

since the beginning of my term, except once or twice and that occurred soon after I entered upon my duties.

Q. Has he repeatedly refused to do so when a case was about disposed of ?

A. He has repeatedly refused to do so on the request of counsel when the case could be disposed of that day.

7th. State what you know of his usual conduct upon the bench, and give any instance that you know of his vulgarity whilst in the discharge of the duties of his office ?

A. I cannot give any specific instance of his vulgarity, I was not present at the time he interrogated that female witness, but I have been present when I thought he has acted in a rather discourteous manner to counsel. I have been present when he has acted in a discourteous manner towards witnesses and counsel. He has frequently stopped a witness off short, and on counsel rising to interfere he would order them to sit down. I have seen him on the bench when I thought under the influence of liquor, to such an extent as really to incapacitate him from business. I am never in Court on Saturdays when the assault and battery cases are being tried. Mr. Roberts is my deputy, and he can give you much more information on the point than I can.

8th. Entries produced.

Commitments filed, July 16, 1858, in the case of the murder of Thomas H. Burnham, that with a pistol—presentment filed, Sept. 23, 1858, *capias* ordered and issued—indictment and true bill filed, September 4, 1858—same day appears in open Court and pleaded not guilty—Sept. 28, 1858, jury appears and sworn—October 4, 1858, verdict guilty of murder—jury polled, guilty of murder in the first degree—October 5, 1858, motion for arrest of judgment filed same day—motion for a new trial filed October 7, 1858—motion to strike out, &c., filed—October 8, 1858, motion for a new trial and reasons filed—same day reasons in arrest of judgment filed,—Oct. 21, 1858, evidence Nos. 1, 2, 3 filed by counsel for prisoner—Oct. 25, 1858, motion of counsel for defence overruled by Court—verdict sustained—Nov. 19, 1858, judgment and sentence of death passed by the Court as follows:—

“That you be taken back to the jail of Baltimore city from whence you came, and from thence to the place of execution, at such time as shall be appointed by the Governor, and there be hung by the neck until dead.” Dec. 4, 1858, writ of error filed commanding record and transcript of proceedings to be transmitted to the Court of Appeals for Maryland, to the Circuit Court of Baltimore city.

December 8, 1858, record and transcript sent to W. A. Spencer, Esq.,—Dec. 21, transcript sent to the Governor of Maryland—Jan. 27, 1859, *procedendo* of Court of Appeals filed—Jan. 28, '59, opinion of Court filed—Jan. 31, '59, petition