

COMMONWEALTH OF MASSACHUSETTS

NORFOLK ss. SUPERIOR COURT

COMMONWEALTH vs. NICOLA SACCO AND BARTOLOMEO VANZETTI:

#5545 and #5546

(copies of two indictments #2)

These indictments were returned into said court by the Grand Jurors on the eleventh day of September, 1920, and were ordered to be filed.

And it appearing to said court that said indictments charged said defendants with a crime punishable with death, it was ordered by the court that said Nicola Sacco and Bartolomeo Vanzetti be held in custody of the Sheriff of the County of Norfolk to answer to said indictments, and that the said Sheriff or his Deputy give notice to each of said defendants that said indictments would be entered forthwith upon the docket of said court, by causing each of said defendants to be served with a copy of each of said indictments and of said orders thereon.

And in obedience to said orders the said Nicola Sacco and Bartolomeo Vanzetti were severally notified as thereby required as appears by returns of the Sheriff and of the Warden of the State Prison viz:

(copies of #3 and #4)

(copy the returns only)

And said indictments were ^{thereupon} entered ^{upon the docket} into record of said court.

And notice of the entry of said indictments with copies of said indictments was sent to the Chief Justice of said court and to the Attorney General.

And on the twenty-eighth day of September 1920, said defendants were brought before said court, and said indictments were read to them and each ^{defendant,} being asked if he was guilty of the offence therein charged, for answer said that he was not guilty,

2

^{thereupon}
And the said Nicola Sacco was remanded to the custody of the Sheriff without bail, and the said Bartolomeo Vanzetti was remanded to the State Prison without bail-

And on the eighteenth day of November 1920, the appearance of Fred H. Moore and William J. Callahan was entered for said defendants.

And on the fifth day of February, 1921, it was ordered by the court as follows:-

(copy #9) (face only)

Upon which order, the following endorsements of service upon the said defendants were made:

(copies of following:

Return of service on Vanzetti
Return of service on Sacco
Return of service on Counsel)

(From back of #9)

And on said fifth day of February, 1921, it was further ordered by the court as follows:

(copy #7)

And on the fourteenth day of February, 1921, venire for jurors were issued in obedience to said order

And on the twenty-third day of February, 1921 a motion for continuance was filed by the defendants.

And on the twenty sixth day of February, 1921, it was ordered by the court upon motion of the defendants that said orders of February 5, 1921, assigning March 7, 1921 as the date for trial be vacated and that the motion of the defendants filed February 23, be impounded.

And on the twenty-eighth day of February motion of defendants for continuance and waiver of right to be admitted to bail was filed as follows:

(copy #11)

And thereupon notice of vacation of said order was sent to

those summoned to attend as Jurors on March 7.

And on the twentieth day of April, 1921, the following order was issued by the Chief Justice of said Court to the Sheriff viz:

(copy #11A) (face only)

And on said order, the following returns were made

(copy two returns) (on back of 11a)

And on the twentieth day of April, 1921, the following order for trial at a special sitting of said court beginning Tuesday, May 31 1921 was also entered

(copy #12)

And on the twenty-fifth day of April, 1921, the following order was entered fixing dates for attendance of jurors

(copy #13)

And on the thirty-first day of May, 1921, the said Nicola Sacco and the said Bartolomeo Vanzetti were brought into said court and set at the bar thereof for trial, ^{if and} on said thirty-first day of May, 1921, and the appearance in writing of J.J. and T.F. McAnarney for the defendant Bartholomeo Vanzetti was filed.

And on said thirty-first day of May, 1921, motion of defendant Sacco for severance and separate trial was filed as follows:

(copy #16)

And on the thirty-first day of May, 1921, ^a demurrer ~~was~~ filed by each defendant as follows:

(copy #17)

And on the thirty-first day of May, 1921, the ^{each} defendant ~~s~~ filed ~~their~~ demands for bills of particulars, ^a as follows:

(copy #16A)

4

And on the second day of June, 1921, ^{it was} order ~~was given~~ that the Sheriff summon 200 talesmen to attend on the third day of June, 1921, it appearing that all the names of Jurors summoned for the trial of said case had been drawn from the box and that the panel had not been completed.

And on the third day of June, 1921, oral motion of defendants to challenge the array of talesmen was denied by the court.

And on the third day of June, 1921, it was ordered by the court upon motion of the District Attorney that Fred H. Moore Attorney in the State of California, be admitted to participate in the trial of said case as counsel for the defendant Sacco, and ^{as} ~~the~~ power or attorney to said Fred H. Moore by the defendant Sacco was filed as follows:

(copy #19)

And on the fourth day of June, 1921, a jury of twelve men duly impanelled and sworn to try the issues in said case, was completed as follows:

(copy #20)

And on the sixth day of June, 1921, a waiver of defendants of their right to accompany the jury on view, was filed as follows:

(copy #21)

And on the sixth day of June on the motion of the defendants that weapons and bullets be admitted for expert examination, the court ordered that they be given into the custody of the Sheriff for such examination, but under no circumstances were they to go out of his custody.

5

And on the sixth day of June, 1921, ^{and} upon request of the Commonwealth and of the defendants, a view was taken by the jury, and Walter H. Ripley was appointed foreman of the Jury.

And on the seventh day of June, ^a motion of defendant Vanzetti for severance of trial was filed as follows:

(copy #22)

And said motion was denied by the court.

And on the sixteenth day of June, 1921, a motion for view of the ^{Buick} car was allowed by the court, and the defendants waived their right to accompany the jury on said view, and it was further ordered by the court that such car be impounded and placed in the custody of the Sheriff.

And on the sixth day of July, 1921, the defendants waived their right to accompany the jury on view of the "Boda" Overland Car.

And on the fourteenth day of July, 1921, motion of defendant Sacco for verdict of not guilty was filed as follows:

(copy #25)

And said motion was denied by the court.

And on said fourteenth day of July, 1921, motion of defendant Vanzetti was also filed as follows:

(copy #26)

And said motion was denied by the court.

And on said fourteenth day of July, 1921, after hearing the witnesses and their evidence and the arguments of the District Attorney and the attorneys for the defendants, and the instructions by the court on said case, ^{and said case} have been committed to them, after ~~the~~ deliberation the jury returned their verdicts therein, and upon oath said that the said Nicola Sacco and said Bartholomeo

6

Vanzetti were each guilty of murder in the first degree upon each indictment. *And said verdicts were duly recorded.*

And thereupon the defendants by their attorneys moved that the time for filing exceptions be extended to and including November 1, 1921, and said motion was allowed by the court with the consent of the District Attorney.

And on the eighteenth day of July, 1921, the defendant Sacco filed a motion for new trial as follows:

(copy #27)

And on the said eighteenth day of July, 1921 the defendant Partholomeo Vanzetti filed a motion for new trial as follows:

(copy #28)

And on the thirty-first day of October, 1921 on the motion of the defendants, the time for filing his exceptions was extended to December 10, 1921.

And on the eighth day of November, 1921, ^{supplementary} motions for new trial ^{each of} were filed by said defendants as follows:

(copy #31) ^{(omit affidavits) (2 motions)}
^{omit affidavits}

And on the thirtieth day of November, 1921, it was ordered by the court on ^{motion} ~~order~~ of ^{the} defendants that ^{the} time for filing exceptions be extended to December 20, 1921.

And on December 17, 1921, it was ordered by the court on ~~the~~ motion of the defendants that the time for filing exceptions be extended to January 15, 1922.

And on the twenty-fourth day of December, 1921, the ~~following~~ decision of the Court ^(the defendants' original) on motions for new trial was filed, as follows:-

(copy #37)

And on the twenty-seventh day of December, 1921, by order of the Court, the time of filing exceptions ~~to~~^{to} and appeal from order denying motions for new trial was extended to and including January 14, 1922.

And on the thirteenth day of January 1922, on motion of the defendants, time for filing exceptions ~~to~~ and appeal was further extended to January 24, 1922.

And on the twenty-third day of January, 1922, an order was entered allowing the defendants to examine the Buick car.

And a further order was also entered allowing defendants counsel to examine photographs of prisoners released from the state prison of Massachusetts at Charlestown, during the period between April 1 and April 20, 1920, for the purpose of making duplicates of said photographs.

And on the twenty-fourth day of January, 1922, on motions of defendants by order of court, the time for filing exceptions and appeal was further extended to and including February 10, 1922

And on the tenth day of February, the first volume of bill of exceptions of defendant Sacco and of defendant Vanzetti was filed, and ~~an order extending~~^{it was ordered that the} time for filing of completed bill of exceptions of defendant Sacco, ~~to~~^{be extended} to February 20, 1922.

And on February 20, 1922, a further order was entered for extending time for filing of completed bill of exceptions of defendant Vanzetti and defendant Sacco to February 25, 1922.

And on the ^{25th} day of February, 1922, volume two of bills of exception of defendant Sacco and of defendant Vanzetti were filed.

And on the fourth day of May, 1922,^a second supplementary motion for new trial of defendant Sacco was filed as follows:

(copy #56)

(omit affidavits annexed)

8.

And on the twenty-second day of July, 1922, ~~the~~^a third supplementary motion for new trial of defendant Sacco was filed as follows:

(copy #58)

(omit affidavits annexed)

And on the eleventh day of September, 1922, a fourth supplementary motion for new trial was filed as follows:

(copy #59)

(omit affidavits annexed)

And on the ninth day of March, 1923, motion of District Attorney that Frederick G. Katzmann be appointed Special Assistant of District Attorney to assist in the prosecution of said case was filed as follows:

(copy #80)

And on the said ninth day of March Frederick G. Katzmann was appointed in ~~the court~~^{accordance} with said motion, and his oaths were taken and subscribed in open court, and defendants exceptions to said appointment were duly noted.

And on said ninth day of March, 1923, defendants exceptions to refusal of the court to rule on admission of certain statements in affidavit of J. J. McAnarney were noted.

And on the sixteenth day of March, 1923, bills of exceptions by defendants Sacco and Vanzetti to the decision of the court motion for new trial were filed.

And on the sixteenth day of March 1923, the appearance of William G. Thompson and Arthur D. Hill was entered by the defendants, specially for the purpose of arguing motion for new trial based on misconduct of juror Ripley and others.

And on the sixteenth day of March, 1923, Dr. Cahoon of the Medfield State Hospital and Dr. Thomas of the Foxboro State Hospital were appointed to examine defendant Sacco as to his mental

condition and to report to the Court on Saturday A. M.

And on the seventeenth day of March, 1923, it was ordered by the court that defendant Sacco be committed to the Boston Psychopathic Hospital for care and observation pending determination of his insanity till and including March 31st, 1923, the Director of said Hospital to make written report of condition of said Sacco on Tuesday March 27, 1923 to the presiding Justice, to the District Attorney, and to the counsel for said Sacco.

And on the eighteenth day of April, 1923, it was ordered by the court that the clerk be authorized and directed to take or allow to be taken under the necessary and proper guard, each and all of exhibits hereinafter named to the studio of Wilbur F. Turner in the city of Boston, such exhibits to be then and there photographed by said Turner, the said exhibits being as follows:

- 1- three so called Ripley cartridges and revolver
- 2- five so called Vanzetti cartridges (exhibit # 32)
- 3- five so called Sacco cartridges (exhibit #22)

And on the thirtieth day of April 1923, the following motion of defendant Vanzetti was filed:

(copy #87)

And on said April 30, a motion of the Assistant District Attorney (Mr. Keith), seconded by counsel for defence all pending motions ordered continued generally because of the illness of Mr. Williams, District Attorney.

And on the thirtieth of April, 1923, ^athe fifth supplementary motion for new trial of defendant Vanzetti was filed, *as follows:*

(copy #89)

(omit affidavits annexed)

And on the first day of October, 1923, ^{as}supplement to the first supplementary motion for new trial was filed, *as*

(copy #104)

(omit affidavits annexed)

10.

And on the fifth day of November, 1923, defendants supplementary motion for new trial was filed as follows:

(copy #126)

And on the twenty-fourth day of March, 1924, decision of the court in the matter of substitution of gun barrels, was filed as follows:

(copy #129)

And on the twenty-seventh day of March defendants appeal to the Supreme Judicial Court from said decision was filed as follows:

(copy #130)

Together with notice of said appeal as follows:

(copy #131)

And on the twenty-seventh day of March, 1924 on motion of said defendants with the consent of the District Attorney, the time for filing exceptions to said decision of the court was extended to April 12, 1924.

And on the first day of October, 1924, memorandum and decision of the court denying first supplementary motion for new trial was filed as follows:

(copy #137)

And on the said first day of October, 1924, memorandum of and decision of court denying second motion for new trial based on Gould Affidavit was filed as follows:

(copy #138)

And on said first day of October, 1924, memorandum and decision of court denying second motion for new trial based on Pelser affidavit was filed as follows:

(copy #139)

And on the first day of October, 1924, memorandum and decision of court denying third supplementary motion for new trial was filed as follows:

(copy #140)

And on the first day of October, 1924, memorandum and decision of court denying fourth supplementary motion for new trial was filed as follows:

(copy #141)

And on the first day of October, 1924, memorandum and decision of court denying fifth motion for new trial as based on Hamilton Affidavit was filed as follows:

(copy #142)

And on the first day of October, 1924, memorandum and decision of court denying fifth supplementary motion for new trial as based on Proctor Affidavit was filed as follows:

(copy #143)

And on the first day of October, 1924, the court extended time for claiming, saving or filing exceptions on motions for new trials until October 8, 1924, and the defendants bill of exceptions was allowed by the court.

And on the fourth day of October 1924, the following notice of a claim of appeal was filed by the defendants:

(copy #144)

And on the seventh day of October the following order was entered:

(copy #145)

And on the eleventh day of October, 1924, the following order was entered.

(copy #146)

And on the twenty-first day of October, 1924, the defendants

12
filed a claim of exceptions to the decisions, findings, and rulings of the court on the new trial.

And on the twentyfirst day of October, 1924, the defendants filed a supplementary appeal as follows:

(copy #148)

And on the twenty-first day of October, 1924, the time for filing exceptions was extended to and including October 23, 1924.

And on the twenty-third day of October, 1924, the appearance of Arthur D. Hill as attorney for defendants was withdrawn.

And on the twenty-third day of October, 1924, time for filing exception was extended to and including November 7, 1924

And on the twenty-eighth day of October, 1924, the appearance of Richard H. Wiswall was entered for the defendants.

And on the twenty-ninth day of October, 1924, the defendants substituted claim of exceptions was filed.

And on the third day of November, 1924, defendants filed a further claim of exceptions.

And on the seventh day of November, 1924, time for filing exceptions was extended to and including November 21, 1924.

And on the eighth day of November, 1924, the appearance of Fred H. Moore as attorney for the defendant Sacco was withdrawn

And on the nineteenth day of November, 1924, a supplementary bill of exceptions was filed by said defendants.

And on the twenty-first day of November, 1924, an order was entered extending time for filing claim and bill of exceptions on the second, third and fourth supplementary motions for new trial to and including December 1, 1924.

And on the twenty-fifth day of November, 1924, the appearance of WilliamG. Thompson for the defendants was entered.

And on the twenty-sixth day of November, 1924, defendants claim of exceptions was filed.

And on the first day of December, 1924, defendants bill of exceptions to decision on second supplementary motion for new trial was filed.

And on the ninth day of December, 1924, the appearance of J.J. and T.F. McAnarney as attorneys for defendant Vanzetti was withdrawn.

And on the twenty-first day of March, 1925, substitute bill of exceptions of defendant Vanzetti on first supplementary motion for new trial was filed.

And on the eleventh day of May, 1925, certain corrections of errors and omissions in defendants bill of exceptions allowed September 13, 1924, were allowed by the court.

And on the eleventh day of May, 1925, a substitute bill of exceptions of Defendant Vanzetti on his supplementary motion for new trial was allowed by the court.

And on the eleventh day of May, 1925, defendants bill of exceptions ^{as} to decision of second supplementary motion for new trial was allowed by the court.

And on the eleventh day of May, 1925, defendants supplementary bill of exceptions filed November 19, 1924, based on denial of first and fifth supplementary motions for new trial was allowed by the court.

And on the tenth day of November, 1925, certain corrections of the original bill of exceptions of the said defendants were allowed by the court.

And said several bills of exceptions were allowed by the court for a trial, and transmitted to the Supreme Judicial Court of the Commonwealth, and entered therein on the thirteenth

14
day of May, 1926, and rescripts were received from said
Supreme Judicial Court as follows:

(copy #170 and #171)

And on the twenty-sixth day of May motion of said
defendants for new trial was filed as follows:

(copy #173)

And motion to impound was also filed as follows:

(copy #172)

And said motion to impound was allowed by the court.