

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——