

This copy belongs to Harold P. Williams, Esq.

VOL.

Before Thayer, J.

Commonwealth

v.

Sacco and Vanzetti.

INDEX Dedham, Mass., Feb. 28, 1924.

	Direct	Cross	Re-Direct	Re-Cross
Hearings in re. question of substitution of gun barrels.				
Statement of Mr. Moore raising question of public hearing as a constitutional provision.				

JOHN J. MCKENNEY

OFFICIAL STENOGRAPHER  
Massachusetts Superior Court

Room 169, Court House, Boston, Mass.  
Telephone 3857-M Lynn



Thursday, February 28, 1924.

MABEL M. BREWERTON, Sworn.

Mr. MOORE. If your Honor please, you will recollect that at the commencement of this hearing, Mr. Thompson and myself both made objection to the hearing.

The COURT. Supposing I get her story. She wants to go somewhere else.

Mr. MOORE. I just want to get my objection in, solely for the purpose of the record. It is very short. Up to this time the testimony has gone in over the defendants' objection and exception saved on the ground that the hearing up to this time has not been a public hearing. An examination of article 5 of your -- frankly I made a mistake -- article 5 of the Federal Constitution, and I believe of other articles of your state constitution, provides the right in criminal prosecutions to have public hearings. We believe that that public hearing matter constitutionally requisite, is a condition precedent to the administration of oath, and that it raises a jurisdictional question.

I realize that your Honor has taken the position that this hearing had nothing to do with any matters relative to this case. However, the findings that your Honor may make, we object to any conclusions or any determination of any issues arising from these hearings as having any effect whatsoever upon the issues involved in the two defendants, Sacco and Vanzetti, in the case pending, and on the ground that no conclusions can be determined



from evidence taken without a public hearing in violation, we believe, of both state and federal constitution provisions.

The COURT. Any exceptions that you have already noted, why, the stenographer has them all preserved.

Mr. MOORE. yes.

The COURT. Now, I want to go ahead with this witness now.

Mr. MOORE. Over the objection and exception saved upon these new questions, if they are new questions.

The COURT. Not now. I am going to finish with this witness first, because your rights cannot in any way be jeopardized by finishing with Miss Brewerton, and allowing her to go.

(The Court then proceeded to examine Miss Brewerton.)







