

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

I, William Mann, of Genesee, County of Livingston, and State of New York, being duly sworn on oath depose and say: That I am Sheriff for said County of Livingston and have held said office since January 1, 1920;

• That it has been brought to my attention that an indictment is now pending in the County Court of said Livingston County against one Erastus C. Whitney for larceny; that so far as I am aware no action has ever been taken by any District Attorney, any Sheriff, or any one purporting to represent the County, to apprehend said Whitney since the return of said indictment on the 24th day of November 1911; that sometime during the early Summer of 1922 I received a letter and telegram from someone in Boston, Mass. asking if such an indictment was on file in Livingston County and if the County authorities wished the said Whitney to be apprehended and sent or brought to New York; that said letter and telegram have since been destroyed; that I never replied to said letter and telegram although I took the matter up with J. Hunter Black, the Clerk for the Supreme and County Courts of this County; that no warrant has ever been issued to apprehend said Whitney; that there is no desire on the part of the County officials to have him apprehended at the present time, and so far as I am informed, there never has been any such desire on the part of the County officials, and no request or authorization

has ever been made by me to Fred H. Moore, Attorney  
for Sacco and VanCetti, or to anyone else, to apprehend  
or detain said Whitney for the officials of this County.

Sworn to before me this  
9th day of December, 1922

Wm Mann  
Sheriff.

J. M. Resch  
Notary Public