COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Superior Court
Criminal Session

5546

COMMONWEALTH OF MASSACHUSETTS
VS
NICOLA SACCO AND BARTOLOMEO VANZETTI

Affidavit of Edward P. Burke

In Support of Second Supplementary Motion for New Trial.

EDWARD P. BURKE being first duly sworn on oath says:

THAT he is a citizen of the United States residing at 312 Ann Street, Hartford, Connecticut, and has resided at above address for a period of about one year and that previous to that time he resided at 111½ Ann Street and resided at that address for a period of approximately a year and a half and that in the year 1920 he resided at or near the corner of Green and Main Streets in the same City of Hartford, State of Connecticut.

THAT the affiant is a brother of one Frank J. Burke who testified in the above entitled cause.

THAT sometime during the early spring months of 1921 and previous to May 31st, 1921, the affiant received a letter from the said Frank J. Burke, his brother.

THAT the affiant has made due and diligent effort to discover the original of said letter.

THAT the affiant's best recollection is that he had said letter in his possession from the time of receipt of said letter until sometime on or about a year ago at which time he destroyed said letter, the same apparently serving no further useful purpose.

THAT the affiant's best recollection of the contents of said letter are as follows, to wit: That said letter was postmarked from the City of Boston, Commonwealth of Massachusetts, and gave the address of 68 Pemberton Square and was on a letterhead purporting to be that of the Sacco-Vanzetti Defense Committee. That the said letter was signed by the said Frank J. Burke, heretofore referred to as the brother of the affiant.

THAT the subject matter of said letter was to the best of affiant's recollection, as follows, to wit: A statement by the said Frank J. Burke that he had been a witness to some shooting at South Braintree, Massachusetts on April 15th, 1920. That he had seen the both of the men that were held for trial in connection with the said shooting and that neither of the men were the men that he had seen at South Braintree on April 15th, 1920. That a trial was coming on at an early date and that he had told Fred H. Moore, one of counsel for the defendants that he had heard that one Roy E. Gould was a witness to said shooting and that the said Fred H. Moore had asked him to attempt to locate the said Gould. That he had made inquiries about said Gould and had learned that he went around the country with carnival companies and that he had made inquiry and had secured some hearsay information to the effect that the said Roy E. Gould was connected with some carnival company or show company operating in or about the City of Hartford, State of Connecticut, and that he requested the affiant to make inquiries relative to the whereabouts of said Gould and if he succeeded in locating the said Gould to then advise him or the said Fred H. Moore.

THAT pursuant to such request contained in said letter from the said Frank J. Burke, brother of the affiant, the affiant did make an effort to locate the said Gould in or about any carnival or show companiesoperating at or near the said City of Hartford, State of Connecticut.

THAT the affiant located some five or six different carnival and show companies operating in that district and made personal inquiries at or about each and all the said separate shows to locate

the said Roye Go

the said Roy E. Gould but utterly failed to get any information whatsoever relative to him. The affiant was unable to find anyone who knew said Gould or knew anything about him. That the affiant so reported to the said Frank J. Burke, his brother, by mail.

THAT the affiant never did succeed in locating the said Roy E. Gould and that the affiant makes this affidavit setting forth his efforts to locate the said Roy E. Gould in response to the request of Frank J. Burke, his brother, freely and voluntarily and for no purpose other than to make known to the Court that such efforts were made.

THAT the affiant devoted one half day to his search going to the town of Manchester, State of Connecticut and also devoted a number of nights after work. That all told the affiant visited not less than a half a dozen different carnivals and shows covering a considerable period of time owing to the fact that carnivals appear at irregular intervals.

Further affiant sayeth not.

Edward P. Burke

Subscribed and sworn to, before me, this 24th day of September 1923
1923.

Leo Meltzer
~~Justice of the Peace~~
Notary Public
my com exp Dec 7, 1923

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Norfolk, ss. Criminal session

Case No.

Commonwealth of Massachusetts

vs.

Nicola Sacco
and
Bartolomeo Vanzetti

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