q. When? A. It was on the afternoon of August 15th.

Q. Two days after you arrested him? A. Yes; we went over to the jail——

Q. Just answer the question?

(Witness): You don't want to hear what I have to say.

(Mr. Brady): We will hear everything from you.

(Witness): We went over to the jail on August 9th and interviewed——

(Mr. Grason): I didn't ask you about that; just answer my questions and we will get along. This interview between Edna Wallace and Snowden took place in Marshal Carter's office in Baltimore on the 15th? A. On the 15th we brought Edna Wallace to Baltimore in an automobile.

Q. Was not Snowden in Baltimore? A. At that time; yes.

Q. At that time? A. Yes.

Q. When did you bring Snowden to Baltimore? A. Brought him on the night of August 8th.

Q. How long did you have him in Baltimore? A. I don't know how long.

(The Court): When?

(Mr. Green): He means the night of the 13th.

(Witness): Yes.

Q. You saw him on the 14th? A. Yes.

Q. How long? A. Not very long, I went down to Annapolis.

Q. Did you see him in the afternoon of the 14th? A. No, sir.

Q. What time was it—did you see him on the 15th? A. In the afternoon about four or five o'clock.

Q. Did you see him on the morning of the 15th? A. I don't remember.

Q. Don't you know whether you saw him or not? A. No, sir; I went down to Annapolis, I don't remember whether I saw him or not.

Q. You can remember all those details, those conversations, Mr. Pollier, how is it you can't remember that you saw him on the morning of the 15th, the day you say the conversation between Edna Wallace and Snowden took place? A. I may have seen him. I won't say I did and I won't say I didn't.

Q. Who was present in Carter's office on the 14th, when you saw him? A. The 14th?

Q. Yes? A. I don't recollect seeing him on the 14th at all.

Q. Didn't you say you saw him on the 14th? A. No, it was on the 15th.

Q. Did not you see him from the time of the night of the 13th, when you took him to Baltimore until the 15th, when you had Edna Wallace there? A. I don't think I did.

Q. Will you say? A. I say I don't know whether I saw him or not.

Q. Did you bring Edna Wallace from Annapolis for this interview? A. Yes.

Q. What time did you leave Annapolis with her? A. Sometime in the afternoon.

Q. What time? A. I don't remember the time.

Q. Have you any idea? A. No, sir; I think we got in Baltimore in the neighborhood of four o'clock.

Q. How long were you at Annapolis with Edna Wallace before you left? A. Edna Wallace she was over in jail.

Q. Was she? A. Yes.

Q. Did you see her at the jail in Annapolis? A. I interviewed her there on the 14th and she made a certain statement.

Q. I am not asking for the statement, you saw her on the 14th? A. Yes.

Q. How long? A. We were over there quite a while getting her statement.

Q. Who? A. Detective Dougherty and Kratz and myself and Deputy Sheriff Lee.

Q. How long were you there? A. Sometime.

Q. Sometime might be a couple of hours and might be ten minutes, how long were you there? A. I can't give the exact time.

Q. Could you not say whether one, two or three hours? A. I could not give you that, but not three hours, probably an hour.

Q. This was on the 14th and you went down on the 15th to the jail to see Edna Wallace at Annapolis? A. No, we took Edna Wallace on the 15th to Baltimore, and John Green.

Q. Didn't you say you saw her on the 14th in the presence of these gentlemen? A. Yes, over at the jail.

Q. At Annapolis? A. Yes.

Q. And you went down on the 15th to get her? A. Went down and got her at Annapolis and took her to Baltimore.

Q. Who? A. Sheriff Lee, Detective Kratz and myself; I don't know whether Kratz was with us or not; Sheriff Lee and myself.

Q. You say you got in Baltimore somewhere along about four o'clock? A. About four or half past four as near as I can recollect.

Q. You went down to Marshall Carter's office? A. Yes.

Q. Was Snowden in Carter's office when you got there? A. He was brought in from the lock-up.

Q. By whom? A. I think I went over and brought him in myself.

Q. Did you bring him in immediately? A. Yes.

Q. Did you tell him that you had Edna there? A. When he got in there we did.

Q. He could see then for himself? A. Yes.

Q. Did you tell him before? A. No, sir.

Q. How long did you have—it was you and Kratz and what other detective? A. Sheriff Lee was there and myself.

Q. Anybody else? A. No, I think that was all, and Deputy Marshall House was there.

Q. That is four, anybody else? A. There may have been some others that I don't remember.

Q. How long did you have them in there? A. Not very long, probably 20 minutes or a half hour.

Q. What was said when you first took Snowden in where this woman was and by whom, who said it? A. Deputy Marshal House said to Snowden, do you know that man here, which was John Green, and he said he did, and he said, "what is his name?" and he said John Green.

Q. John Green? A. Yes, we brought him up from the jail to Baltimore and he said is that the man you saw running—

(Objected to.)



(Witness): He asked me what was first said there and I am trying to tell him.

Q. Regarding Edna Wallace? A. Edna Wallace had made a certain statement to me.

Q. I am asking you, was it made there? A. No, in jail.

Q. I am asking you what was first said to Snowden in the Marshal's office in Baltimore, in the presence of these gentlemen: what was said first to him concerning Edna Wallace and who said it? A. Marshal House said, Edna, do you know this man, and she said, yes, John Snowden; and he said, Did you put those scratches on his face?

Q. How long after Snowden was brought in, was that said?  
A. A very few minutes.

Q. How many minutes? A. I don't know, as soon as we got in there, asked her the question. I could not tell you the exact minute.

Q. You asked the question as soon as you got in there? A. No. I am trying to explain the other part getting down to Edna Wallace, with Snowden, Snowden had made a statement about this man Green.

(Mr. Brady): You have not mentioned Green's name in the statement that was made by Snowden to Mr. Green in the Sheriff's office in the City of Annapolis, and therefore he asked you to eliminate Green at this time.

(Witness): Mr. Grason asked me what was said first in the Marshal's office.

Q. Concerning Edna Wallace? A. Well, Edna Wallace had made a statement to me over in the jail that on the strength of that statement I went then to Snowden: I think on the morning of the 15th, and I told him what she had said, that she had not put these scratches on his face, now I am talking to Snowden——

(Objected to.)

(The Court): We don't want that conversation yet.

(Mr. Grason): I ask you again what was first said and when it was said, and how long after you brought Snowden out in the Marshal's office, was it that anything was said to him concerning Edna Wallace, and who said it to him? A. Marshal House, at once.

Q. At once? A. Yes, spoke to him at once.

Q. I will ask you if you knew before that whether Snowden was not roughly treated by the detectives in your presence?

(Mr. Hartman): What time?

(Mr. Grason): Between the 13th and the 14th.

A. He was not. I don't allow a prisoner to be treated roughly by any one. He is not by myself and I don't allow anybody else in my presence; I won't have it, and everybody will bear me out in that, and Snowden will bear me out in that, too.

(Objected to). He said he only saw Snowden a few moments on the 14th, how does he know what treatment he received from the detectives from the night of the 13th when arrested, until the Tuesday afternoon on the 15th, not in his presence.

(The Court): Of course you can only speak for yourself, when you were interviewing him, or at times when in the presence of others.

(Witness): I can only speak when he was in my custody.

(Mr. Brady): We will object to anything said by Snowden in the presence of the officers; unless we are able to go into the full time that Snowden was in the custody in Baltimore City from the night of the 13th until the time that he came in the office with Edna Wallace, which was Tuesday, or Wednesday, the 15th.

(The Court): What do you say to that?

(Mr. Green): We don't think—this witness is asked to detail a statement made between these two people in his presence

and he can testify only to what happened in his presence and with him or with those he was with; he can't be asked to testify to everybody that might happen to see Snowden; I don't know that it is possible that he could tell everybody that saw Snowden; but this man is asked to detail the conversation between Snowden and Edna Wallace in the Marshal's office on this 15th day of August, and the conversation or statement that Snowden made to me on the night of his arrest, in the Sheriff's office. Now, he has said that nothing was said to Snowden to intimidate him at the time he made the statement to me, and he has testified he brought the Wallace woman up from Annapolis to the Marshal's office and went over and got Snowden and this was the interview that occurred there between Snowden and the detectives and the Wallace woman on that day. It is not a question of what was done, or what might have been done or what was said to Snowden at some other time on some other occasion by somebody else, but this is an inquiry of what took place on this occasion about this particular circumstance and this particular inquiry to which we have directed. Suppose for the sake of argument that Snowden had been treated roughly on the day of the 14th, but not by this party, and on the 15th, he was brought over by Mr. Pohler and carried into the office and nothing said to him and no offer of inducement and no threat made to him and this conversation occurred between this woman and the prisoner; my brother can't say because forsooth something was done to him at some other time, that this conversation held on this occasion when nothing was done to him and nothing done by those men in the meantime that any talk he had with this man in the presence of this woman is not admissible. We don't think our brothers' objection is good for that reason. My brothers seem to want us now to go through and show everybody that went to Snowden and everybody that said anything to him and who that person was; if we have got to show that, it is almost impossible at any time to get any statement made at any time; this is not a conversation, this is a statement; it is impossible to get a statement because sometimes you could not show whether anybody else had seen him or not.

(Mr. Brady): Now, your Honor, there are somethings that have been said that are still doubtful; if there was a question in the minds of these people, when that statement was first made by Snowden as to the scratches and where he got them from, in the Sheriff's office, in the City of Annapolis, why didn't

they, there was the woman right within reach, four or five deputy sheriffs there to go after her, why didn't they go after the woman at that time and have her contradict him if any contradiction was made, but she is not brought there until the 15th, the evening of the 15th, and during that time, we want to show the cruel the rough, the hellish treatment of this poor fellow, held there during that period, and yet we are fearful of what they say, but yet we must be careful in protecting our client, and I say it would be wrong three days afterwards and having the opportunity to examine this woman to have put it off for three days, knowing it and even though he said it, in the presence of Mr. Pohler, we must remember how he may have felt and how he was intimidated by reason of his cruel treatment which we expect to show and no matter who was there, he was trying to prove and to put himself in a position to prove himself innocent after a week of cruel treatment by the officers of the law.

(Mr. Green): My brother seems to have the wrong impression of this thing. We don't wish to show that Snowden admitted that she didn't put the scratches there. We expect to prove that he still said it. The only question involved here is whether or not she denied that and said she did not do it in the presence of John Snowden. Now, my brother has asked a question in the presence of the Court and jury, and I will tell my brother why we waited until that time, why we were in such a hurry; it was done because we feared the consequence to John Snowden, if we didn't get him out of Annapolis and to some other place, and it was mostly the colored people——

(Objected to.)

(Mr. Green, continuing): And we did send for Edna Wallace on that night.

(Mr. Grason): I ask you then, why didn't you try the case down there in your own county, if that is so?

(Mr. Green): I will tell you, Mr. Grason, and gentlemen of the jury, if you want me to tell it.

(The Court): Gentlemen, the proposition here is: The officer having testified that the prisoner at the bar accounted for certain scratches on his face, now the proposition here is to

show that he made the same statement in the presence of somebody else—the person whom he said inflicted those injuries—and that person denied it. Now, that is the object of the testimony; so you have here a witness that has testified, rather who has made certain statements, to wit, that she did make these statements and she had nothing to do with it.

(Mr. Brady): That is not the best testimony; is it not secondary? Here is the woman sitting here.

(The Court): I know it. Put her on the stand. If she testified to it, put her on the stand and then you know what you can do.

(Mr. Brady): Then you can impeach the witness.

(The Court): There is no trouble about that. I sustain the objection.

Q. Did Snowden subsequently make any statement about his movements or what he had done on that day, Wednesday, the night previous and, if so, what and where? A. No other statement; only that evening he was home he heard some woman saying—

(Objected to.)

Q. When was that? A. When was that?

Q. When did he make this other statement that you started to tell? A. I think it was the same night, at the Sheriff's office—the first he knew about this woman being killed was on Wednesday night.

Q. That was on the same occasion that you first told about his statement? A. Yes.

(Mr. Brady): In the Sheriff's office, in the City of Annapolis? A. Yes.

Q. In the presence of Mr. Green? A. Yes.

(Mr. Green): What did he say about when he got that, that afternoon or at night? A. That night he heard some women

on the sidewalk telling about a woman being found dead down on Second street, and he then went and told Edna Wallace about it.

Q. That was on Wednesday? A. On Wednesday night.

Q. Did he make any statement where he went after he got home where he was, or whether he went out? A. The only time he said he went out he went over to Weis's to get a bottle of beer, and Edna had to give him ten cents to get the beer with.

Q. Whereabouts were these scratches on his face? A. I think one was on the side here, and I think one down here (indicating); there were several scratches.

Q. Do you know whether a picture was taken of him there in Baltimore? A. I do not.

Q. Can you identify these pictures as a correct likeness of Snowden on the day of his arrest? A. Yes, they are about the likeness of him.

Q. And the way he was dressed? A. Yes; that is the first time I saw that.

(Mr. Brady): Did you say the day he was arrested?

(Witness): I don't know; that was the first day I saw those things.

Q. You say he looked that way when you arrested him? A. Yes.

(Mr. Green): Do those pictures there represent the scratches on his face as you saw them?

(Objected to.)

(The Court): He says, as I understand him, that these pictures represent the appearance at the time of his arrest.

(Mr. Green): Yes, sir.

(The Court): Now, you are going to offer those pictures now?

(Mr. Green): I am going to offer them. If my brother insists on objecting, we have the photographer here who took them.

(The Court): Do you object to the introduction of the pictures?

(Mr. Brady): I have always understood that when you offer evidence such as this, in order to have it to be good evidence, that the party, the photographer in a case of this kind, would have some authority—that is my idea—from the Court or from the jurisdiction where the crime is committed. Not every Tom, Dick and Harry can come forth and get some picture and then have it introduced in evidence.

(The Court): A picture is a picture. You say you have the photographer here who made it?

(Mr. Green): Yes.

(The Court): Who is he?

(Mr. Green): The official photographer of the Police Department of Baltimore.

(The Court): I was going to say there were certain scratches on the face, when arrested, and the officer said this is a good picture of him at the time he was arrested.

(Mr. Green): Yes, sir.

(The Court): Now, you offer the pictures, and let it go at that.

#### CROSS-EXAMINATION.

Q. (By Mr. Brady): Mr. Pohler, you are identifying this picture as being the picture of Snowden the evening you made the arrest? A. He appeared that way; that is the first time I saw the picture just now.

Q. When you said you had Snowden in the Sheriff's office in the City of Annapolis, and you found scratches on his face; two scratches, I believe? A. Yes.

Q. You said they were here (indicating) and the other one was over there (indicating)? A. I could not tell the exact place where they were. I would not like to say. But they were on there, and I asked him about them, and he said, Edna Wallace put them on his face.

Q. Then you don't identify this picture of the man as the night you made the arrest? A. No; that is the first time I saw the picture. I didn't know anything about that picture at all.

Q. Then when you said you saw the scratches on his face in Annapolis, you said one scratch over here and over there (indicating)? A. It was some part of his face, and I asked him about them, and he said Edna Wallace done them.

Q. You can't identify this as being the same picture of the man the evening you made the arrest? A. Well, I don't think I could.

(The Court): The pictures were admitted that the officer identified them as good pictures of him at the time he made the arrest, with a further understanding that the photographer would prove them up.

(Witness): I could not say he had the same clothing on, but it is the same face.

(Motion to strike it out.)

(The Court): With the offer of the photographer to follow him up, let it remain in.

(Exception noted.)

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

FRANK I. DUNCAN. (Seal)



Q. You say you can't testify as to the length of time that Snowden was in the Sheriff's office before Mr. Green came? A. No, sir; not exactly, I could not.

Q. And you further say there was nothing said by either you or Snowden during the time you were there, out of the presence of Mr. Green? A. Not in reference to this matter, no; we were waiting until Mr. Green came.

Q. When did you first notify him of what he was charged with? A. When Mr. Green came.

Q. Not before that? A. No, sir.

Q. And he asked you nothing? A. No, sir.

Q. You seem to be very particular in the detailing of every little conversation and everything that was said by Snowden during that interview, but there are numerous other things that you can't remember; how is that?

(Objected to; objection sustained.)

(The Court): Just direct his attention to something that you think he ought to remember and ask him why?

Q. You are able to detail everything and every word by Snowden whilst in the presence of Mr. Green and yet you can't say as to the length of time you were there alone with Snowden, can you? A. I could not exactly say the time.

Q. Nor who was there? A. Who was there?

Q. With you and Snowden, before Mr. Green came? A. Detective Kratz, Detective Dougherty, Deputy Sheriff Lee, and I am pretty positive that Sheriff Sullivan was there also.

Q. Didn't I understand you to say that they were in the other room and you were in the back room and the door was closed between you? A. Mr. Sullivan has three rooms there.

Q. Two doors? A. Two or three and they went from one room to the other, the other man on the wagon with Snowden was kept in the other room, he didn't come in the room with Snowden at all.

Q. Who was with him? A. I think Detective Kratz was with him.

Q. Well? A. I don't know of anybody else in the adjoining room.

Q. Then Detective Kratz was not in the room with you and Snowden? A. Occasionally he came in there.

Q. Occasionally were you in the next room? A. What?

Q. Were you in the adjoining room? A. I was in the back office, the Sheriff's office.

Q. You say that when you made the arrest, that you were the one that pulled him off the wagon? A. Yes, I took him off the wagon.

Q. And he made no complaint at all? A. None whatever, and when I got down on the street, I told him that we were officers and he was under arrest and we were going to take him to the Court House.

Q. Didn't you also say to him there if he was not the one that took you a load of ice? A. Yes, I wanted to find out whether or not he was John Snowden or not.

Q. Was Mr. Lee with you? A. He was somewhere around there.

Q. Was he not in the crowd? A. I didn't notice; you don't notice everything around you.

Q. You didn't notice everything that Snowden said? A. No, you won't let me tell everything that he did tell.

Q. I am going to let you tell everything; didn't you take a Mr. Lee down there for the purpose of identifying Snowden? A. Down where?

Q. Down to where you made the arrest? A. I didn't take anybody down; as soon as I got information I went down there.

Q. Didn't you go all together? A. He went down but I didn't take him down, he is old enough to take himself down.

Q. Was Mr. Lee not there for the purpose of pointing out Snowden? A. Not that I know of.

Q. Why didn't you ask him instead of going there and asking about ice—why didn't you ask Lee? A. I didn't see Lee at the time, at the wagon.

Q. You know where he was? A. He was down the street.

Q. Did he go with you? A. He went down with us, but we were some distance apart.

Q. How far? A. Probably a quarter of a block.

Q. Who was with him? A. He was at the corner and this fountain was up the street.

Q. Who was with him? A. Detective Dougherty.

Q. Were there not two women down there with him? A. Not that I seen.

Q. Didn't two women go down there? A. None that I saw.

Q. To help you to identify him? A. Not with us, no.

Q. They did not? A. No, there were not women that went down with us whatever.

Q. Not with you, but you knew they were down there? A. They were not down there.

Q. They were not down there? A. Not with us, they might have been down there, but I have no recollection of it whatever.

Q. I mean concerning this case? A. No, sir.

(Examination concluded.)

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#### TRAVERSER'S TWENTY-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, twenty, twenty-first, twenty-second, twenty-third and twenty-fourth bill of exceptions all of which is hereby made a part hereof as fully as if the same were herein repeated at large, OFFICER WILLIAM P. BURNS, a witness called on behalf of the State, testified as follows:

OFFICER WILLIAM P. BURNS, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

### DIRECT EXAMINATION.

Q. (By Mr. Green): What is your official position? A. Assistant in the Bertillon Bureau.

Q. Assistant what? A. Assistant Bertillon Operator.

Q. Do you know John Snowden? A. Yes, sir.

Q. Did you take his photograph? A. Yes, sir.

Q. Whereabouts? A. In the Bertillon Bureau, Police Department, Baltimore, Maryland.

Q. Did you take his measurements? A. Measurements, finger prints and description.

Q. What did you notice about him when you took his measurement? A. Of course you take the measurement and the scars and marks and among the scars and marks, I noticed one on the right cheek here (indicating), about four-fifths of an inch long, about an inch from the right corner of the mouth and then one right here (indicating) over the corner of the right eye; I asked him how he got them and he said——

(Objected to.)

(Mr. Green): What is the objection?

(Mr. Grason): For the same reason we objected before. When was this taken?

(Witness): On August 14th, in the afternoon, the day following his arrest.

(Mr. Brady): You don't know what he had gone through prior to that?

A. He didn't seem to have gone through anything.

(Mr. Green): You were taking his measurements and his finger prints and going through that part of the proceeding?

A. Yes, and in taking that description, we asked how they come by the marks and scars——

(Objected to anything he may have said at that time.)

(The Court): This is a statement he makes in reply to certain questions.

(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 Twenty-fifth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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WILLIAM P. BURNS, continuing, says:

Q. What did he say? A. He said that Edna Wallace had scratched him; I said, why did she do that? He said, that she often played with him that way; he also had scratches on his arms, both arms, one about here on this one, and on this one (indicating), one here and one here, similar to the one here; they looked like nail scratches.

Q. Did he make any statement in reference to those? A. They were embraced in the question I asked him, how he came by the scratches, he stated they were all from Edna Wallace.

Q. Can you identify these photographs as being taken by you of John Snowden? A. Yes, positively.

Q. On the 14th of August? A. Yes, sir.

Q. That is a correct representation of him? A. As the camera could make it. I wish to state this photograph on the side is not taken because of the scar on the cheek, which is the regular way of taking photographs by the Police Department; if that scar had been on the opposite side, we could not have revealed it, you made the statement it was done for that purpose, I want to tell you why it was done. It is the system of the Department to take that side of the face.

Q. It was done under the system of the Department? A. Yes; we always take the right profile.

Q. Is that the scratch? A. Yes, on the right cheek, one inch from the right corner of the mouth and four-fifths of an inch long.

### CROSS-EXAMINATION.

Q. What was the width of it? A. The width was a scratch, we don't measure the width unless it is over a half *centimeter*.

Q. It was a scratch? A. Well, a gouge, there is a difference, one is about like a nail would make it and one like a pin would make would be a scratch.

Q. A real sharp nail would be a scratch? A. Yes, a broad nail would gouge you.

Q. You saw no other scratches other than those on his arm? A. That is fresh, no other fresh scratches; there were a number of scars that were old.

Q. They were on the arm, both arms and on this side? A. On the right side (indicating), not this side (indicating), the right side.

Q. Is that all the scars you found there? A. Fresh, yes.

Q. Detective Pohler said there was one on the other side also? A. The camera will bear me out, it was on the right side.

Q. Detective Pohler said there were two scratches? A. There may have been an old scratch that he took for fresh, I don't know what his eye could tell him.

Q. You know only what you saw? A. I have other scars enumerated, but I didn't mention only the fresh ones.

Q. If there had been fresh scars on the other side, you would have seen them? A. I would have mentioned it at this time.

Q. Was that not the reason you didn't take the other side of the face? A. No, I tell you the right profile is always taken under all circumstances; that is never deviated from; the object of taking the right profile is for taking the ear, no two ears being alike, and in the course of a number of years any person can be identified by their ear, so we always stick to the right profile.

Q. It might not be the left? A. It could be, but they standardize it by taking the right side; they didn't take the left.

(Examination concluded.)

(Mr. Green): With the Court's permission we again offer these in evidence; they are already in, but we will free it from all objection and we offer it again.

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DETECTIVE SAMUEL W. HOUSE, a witness of lawful age called on behalf of the State, after having been duly sworn, testified as follows:

#### DIRECT EXAMINATION.

Q. (By Mr. Green): What is your position? A. Deputy Marshal of Police of Baltimore.

Q. How long have you been connected with the Police Department? A. 22 years.

Q. Do you know John Snowden, the prisoner at the bar? A. I do.

Q. Did you have an interview with him, Mr. House, did he make a statement to you? A. He made a statement to me along in and about the 14th of August.

Q. Whereabouts was that statement made? A. In the Marshal's office in Baltimore, in the Court House.

Q. Who was present? A. Detective Kratz, Detective Pohler and some sheriff from Annapolia.

Q. Anybody else present on that occasion? A. I think Marshal Carter was there.

Q. Was that the only interview you had with him? A. No, I talked with him I think the day afterwards.

Q. Who was present on that occasion? A. I think it was Detective Kratz and several others, I don't know just who now.

Q. I direct your attention, was Edna Wallace there?

(Objected to.)

A. That was on the 15th.

(Mr. Brady) I think the Deputy Marshal should know who was present at the different interviews, and not for the State to go so far as to tell him.

(Mr. Hartman): He didn't tell him, he asked him.

(Mr. Green): Did you have another interview with him?

A. I think on the 15th, that was with him in the office, we brought a man named Green, a woman named Wallace, Detective Kratz and Pohler and Snowden were there.

Q. You say Pohler again? A. Yes, sir.

Q. Did you offer Snowden any inducements to make his statement?

(Objected to.)

A. Not a bit.

(Mr. Grason): We think that is a matter for the Court to say whether there was an inducement.



(The Court): You have to find out what was said and done. Of course the officer understands he must not give the statement; this is to qualify him to give the statement.

Q. What did you say or do to Snowden before he made his statement? A. He was brought in the office I think along about——

(Mr. Brady): What interview was this?

A. This was about the 14th, he was brought in the office in the evening.

(Mr. Brady): What time.

A. If you will allow me I can tell you, I am trying to get the time to you now.

(Mr. Green): I must request my brothers not to interrupt; I don't think it is the proper procedure.

(The Court): The officer will not tell what was said.

(Witness): He was brought in my office about half past four and I had a talk with Snowden and I asked him about this affair on the 8th and he told me——

(The Court): Not what he told you.

A. We asked him about the affair on the 8th of August and he went on and made a statement.

(The Court): Who was in the room at that time?

A. Detective Kratz.

(The Court): Alone?

A. Detective Kratz and Marshal Carter.

Q. (By Mr. Green): What did you say to him or anybody in that room in your presence say to him to make a statement?

A. There was nothing said to him to induce him to make a statement.

(Mr. Grason): We think he ought to say what was said.

(The Court): What you said to him or what any one said to him at that interview?

(Witness): I simply asked him if he wanted to make a statement of the affair of where he was on August 8th and he went on and made his statement.

Q. That was all that was said by anybody there to him? A. All that was said at that time.

Q. He proceeded and made his statement? A. He did; yes, sir, and on the strength of that statement we had a boy named Green and Edna Wallace brought before him——

(Objected to as not responsive.)

(Witness, Continuing): On the 15th.

(The Court): That is they were brought in on the 15th?

A. Yes, sir.

(Mr. Brady): We ask that be stricken out at this time.

(The Court): Let it stand; objection overruled.

(Witness): And we brought Edna Wallace on the 15th and a boy named Green and Detective Kratz, Detective Pohler and Snowden were in the office.

Q. What was said at that time by you or anybody else previous to making his statement? A. Not a word; I asked him if he knew this woman and he said yes; how long have you known her——

(Objected to.)

(The Court): Don't go into that.

(Mr. Brady): How long have you been in the service?

(Witness): I have been in it long enough to know what you want.

(Mr. Brady) : You mean what you want?

(Witness) : No, what you want. I asked Edna Wallace at that time——

(Objected to.)

(The Court) : Is he or not asking that? If I tell you what we want maybe you will be guided by that: We want to know whether this statement was made by the prisoner at the bar voluntarily and freely, without any promise of reward, or without any fear about anything that was said, of what would come to him. That is what we want. We want every word that was said to him by you or anybody.

(Witness) : The statement was made positively in that way.

Q. In what way? A. Voluntarily; after he made his statement, I asked him a few questions; these questions led up to bringing the Wallace woman and the other party to Baltimore.

Q. Was he talking to you and you were doing the questioning, and he the answering? A. He was; yes, sir.

Q. Up to that time Snowden made the statement, were there any other people saying anything to him or taking any part in it? A. There was nobody had anything to say to Snowden except myself at that time.

(Mr. Grason) : Was that the 14th or the 15th that you speak of?

A. 15th.

Q. Did anybody else have anything to say to him or anything else done by anybody on the 14th? A. On the 14th when he made the statement was only the simple statement of his actions, on the 14th.

(The Court) : The question is whether anybody said anything to him and what it was?

A. I could not tell you that; we have so many cases; except the facts of the case that I asked myself.

Q. Were there any threats made to him by anybody in your presence on the 14th? A. No threat made to Snowden whatever or anybody else.

Q. Was there any offer for immunity from punishment made by you or anybody else there? A. Not a bit.

Q. Was anything said by you or anybody to put him in fear? A. No, nothing was said to him in that light.

Q. I understood you to say the statement was freely and voluntarily made? A. It was.

(Mr. Green): We offer the testimony.

(Mr. Brady): Mr. House, you know when Snowden was brought to Baltimore of your own knowledge? A. Yes, sir; he was brought in our office about half past four.

Q. What time? A. Half past four.

Q. Of what day? A. About the 13th.

Q. Half past four on the morning of the 13th? A. No, the evening.

Q. The evening of the 13th? A. Yes, sir.

Q. Are you sure about that? A. I said about the 13th.

Q. That was the time that you saw him? A. Yes, I saw him for three or four days.

Q. Now, I want to refresh your memory; you said on the 13th, half past four, on the 13th; I understood from the officer that made the arrest that he was not arrested in the City of Annapolis until about five o'clock of the 13th? A. I can't help that, I said about half past four on or about the 13th of August.

Q. You are not sure when he was brought to Baltimore in the custody of the Baltimore authorities? A. The day he was brought there he stayed in the custody of the Baltimore authorities for some little while.

Q. How long did he remain there? A. I would judge four or five days, probably more.

Q. Four or five days; now on the morning of the 14th before, where had he been prior to the time that you saw him, do you know? A. He may have been in the Court House in the lock-up before I saw him; he was brought to Baltimore by detectives.

Q. How long had he been there? A. I don't know.

Q. But you do know he had been there some little time before you saw him? A. I really don't know that; I know he was in the lock-up; he may have been in the lock-up before I saw him.

Q. Then you don't know who was with him from the time of his arrest until you saw him? A. I know he was in charge of Detectives Pohler and Kratz, that is about all I do know of that.

Q. Do you know whether or not any of the officers of the Baltimore City force, of your department had any interview with Snowden prior to the time that you saw him? A. I don't know.

Q. They may have? A. I don't know; they may have and they may not.

(Mr. Brady): Now, your Honor, I don't feel at this time that any statement that was made by Snowden to the Marshal could be put in unless we follow Snowden from the time of his arrest until the Marshal saw him, or he may have been taken there after having undergone some of this gagging by the other detectives immediately before and any statement he may have made in the presence of the Marshal at half past four may have been due to the fear and treatment he had received before, if any. I don't think the rule of conversations or statements is conformed to in this instance, and we will show that there were——

(The Court): Of course, I don't know what this is; I suppose part of it is what went in yesterday.

(Mr. Green): Yes, sir.

(The Court): The statement that went in yesterday was a statement he made at Annapolis at the Sheriff's office and the persons who were with him, they were all accounted for. Now here is a proposition to get from the Marshal a statement made to him on the same evening after he came from Annapolis, having come to the city with Officers Pohler and Kratz, and I think the Deputy Sheriff of Anne Arundel County. Now it seems after having been brought from there he was placed in a lock-up and that he was in charge of somebody and those persons ought to be accounted for before he makes this statement.

(Mr. Green): We have already accounted for Detective Pohler.

(The Court): You have, yes.

(Mr. Green): And everybody that was with him in the car.

(The Court: Yes. Now for these persons that had him in charge from the time he came to the city until he got in the Marshal's office, I think the testimony is all right. Somebody had him in charge in the lock-up.

(Mr. Green): Who had charge of him, do you know?

A. The parties that arrested him.

Q. Pohler and Kratz? A. Yes, sir.

(The Court): I don't remember that Officer Pohler testified to anything after he left the Sheriff's office in Annapolis?

(Mr. Green): Yes, sir; he made a sweeping statement that he had never done any harm to him, never made any threats to him, and he never did it; never had been his practice and would not allow anybody to do it in his presence.

(Mr. Brady): And, further, he said he only saw Snowden on the morning of the 15th for a few minutes, the 14th, I mean.

(Witness): Yes, and that is very true; that can be explained very easily.

(Examination suspended.)

DETECTIVE JOHN H. KRATZ, a witness of lawful age, called on behalf of the State, after having been duly sworn, testified as follows:

DIRECT EXAMINATION.

Q. (By Mr. Green): Was Snowden in your charge from the time that he was arrested and brought to Baltimore until he went into the Deputy Marshal's office? A. Mr. Pohler, Mr. Sullivan, Mr. Dougherty and myself in the machine of the Mayor of Annapolis and brought right to Baltimore.

Q. After you got into Baltimore, in whose charge was he then in, who had charge of him? A. Took him to the Marshal's office and from the Marshal's office he was taken up to the Central Police Station.

Q. Who had charge of him there, was he still in yours and Pohler's charge? A. No, sir; not at the Central Police Station.

Q. Did anybody interview him there? A. Orders were given by Marshal Carter——

(Objected to.)

(The Court): Who had charge of him, Officer?

(Witness): At the Central Police Station?

Q. Yes? A. I could not tell you.

(Mr. Green): Do I understand the Court to rule that we must follow a prisoner from the time he is arrested until he is taken in the presence of some man and makes a statement to him to show that the statement is made voluntary to the man to whom he makes it?

(The Court): I think you will find the Rules of Evidence something like that. The only other thing is when not offered as a conversation.

(Mr. Green): We are not offering a conversation, it is merely a fact.

(Mr. Brady) : What is the difference?

(Mr. Green) : There is a big difference.

(The Court) : Let me ask Mr. Kratz a question: You brought him up in a machine? A. Yes, sir; that was on the 13th.

Q. On the 13th? A. Yes, on the day of his arrest.

(The Court) : And you took him to the Court House, to the Marshal's office?

A. Yes, sir; which is our duty to do; not on a charge of disturbance or larceny, but on a serious charge we take them to the Marshal's office.

Q. Then you put him in the lock-up? A. No, sir.

Q. What was done with him? A. Taken to the Central Police Station by Mr. Pohler and myself.

Q. Right from the Marshal's office? A. Yes, sir.

Q. You delivered him over to whom there? A. To the lieutenant, the turnkey came and took him back to the cell.

Q. Did you see him any more until the following day? A. The next morning.

Q. Where? A. At the Central Police Station; Mr. Pohler and myself brought him down to the Marshal's office.

(The Court) : You want to ask the Marshal any questions?

(Mr. Brady) : I would only ask him the question as to how long, what time he took him to Baltimore that night on the 13th?

A. We got to Baltimore between eight and nine o'clock.

Q. You took him to the Marshal's office? A. Yes, sir.

Q. How long did you keep him in the Marshal's office? A. Not very long.



Q. Who was there? A. The Marshal, the Deputy Marshal, Mr. Pohler and Mr. Dougherty and the Sheriff.

Q. Anything said to him there? A. The Deputy Marshall asked him questions; yes sir.

Q. The Deputy Marshal? A. Yes, sir.

Q. At what time of night was it? A. Between eight and nine.

Q. The Deputy Marshal made the remark it was half past four? A. I am not saying what the Deputy Marshal said, I am saying what I said; I am under oath and want to tell the truth.

Q. He was there about fifteen or twenty minutes? A. Something like that.

Q. Then he was taken over to the Police Station? A. Central Police Station.

Q. And left there? A. Yes, sir.

Q. You don't know what took place there in the Central Police Station? A. No, sir.

Q. The next morning, what time did you see him? A. About nine o'clock Mr. Pohler and myself brought him down to the Marshal's office.

Q. How long did you keep him there? A. I don't know how long they kept him there.

Q. Were you there? A. No, sir; I went to Annapolis.

Q. How long were you there? A. About an hour.

Q. With Snowden, I suppose? A. Yes, sir.

Q. You don't know how long he was kept that day there? A. No, sir.

Q. Was the Deputy Marshal there? A. Yes, sir.

Q. He was there that time, too? A. That morning, yes, he generally is.

Q. On the 14th? A. Yes, sir.

Q. You left about ten o'clock? A. About that time and went back to Annapolis to get some information from what Snowden told us and we went down there to get—

(Objected to.)

(Witness): I am not telling what it was.

(Mr. Green): We didn't ask him for anything of that kind.

(Witness): I am not saying what was said. You wanted to know where I went and I told you.

Q. (By Mr. Brady): What time did you come back from Annapolis? A. Came back on the 15th.

Q. On the 15th? A. Yes, sir.

Q. You didn't see him any more on the 14th? A. You want to know who came back?

Q. No; you didn't see him any more until the morning of the 15th? A. The night of the 15th.

Q. You don't know what took place between that hour and half past four that evening? A. No.

(Mr. Green): What took place in the Marshal's office that evening when you got Snowden, first brought Snowden to Baltimore?

A. On the 13th?

Q. Yes?

(Mr. Green): As to what was said and what was done to him there; who talked to him there?

(Objected to.)

(Witness): The Deputy Marshal.

Q. What did he say to him? A. The Marshal asked his name and where he was from and he asked him if he knew anything about this murder and he made a statement there; he made a statement; he asked him where he got the scratches from.

(Objected to.)

(Mr. Hartman): He is only telling what was said to him.

(The Court): That is all right. What you want to keep out is what the prisoner said until the Court says it is evidence; what was said to him is all right.

(Mr. Hartman): What is the matter with what the prisoner said now?

(The Court): Are they through with the cross-examination?

(Mr. Brady): Any inducement made to Snowden at that time?

A. No, sir.

Q. You say you were only in the Marshal's office that evening about twenty minutes? A. Yes, about twenty minutes.

Q. Anything done to him there? A. No, sir; the Marshal would not allow anything like that.

(Mr. Brady): That was very nice.

(Mr. Hartman): We don't think the comments are proper.

(The Court): No comments.

(Mr. Green): Now, my brothers were stopped and I respectfully ask that they be made to stop.

(The Court): It is highly improper and you must not do it; this case is too important to have any by-play or anything of

the kind. The jury must have nothing but the evidence from the witnesses. The objection is overruled. The Deputy Marshall will make his statement.

(Mr. Brady): I think in the line of evidence that we have the right to put Snowden on to say what took place there.

(The Court): You have.

(Mr. Green): We think the proper procedure is for the State to offer all this evidence to show how Snowden made this statement and then we produce our evidence on that point and then it is for the Court to say whether or not it ought to go in as evidence; we think that is the practice established by the Nicholson case in 32 Md.

(The Court): The only point in the whole controversy is the difference between a statement, which is not a conversation and not offered as a conversation, and a conversation; if it is offered as a conversation then you are entirely right, that you have the right to put up as many witnesses as you choose to show that the statement, that the conversation was not obtained voluntarily, but this is not a conversation and the State says so; I think you are wrong about that.

(Jury retires.)

(Argument.)

(Jury returns.)

(The Court): Bring back the jury. The testimony will be admitted.

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MARSHAL CARTER recalled to the stand.

(Mr. Brady): May I ask the Marshal one question?

(The Court): Yes.

(Mr. Brady): Mr. House, you say it was half past four in the afternoon the first time you saw Snowden?

A. Half past four in the afternoon; was Snowden and Sheriff Lee and Edna Wallace——

Q. Answer the question? A. I said half past four in the afternoon, it was Snowden, Sheriff Lee——

Q. Did you say it was half past four in the afternoon that you saw Snowden the first time, yes or no? A. Read that over.

Q. Answer the question? A. I will answer the question yes; not the first time, I will say I saw Snowden half past four in the afternoon in the presence of Sheriff Lee of Annapolis.

Q. Officer Kratz said you saw him half past nine the night before; the night of his arrest, at nine o'clock between nine and half past nine on the immediate arrival of Snowden with the officers of the law in the Marshal's office in Baltimore City; was he right or wrong? A. Officer Kratz may have been right; he was there with Sheriff Lee, Kratz and somebody else.

Q. Then you were wrong when you said half past four? A. The first time I saw Snowden with Edna Wallace and Green and Sheriff Lee it was half past four, I say that.

Q. That was the first time? A. That is my statement.

Q. You could not have seen him the night before? A. I may have seen him with the other people, but in the presence of Snowden and Edna Wallace——

Q. Then you may have been mistaken to have said that? A. If you will allow your stenographer to read it, he will give you the same thing over.

Q. I am asking you the question; I am only trying to get the facts? A. I am giving you the best I can, the truth and anything I say to you I say without fear or favor.

(Mr. Brady): And I to you.

(Witness): Thank you.

Q. Now I ask you the question again: Did you see Snowden for the first time at half past four in the afternoon? A. I will say I saw him half past four in the afternoon, whether the first

time, if you asked me the first time and I said yes, it is all right.

(Mr. Brady): Will you read just what the Deputy Marshal, when I first asked him the question, said?

(Answer read.)

A. I want to say that was half past four when I was with him and that was about the 13th.

Q. And what you said in the first place, that stands? A. Yes, I said about the 13th.

Q. Then you didn't see him about half past nine on the 13th? A. That may have been another time.

(Mr. Hartman): Detective Kratz said between eight and nine; that may have been another time.

A. That may have been another time, but I can say half past four on or about the 13th; it may have been the 14th or 15th, that he was in my office in the presence of a Sheriff of Annapolis Sheriff Lee I think his name was, and a boy named Green and a woman named Wallace, and if you let me go on I will tell you how they came to be there.

Q. Was that the first time you saw him? A. No! that is the first time I saw him at that time.

Q. What time of the day was that? A. That was half-past four as I told you before.

Q. Then you are mistaken? A. I am not mistaken in anything, only in the dates; you are trying to make me put down dates that I don't know anything about. I am simply saying to you that when this man was arrested, I had seen him when he was arrested and that he was brought before me on two following days and there are gentlemen here sitting around the table that know that to be the fact.

Q. Now, you say it was not the first time you saw him? A. The first time I saw him there that day in the presence of Edna Wallace.

Q. I am talking about the first time you saw him in your life? A. The first time I saw him he was brought up in the evening some time; I had my lunch out; it was on a Board day.

Q. Why didn't you say that before? A. I knew how he got the scratches and I wanted to show you how Edna Wallace and Green happened to be there.

(Mr. Green): Now, Marshall, tell the Court and the jury what statements Snowden made there, what was said by Snowden and by anybody else in the room?

A. Well, he was brought in the office and he was asked his name, where he lived, his age, and then he was asked where he was on that day of the 8th and he said; I asked him if he worked the night before and he said no, he had been on a party of some kind and that he stayed home that day; I asked him if he left the house and he said, yes, about fifteen minutes of twelve; I asked him where he went, he said, he went to Martin's saloon; I asked him, which way he went and he said he went out the back way over the lot down Second street to Martin's saloon; asked him who he met and he said he met a man named Spencer and some other colored man, I don't just remember his name; I asked him what he did there and he said he bought a drink; he said then, that somebody asked him what time it was and he looked at the clock and it was twelve o'clock and I said, how did you know it was twelve o'clock and he said, I looked at the clock myself, and that clock was five minutes slow and I knew that; and I asked him if he saw anybody else and he said, yes, he saw a boy named Green coming down Second street that time and asked him how he could make it that time and he said looking at the clock and a short way down the street was a mule or horse had fallen down in front of a livery stable and he and Spencer and this other man went down and helped the man to get the mule up and that they walked in the saloon and he stood at a pole to light a cigarette and this boy came running along and he said, "Hay." Greeny and Greeny said, hello and kept going on and I asked him how he got the scratches on and he said he got them playing with Edna on Sunday and then went home and then this time half-past four, the Sheriff, I think his name is Lee, and this man came up with Edna Wallace and Green.

Q. What was said then? A. Then I sent for Snowden and brought Snowden over in the office in the presence of Edna

Wallace and Green and the detectives and I said to Snowden, is this the man that you saw running up Second street, and he said, yes; I said, are you sure this is the man, he said, I think so; I said, now before you said yes, and now you say, you think so, what is your answer; he said, that is the man; I said how long have you known this man, he said, I knew his father for a good many years, but I didn't see much of him, but I know him; I said, you know this woman and he said, yes; I said, you live with her, he said, yes; I said, Edna tell him about the scratches on his face, did you scratch him?

(Objected to; objection sustained.)

(The Court): What he said?

(Witness): I asked him then if she had scratched him and he said yes, in the presence of two women who live next door, I said, can you remember their names at this time and Edna Wallace denied it in his presence.

(Objected to.)

(The Court): Strike it out.

Q. Did you see any scratches on him anywhere else? A. Scratches on his face.

Q. What did Green say?

(Objected to; objection sustained; the same ruling as yesterday on that.)

#### CROSS-EXAMINATION.

Q. (By Mr. Brady): Is that all that took place and all that was done and all that was said? A. That is about all, yes, sir.

(Examination concluded.)

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#### TRAVERSER'S TWENTY-SIXTH 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 and twenty-fifth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, DETECTIVE KRATZ recalled, testified as follows:

(Adjourned for recess.)

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AFTER RECESS.

DETECTIVE KRATZ, recalled.

Q. (By Mr. Green): You are connected with the Police Department of Baltimore City, Mr. Kratz? A. Yes, sir.

Q. Were you present at the sheriff's office in Annapolis on the night of August 13th, when John Snowden made a statement there to me in your presence and Detective Pohler and Detective Dougherty? A. Yes, sir.

Q. Tell the Court and jury what that statement was? A. You asked him his name, how old he was, where he lived and all, and he stated: he left home about quarter of eleven, went in the rear part of his house, down this street, I don't remember the street's name, went across a lot and didn't see nobody, went up Second street to West; the only person he saw was Mrs. Florence Baker, I think the name was, and he went over to a sister's.

Q. Who was that? A. Florence Baker and he went to Mr. Martin's saloon, and there he met two men; he treated to a bottle of beer each, five cents a bottle, he then came out——

Q. What did he say he paid for it? A. Five cents a piece.

Q. What did he pay the bartender? A. He gave him a dollar bill and got 85 cents change, and he saw a mule lying in the street and while there he saw this man Green that was on the stand rushing from Second street up West, he then later on went home and never come out any more.

Q. What did he say about the scratches on his face? A. I think Mr. Dougherty asked about the scratches, and he said

they had been there two years, and later on he said it was done Sunday a week ago by the woman he lived with.

Q. That was on Monday you were talking to him? A. Yes, sir; the 13th; and then you sent out for the colored woman, that was the time you sent for the colored woman.

Q. In reply to the question as to whether that was the usual way he went to Martin's bar, what did he say? A. He said, no, he generally goes towards West street.

Q. The other way? A. Yes, sir.

Q. In reply to the question as to why he went around that way what did he say? A. He said he went around that way to see his sister, and we afterwards run that out about the sister part.

(Objected to.)

(Witness): I won't say about that.

Q. What did he say in response to the question as to how he accounted for all that time from quarter to eleven to twelve o'clock when he reached Martin's bar? A. I don't know that he accounted for that, but I know he said he left home about quarter of eleven and went out the rear part and didn't see nobody, the only person he saw was Florence Baker and then he went over to the saloon.

Q. You have told us that? A. Yes, sir.

Q. Were you present, Mr. Kratz, when Edna Wallace signed this paper? A. Yes, sir; yes, sir; and she said that was true, right in the Marshal's office.

(Mr. Brady): You say she read it?

A. Yes, sir; she read it.

(Mr. Green): Did she sign it?

A. Yes, sir; she signed it.

(Mr. Green): Now, may it please the Court, we offer this signed statement of Edna Wallace in evidence.

(Objected to; objection sustained.)

Q. Were you present at the Marshal's office on the 14th or 15th when Edna Wallace and John Snowden and John Green were there?

(Mr. Brady): Didn't you go into that in the examination in chief?

(Mr. Green): Not from this witness.

(Mr. Brady): I don't know what he was there for.

(Mr. Green): To qualify the statement.

(The Court): Yes, that was all, for that specific purpose.

(Mr. Hartman): He was taken down with the exact understanding that he would be put back.

(The Court): Yes, that is right.

Q. What was said there by Snowden about the scratches, and what was said in your presence by Edna Wallace?

(Mr. Brady): I am under the impression he made the statement what was said about John Snowden and the reason why he was refused to go on, was because Edna Wallace was present and she testified for herself.

(The Court): I think all he was examined about was, what took place there.

(Mr. Brady): And about the scratches, in the presence of Edna Wallace and also Green. What was said about Edna Wallace was objected to, but your Honor has ruled on that.

(The Court): First ask him what was said about Snowden?

(Mr. Green): The Court ruled on that point and allowed it to be testified to by the other witnesses.

(The Court): Not just in that way. You can ask him a question direct, what was said.

Q. What did Snowden say about the scratches on his face, where he got them? A. He said that the Wallace woman scratched his face about a Sunday a week ago, before he was arrested, before the day he was arrested.

Q. You were talking to him then on what day of the week? A. On the 15th of August.

Q. He said then that Edna Wallace scratched his face on the Sunday the week ago? A. The Sunday a week, day before we arrested him.

Q. What did Edna Wallace say in reply to that? A. She denied it.

Q. What did she say? A. She said she had not scratched his face.

Q. Did she say whether or not she had ever scratched him? A. She said she never did scratch him.

(Mr. Grason): Allow us the usual exception on that, we don't want to except every time.

#### CROSS-EXAMINATION.

Q. (By Mr. Brady): Did she say whether or not she ever had any difficulty with him? A. She had some trouble one time she had him arrested.

Q. I am not talking about that? Well, you asked me.

(Mr. Brady): Yes, I don't mind it coming in.

Q. Did she say whether or not she was sky-larking? A. No, sir.

Q. Was that question asked her? A. I don't know about that.

Q. You remember that? A. No.

Q. You went after this talk in Baltimore, you went to Annapolis for the purpose of running down his story? A. Yes, sir.

Q. You were paying strict attention to everything that was going on, what you found out? A. Yes, sir.

Q. Your whole mind was devoted to that one statement of Snowden's as to how he got from his home and who he saw? A. We had to run out what he told us.

Q. Your whole mind was devoted to that? A. Yes.

Q. Your whole time, too? A. No, sir; not the whole time.

Q. You say that he said that the only party he saw going from his house to Martin's saloon was Mrs. Florence Baker? A. Yes, sir.

Q. Mr. Kratz was with you? A. No, sir; Mr. Pohler.

Q. How do you reconcile that statement there with what Mr. Pohler said, he said that Snowden also said he saw Mr. Williams on the step? A. One minute, this was on the 13th, that was on the 13th, that was the statement made down to the Sheriff's office that Mr. Green asked me or he wanted to know what occurred on the 13th.

Q. Did he make a statement in Baltimore, too? A. Yes, sir.

Q. That he saw Rev. Williams on the step? A. After he was told that he was seen?

Q. Yes? A. Yes, after he was told, he was seen coming from a certain place, you don't want to know where.

Q. He also said he saw Rev. Williams? A. Yes, sir; that was the second statement in Baltimore, Mr. Green's was on the 13th.

Q. We are now getting to what he said in Baltimore, yes, sir? A. Yes, sir.

Q. You said, Mr. Kratz, that you were sent down to run down his story? A. Yes, sir.

Q. You run it down? A. Yes, sir.

Q. And also said the only party he saw going from the house to Martin's saloon, after having left the home a quarter of eleven was Mrs. Florence Baker? A. Yes sir; that was his statement on the 13th.

Q. Now, as to the other time you recall, he also said he saw Rev. Williams? A. Yes, sir; that was his second statement, that was not his first statement.

Q. Why didn't you give all in your statements when giving them? A. I was not asked for that, Mr. Green didn't ask me that, and you didn't ask that and you objected to it.

(Mr. Green): The Court would not allow us to give his statement in Baltimore.

(Mr. Brady): I understand the statement was given in Baltimore in the presence of Marshal House and he went down the next morning to run down the story and he then makes this statement and his whole mind was devoted to that running down and what Snowden says was there in his presence.

(The Court): There is nothing before the Court.

Q. Now, at the Sheriff's office in the City of Annapolis, after Mr. Green came, did he send out for anyone? A. After Snowden said the Wallace woman had scratched his face, Mr. Green then sent Mr. Lee after the Wallace woman.

Q. Were you present when this bunch of colored men came in there, other than Snowden? A. Yes, sir.

Q. What? A. Yes, sir.

Q. How many were there? A. About six or eight.

Q. The other gentleman says five, how do you remember that? A. I don't know what he said, I am telling you about six or eight.

Q. Do you say about six or eight? A. Yes sir.

(Mr. Green): He said six with Snowden.

Q. What were they doing in there? A. To see if these women could identify this man.

Q. Which one? A. This Perkins, I don't know the name, two colored women, the State's witnesses.

Q. To see if they could identify him? A. Yes, to identify the man they saw coming out of the Brandon house.

Q. I understand by that, that up to that time, they were not sure it was Snowden?

(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 Twenty-sixth Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

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### RE-DIRECT EXAMINATION.

Q. Whereabouts did Snowden say he saw Williams, this preacher? A. Sitting on the back porch, leaning over.

Q. On his back porch? A. Yes, sir.

Q. Did he say whether he spoke to him? A. He said he didn't see him, Mr. Williams didn't see him and didn't speak to him.

(Examination concluded.)

(Mr. Green): The State rests its case.

(Mr. Hartman) : The State has closed.

(The Court) : Counsel spoke to me before the State closed and they didn't know you were going to close. I don't think they ought to be kept from calling the State's witnesses for the purpose of contradiction.

(Mr. Hartman) : We object.

(The Court) : Objection overruled.

(Exception noted.)

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#### TRAVERSER'S TWENTY-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 and twenty-sixth bill of exceptions, all of which is hereby made a part hereof as fully as if the same were herein repeated at large, DEPUTY MARSHAL SAMUEL W. HOUSE, being recalled, testified as follows:

Q. You have testified that on the 14th day of August, 1917, that Edna Wallace was present in your office with John Snowden, in the presence of other people and Green, what did Snowden say there at that time about the scratches on his face, how he got them?

(Objected to.)

(Objection overruled.)

(Exception noted.)

A. She was brought into my office by the Sheriff, two detectives, brought Green in the presence of Snowden, and I asked if she had scratched——

(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 Twenty-seventh Bill of Exceptions, which is accordingly done this 23rd day of September, 1918.

FRANK I. DUNCAN. (Seal)

SAMUEL W. HOUSE, continuing, says:

A. I asked her if she had scratched Snowden and she said no, she did not remember of ever scratching him. I said to her, when did you first notice the scratches on his face, she said after twelve on Wednesday.

Q. Did Snowden make any statement as to when she had scratched him in her presence? A. In her presence he said, yes you scratched me on Sunday and he gave the names of two women that were present and she said they were not there.

Q. Do you know whether they were? A. I do not, but I think the detectives can give you their statement.

Q. What was her reply to that? A. She said she didn't scratch it, that she never saw them, that she called his attention to it on twelve o'clock on Wednesday and he laughed about it.

Q. What did he say about John Green?

(The Court): He testified to that.

Q. What did John Green say to that in Snowden's presence?

(Objected to, as Green was on the stand and could have testified to it.)

(Mr. Green): He did testify to it.

(Mr. Brady): Not a bit, he never said he did.

(Mr. Green): He testified he didn't see Snowden that day.

(The Court): You have the version of the prisoner that he did see him and Green said he didn't, now what is it now?

(Mr. Green): What Green said in Snowden's presence at the time; Snowden said this was the man he saw there; we had Green there and the Wallace woman.

(Mr. Brady): We object for the same reason to the Wallace woman, and we object to Green, the same, as to what statement was made by the Marshal and the objection was sustained; now he comes up and has Edna Wallace on the stand and she gives her testimony and also has Green on the stand, now why could not the State have asked Green when he was in Baltimore as to what he said when brought face to face with him; it is secondary evidence and not the best.

(The Court): The Marshal testified that he brought Green in the office with Edna Wallace and he asked him if he knew Green and he said yes, then he said, I think so, and he said do you know him or don't you, and he said, yes, I know him and went on to tell about his father, and told about having seen him at a certain corner and spoke to him, now you have put Green on the stand and he said he was working somewhere else that day and was not in Annapolis, so that ought to close that.

(The objection will be sustained.)

(No cross-examination.)

(Examination concluded.)