

STATE OF NEW YORK )  
 )  
County of Livingston) SS  
 )  
Town of Geneseo )

I, J. Hunter Black, of Geneseo, in the County of Livingston and State of New York, being duly sworn on oath depose and say: That I am Clerk of the Supreme and County Courts in and for said County of Livingston and have held said office since January 1, 1920; that there is on file in the records of my office as said Clerk an indictment against one Erastus C. Whitney returned by the Grand Jury for said County on the 24th day of November 1911, a copy of which is hereto annexed; that to the best of my knowledge and belief no action under said indictment has ever been taken and no warrant issued from these courts for the apprehension of the Defendant, Erastus C. Whitney named in said indictment; that during the latter part of May or the first part of June, 1922, I had some correspondence with some man whom I believe was one Fred H. Moore, in or of Boston, Mass., the originals of which correspondence have been lost or destroyed, and in the course of which correspondence said Moore wrote to me asking if said indictment, as above described, had been returned in the Courts of Livingston County and was still on file and pending; that my reply to said Moore was in substance and to the effect that said indictment was on file; that I returned to said Moore a certified copy of said indictment; that said Moore or any other person or persons purporting to represent said Moore or purporting to represent certain Defendants Sacco and VanCetti whom I now understand have been convicted in the Norfolk County Superior Court of the Commonwealth of Massachusetts, asked me at that time, that is during the course of said corres-



pondence whether a warrant had been issued for the apprehension of said Erastus C. Whitney or whether the said Whitney was now wanted by the authorities of this County to answer to said indictment; that later on, or about the 14th day of July 1922 I received a telephone call from some hotel in Augusta, Maine, at about 2:00 o'clock in the morning; that I then talked over the telephone with some man purporting to be said Fred H. Moore; that said Fred H. Moore then said that he had caused to be arrested said Erastus C. Whitney and was holding him there in Augusta for the New York State or County authorities and asked me if we in Livingston County wanted him, said Whitney; that I replied to said Moore that I did not believe we did, but I would get in touch with the Sheriff and find out definitely and send word if we did want him; that finding said Whitney was not wanted no further communication was sent to said Moore; that I had no further communication with said Moore or anyone purporting to represent said Defendants, Sacco and VanCetti; that neither I or anyone from my office or any County official of Livingston County, to the best of my knowledge and belief, has ever done anything to apprehend said Whitney or has ever asked or authorized said Moore or anyone else to take any steps to have said Whitney apprehended either in Massachussetts, Maine or any other place where said Whitney may have been located since the time of finding said indictment.

Subscribed and sworn to  
before me this 9th day of  
December, 1922.

Livingston County Clerk.