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Com. v. Sacco et al

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I, Ethel W. Lee, of Augusta in the County of Kennebec and State of Maine, being duly sworn, on oath, depose and say:

That I am a deputy sheriff of said Kennebec County; that I met one Fred H. Moore, whom I am informed is attorney for Sacco and Van Zetti, defendants named in certain murder indictments returned in the County of Norfolk and Commonwealth of Massachusetts on or about July 12, 1922; that Mr. Moore told me that there was at Vassalboro in said County of Kennebec a certain witness connected with the trial of said murder indictments, whom he wished to interview and wished that I would accompany him as a witness; that my sister-in-law, Miss Marjorie Lee, was to go along as a stenographer; that I was not to go in my official capacity but simply to serve as a reputable witness to the conversation which might ensue; that Mr. Moore, Miss Lee and myself drove out to Vassalboro in an automobile on the night of July 12th and went to a certain house where we found one purporting to be Carlos E. Goodrich or Erastus C. Whitney; that said Goodrich or Whitney was asked to step out to the automobile, and Mr. Moore in my presence and in the presence of Miss Lee had a conversation with said Goodrich or Whitney; that Miss Lee took down the conversation in shorthand; that I am unable to repeat the conversation which was then had; that in the course of said conversation, said Goodrich or Whitney admitted that his real name was Erastus C. Whitney, formerly of New York State, and that so far as he knew there was

an indictment then pending against him in said New York State; that said Goodrich or Whitney then said that he knew he could not be arrested without a warrant but was willing to accompany me back to Augusta; that said Goodrich or Whitney then accompanied us back to Augusta and to the Police Station in said Augusta; that he was there booked and held over night; that the next morning, which was July 13th, I was present when he was brought before Judge Robert A. Cony, Judge of the Augusta Municipal Court; that Mr. Moore was also present at that time; that in consequence of what Judge Cony said, I attempted by telegram to communicate with the District Attorney of Livingstone County, New York State where I understood said indictment was pending; that said telegram was first dictated by Mr. Moore and written down by me, and later revised on the suggestion of Judge Cony; that I personally sent the telegram; that so far as I know, no answer was ever received by me or by Mr. Moore or anyone here at Augusta to that communication, and no authority to hold said Goodrich or Whitney was ever received from any county official of Livingstone County, New York State; that I had however seen in Mr. Moore's possession an attested copy of the alleged New York indictment; and it is my recollection that I saw that attested copy of said indictment before we left Vassalboro on the night of July 12th; that after a reasonable time had elapsed, to be exact, on or about July 15th, 1922, no word or authority having been received from the New York State officials, said Judge Cony released said Goodrich or

Whitney; that on the morning of July 13th, Judge Cony issued a warrant for said Goodrich or Whitney as a fugitive from justice, and after the issuance of said warrant said Goodrich or Whitney was held by reason of its said issuance; that I am informed that sometime after said Goodrich or Whitney was dismissed by said Judge Cony, he left Vassalboro; that I never knew, before going to Vassalboro, that there was any indictment pending against said Goodrich or Whitney, and that my first information was obtained during the conversation between Mr. Moore and said Goodrich or Whitney and when a certified copy of the alleged indictment was shown by said Moore in the automobile during his conversation with said Goodrich or Whitney.

Ethel H. Lee

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STATE OF MAINE.

KENNEBEC, SS.

December 12, 1922.

Subscribed and sworn to before me

Luca S. Lawrence
Notary Public.



State of Maine.

KENNEBEC, SS.

I, C. W. JONES, Clerk of the Supreme Judicial Court for said County, the same being a court of record, do hereby certify that Fred S. Rand Esquire, of Augusta is a ~~Justice of the Peace~~ Notary Public for said County and for every County in said State duly commissioned and qualified, and duly authorized to administer oaths, take acknowledgement and proof of deeds, and other instruments; that I am well acquainted with the handwriting of said Justice Notary and verily believe that the signature written in the margin hereof purporting to be his, is his genuine signature.

I further certify that said Justice's Notary's commission bears date February 3rd 1920, runs for the term of seven years, ~~to-wit.~~ to February 3rd, 1927

In Testimony Whereof, I hereunto subscribe my name and official character, and affix the seal of said Court, at Augusta, this fourteenth day of December A. D. 1922.

C. W. Jones Clerk of said Court.



Signature, Fred S. Rand



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Nos. 5545-5546

Comlth. vs. Sacco
Vanzetti

Affidavit

of

Ethel W. Lee

RECEIVED & FILED

MAR 7 - 1923

OFFICE OF CLERK OF COURTS
NORFOLK COUNTY.

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