

NOS.5545 and 5546
COMMONWEALTH V. SACCO & VANZETTI

#27 Motion of Nicolo Sacco for new trial -----Filed July 18, 1921

#28 Motion of Bartholomew Vanzetti for new trial-----Filed July 18, 1921



RECEIVED
JULY 18 1921
U.S. DEPARTMENT OF JUSTICE
RECORDS SECTION

BEFORE RESCRIPT

1. #31 First Supplementary Motion for New Trial, filed November 8, 1921 (Ripley)
Heard Oct. 1, 2, & 3, 1923

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
2. #34			Sacco & Vanzetti	Dec. 24, 1921
3. #35			J.J. & T.F. McAnarney	Dec. 24, 1921
4. #36			Fred H. Moore and William J. Callahan	Dec. 24, 1921
5. #60	Lewis McHardy and 10 others	Mar. 7, 1923		
6. #86			Albert H. Hamilton	Apr. 16, 1923
7.			Album of Photographs (3 pages) Exhibit "A"	Apr. 16, 1923
8. #97			Wilbur F. Turner	Sep. 26, 1923
9. #100			Albert H. Hamilton	Sep. 26, 1923
10. #101	Chas J. VanAmburgh	Oct. 1, 1923		
11. #102	Wm. E. Hingston	Oct. 1, 1923		
12. #103	Jos. W. Keith	Oct. 1, 1923		
13. #104			William H. Daly	Oct. 1, 1923
14. #105			Albert H. Hamilton	Oct. 3, 1923
15. #106			Amended Album of Photo- graphs (5 pages) (as substi- tute Ex. "A") to 1st Affidavit of Hamilton, filed by leave of Court	Oct. 3, 1923.

1. #56 Second Supplementary Motion for New Trial, filed May 4, 1922 (Louis Pelser & Roy E. Gould)
(BEFORE RESCRIPT)

Hearing opened Oct. 22, 1923, at 10 A.M.

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
2. #57			Louis Pelser	May 4, 1922
3. #61	Louis Pelser	Mar. 7, 1923		
4. #62	Jeremiah F. Gallivan	Mar. 7, 1923		
5. #71	F. G. Katzmann	Mar. 8, 1923		
6. #72	H. P. Williams	Mar. 8, 1923		
7. #90			Gwendolyn S. Beamish	Sep. 26, 1923
8. #91			Frank J. Burke	Sep. 26, 1923
9. #92			Edward P. Burke	Sep. 26, 1923
10. #93			John J. Heaney	Sep. 26, 1923
11. #94			Roy E. Gould	Sep. 26, 1923
12. #96			Thomas Doyle	Sep. 26, 1923
13. #71a	Original letter of Pelzer to Dist. Atty. substituted in place of copy annexed to affidavit of F. G. Katzmann	Oct. 22, 1923.		

1. #58 Third Supplementary Motion for New Trial, filed July 22, 1923 (Goodridge.)
 (BEFORE RESCRIPT)

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
2. #63	Erastus C. Whitney	March 7, 1923		
3. #64	Chas. W. Knappenburg	March 7, 1923		
4. #65	J. Hunter Black	March 7, 1923		
5. #66	Ethel W. Lee	March 7, 1923		
6. #67	William R. Corbett	March 7, 1923		
7. #68	William Mann	March 7, 1923		
9. #95			Thomas Doyle	Sept. 26, 1923
10. #111			Ethel W. and Marjorie L. Lee	Oct. 24, 1923

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List of Affidavits filed March 7, 1923, by Commonwealth in connection with defendants' fourth supplementary motions for new trial.

Affidavit of Lewis McHardy & 10 others (11 jurors) in connection with Supplementary mo. for new trial filed Nov. 8, 1921

- " " Louis Pelser in connection with 2d Supplementary motion for new trial filed May 4, 1922.
- " " Jeremiah F. Gallivan, in connection with 2d Supplementary motion for new trial filed May 4, 1922.
- " " Erastus C. Whitney, in connection with ^{2nd} Supplementary Motion for new trial filed July 22, 1922
- " " Charles W. Knappenberg, in connection with 3rd Supplementary motion for new trial filed July 22, 1922.
- " " J. Hunter Black, in connection with 3rd Supplementary Motion for new trial filed July 22, 1922.
- " " Ethel W. Lee, in connection with 3rd Supplementary Motion for new trial filed July 22, 1922.
- " " William R. Corbett, in connection with 3rd Supplementary Motion for new trial filed July 22, 1922.
- " " William Mann, in connection with 3rd Supplementary Motion for new trial filed July 22, 1922.
- " " Robert A. Cony, in connection with 3rd Supplementary Motion for new trial filed July 22, 1922.
- " " Lola R. Andrews, in connection with 4th Supplementary Motion for new trial filed July 22, 1922.

NOS. 5545-5546 COMMONWEALTH vs. NICOLA SACCO and
BARTOLOMEO VANZETTI.

List of Affidavits filed March 7, 1923, by Commonwealth in connection
with defendants' four supplementary motions for new trial.

Affidavit of Lewis McHardy & 10 others (11 jurors) in connection with
Supplementary Motion for new trial filed Nov. 8, 1921

- " " Louis Pelsler in connection with 2d Supplementary motion for
new trial filed May 4, 1922.
- " " Jeremiah F. Gallivan, in connection with 2d Supplementary motion
for new trial filed May 4, 1922.
- " " Erastus C. Whitney, in connection with ^{2d} Supplementary Motion
for new trial filed July 22, 1922
- " " Charles W. Knappenberg, in connection with 3rd Supplementary
motion for new trial filed July 22, 1922.
- " " J. Hunter Black, in connection with 3rd Supplementary Motion
for new trial filed July 22, 1922.
- " " Ethel W. Lee, in connection with 3rd Supplementary Motion for
new trial filed July 22, 1922.
- " " William R. Corbett, in connection with 3rd Supplementary Motion
for new trial filed July 22, 1922.
- " " William Mann, in connection with 3rd Supplementary Motion
for new trial filed July 22, 1922.
- " " Robert A. Cony, in connection with 3rd Supplementary Motion
for new trial filed July 22, 1922.
- " " Lola R. Andrews, in connection with 4th Supplementary Motion
for new trial filed July 22, 1922.

NOS. 5545- 5546 COMMONWEALTH vs. NICOLA SACCO and
BARTOLOMEO VANZETTI

List of Affidavits filed March 8, 1923, by Commonwealth

- 10 Affidavit of Frederick G. Katzmann, in connection with 2nd Supplementary motion for new trial filed May 4, 1922.
- " " Harold P. Williams, in connection with 2nd supplementary motion for new trial filed May 4, 1922.
- " " Frederick G. Katzmann, in connection with 4th Supplementary motion for new trial filed July 22, 1922.
- " " Harold P. Williams, in connection with 4th Supplementary motion for new trial filed July 22, 1922.
- " " Michael E. Stewart, in connection with 4th Supplementary motion for new trial filed July 22, 1922.
- " " Martin J. Barrett, in connection with 4th Supplementary motion for new trial filed July 22, 1922.
- " " William E. Gray, in connection with 4th Supplementary motion for new trial filed July 22, 1922.
- " " Albert L. Brouillard, in connection with 4th Supplementary motion for new trial filed July 22, 1922.

NOS. 5545- 5546 COMMONWEALTH vs. NICOLA SACCO and
BARTOLOMEO VANZETTI

List of Affidavits filed March 8, 1923, by Commonwealth

Affidavit of Frederick G. Katzmann, in connection with 2nd Supplementary
motion for new trial filed May 4, 1922.

- " " Harold P. Williams, in connection with 2nd supplementary
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- " " Frederick G. Katzmann, in connection with 4th Supplementary
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- " " Harold P. Williams, in connection with 4th Supplementary
motion for new trial filed July 22, 1922.
- " " Michael E. Stewart, in connection with 4th Supplementary
motion for new trial filed July 22, 1922.
- " " Martin J. Barrett, in connection with 4th Supplementary
motion for new trial filed July 22, 1922.
- " " William E. Gray, in connection with 4th Supplementary
motion for new trial filed July 22, 1922.
- " " Albert L. Brouillard, in connection with 4th Supplementary
motion for new trial filed July 22, 1922.

- 1 - 31 1st Supplementary Motion for new trial, filed Nov.8,1921. (Ripley)
 2 - 104 Supplement to First Supp. Motion for New Trial, filed Oct. 1, 1923.

List of Affidavits

Commonwealth	Date	Defense	Date
3 - 34		Sacco & Vanzetti	Dec. 24, 1921
4 - 35		J.J. & T.F. McAnarney	Dec. 24, 1921
5 - 36		Fred H. Moore and Wm. J. Callahan	Dec. 24, 1921
6 - 86		Albert F. Hamilton	Apr. 16, 1923
7 -		Album of Photographs (3 Pages) Exhibit "A"	Apr. 16, 1923
8 - 97		Wilbur F. Turner	Sep. 26, 1923
9 - 100		Albert H. Hamilton	Sep. 26, 1923
10- 101	Chas. J. VanAmburgh		Oct. 1, 1923
11- 102	Wm. E. Hingston		Oct. 1, 1923
12- 103	Joseph W. Keith		Oct. 1, 1923
13- 105		Albert H. Hamilton	Oct. 3, 1923
14-		Amended Album of Photographs (5 Pages)(as substitute Ex."A" to 1st Affidavit of Hamilton, filed by leave of Court Oct.3,1923	

- 1 - 31 1st Supplementary Motion for new trial, filed Nov.8,1923. (Ripley)
 2 - 104 Supplement to First Supp. Motion for new trial, filed Oct. 1, 1923.
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Heard Oct. 1, 2, & 3, 1923.

List of Affidavits

Commonwealth	Date	Defense	Date
3 - 34		Sacco & Vanzetti	Dec.24,1921
4 - 35		J.J. & T.F.McAnarney	Dec.24,1921
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7 -		Album of Photographs (3 Pages) Exhibit "A"	Apr.16,1923
8 - 97		Wilbur F. Turner	Sep.26,1923
9 -100		Albert H. Hamilton	Sep.26,1923
10- 101	Chas.J. Van Amburgh		Oct.1,1923
11- 102	Wm.E.Hingston		Oct.1,1923
12- 103	Jos.W.Keith		Oct.1,1923
13- 105		Albert H. Hamilton	Oct.3,1923
14-		Amended Album of Photo- graphs (5 pages)(as substi- tute Ex."A") to 1st Affidavit of Hamilton,filed by leave of Court	Oct.3,1923.

- 1 - 31 1st Supplementary Motion for new trial, filed Nov. 8, 1923. (Ripley)
 2 - 104 Supplement to First Supp. Motion for new trial, filed Oct. 1, 1923.
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6 - 86		Albert H. Hamilton	Apr. 16, 1923
7 -		Album of Photographs (3 Pages) Exhibit "A"	Apr. 16, 1923
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9 - 100		Albert H. Hamilton	Sep. 26, 1923
10- 101	Chas. J. Van Amburgh		Oct. 1, 1923
11- 102	Wm. E. Hingston		Oct. 1, 1923
12- 103	Jos. W. Keith		Oct. 1, 1923
13- 105		Albert H. Hamilton	Oct. 3, 1923
14-		Amended Album of Photographs (5 pages) (as substitute Ex. "A") to 1st affidavit of Hamilton, filed by leave of Court	Oct. 3, 1923.

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8 - 97	Chas. J. VanAmburgh Oct. 1, 1923	Wilbur F. Turner	Sep. 26, 1923
9 - 100		Albert H. Hamilton	Sep. 26, 1923
10- 101	Chas. J. VanAmburgh Oct. 1, 1923		
11- 102	Wm. E. Hingston Oct. 1, 1923		
12- 103	Joseph W. Keith Oct. 1, 1923		
13- 105		Albert H. Hamilton	Oct. 3, 1923
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Heard Oct. 1, 2 + 3, 1923.

List of Affidavits

<u>Commonwealth</u>	<u>Date</u>	<u>Defence</u>	<u>Date</u>
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6 - 86		Albert F. Hamilton	Apr. 16, 1923
7 -		Album of Photographs (3 Pages) Exhibit "A"	Apr. 16, 1923
8 - 97	Chas. J. VanAmburgh Oct. 1, 1923	Wilbur F. Turner	Sep. 26, 1923
9 - 100		Albert H. Hamilton	Sep. 26, 1923
10 - 101	Chas. J. VanAmburgh		Oct. 1, 1923
11 - 102	Wm. E. Hingston		Oct. 1, 1923
12 - 103	Joseph W. Keith		Oct. 1, 1923
13 - 105		Albert H. Hamilton	Oct. 3, 1923
14 -		Amended Album of Photographs (5 Pages) (as substitute Ex. "A" to 1st Affidavit of Hamilton, filed by leave of Court	Oct. 3, 1923

The motion for a new trial based on the situation arising from the possession in the jury room by juror Ripley of pistol cartridges and his use of them in the deliberations by the jury is misconceived from the beginning.

The fundamental principle of jury trial is that the application of common experiences of life and the wisdom derived from such experiences shall be available for the protection of the lives and liberties of citizens.

The cartridges in question were in the juror's possession altogether independently of his being a juror. They came into the jury room innocently as a part of that juror's equipment as a juror. If it is to become necessary to dress and equip every juror for every issue and to disqualify citizens from jury duty until they have been so stripped and trimmed, juries will become juries of puppets, not of peers.

The motion is based on technical artificialities which, if given weight by the Court's recognition, would destroy forever the bulwark which jury trial affords our institutions.

1 - 56 2nd Supplemental Motion for new trial, filed May 4, 1922 (Louis Pelser & Roy E. Gould)

Hearing opened Oct. 22, 1923, at 10 A.M.

Present: H.P. Williams, F.G. Katzmann & Jos. W. Keith, for the Commonwealth
 F.H. Moore, J.J. McAnarney & T.F. McAnarney, for the Defense.

List of Affidavits

	Commonwealth	Date	Defense	Date
2 - 57			Louis Pelser	May 4, 1922
3 - 61	Louis Pelser	March 7, 1923		
4 - 62	Jeremiah F. Gallivan	Mar. 7, 1923		
5 - 71	F. G. Katzmann	March 8, 1923		
6 - 72	H. P. Williams	March 8, 1923		
7 - 90			Gwendolyn S. Beamish	Sep. 26, 1923
8 - 91			Frank J. Burke	Sep. 26, 1923
9 - 92			Edward P. Burke	Sep. 26, 1923
10 - 93			John J. Heaney	Sep. 26, 1923
11 - 94			Roy E. Gould	Sep. 26, 1923
12 - 96			Thomas Doyle	Sep. 26, 1923

1 - 56 2nd Supplementary Motion for new trial, filed May 4, 1922 (Louis Pelser & Roy E. Gould)

Hearing opened Oct. 22, 1923, at 10 A. M.

Present: H.P. Williams, F. G. Katzmann & Jos. W. Keith, for the Commonwealth
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List of Affidavits

Commonwealth	Date	Defense	Date
2 - 57		Louis Pelser	May 4, 1922
3 - 61	Louis Pelser		
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4 - 62	Jeremiah F. Gallivan		
	Mar. 7, 1923		
5 - 71	F. G. Katzmann		
	Mar. 8, 1923		
6 - 72	H. P. Williams		
	Mar. 8, 1923		
7 - 90		Gwendolyn S. Beamish	Sep. 26, 1923
8 - 91		Frank J. Burke	Sep. 26, 1923
9 - 92		Edward P. Burke	Sep. 26, 1923
10 - 93		John J. Heaney	Sep. 26, 1923
11 - 94		Roy E. Gould	Sep. 26, 1923
12 - 96		Thomas Doyle	Sep. 26, 1923

13 71a Original letter of Pelser to Dist Atty. Oct. 22, 1923
 substituted in place of copy
 annexed to affidavit of F.G. Katzmann

1 - 56 2nd Supplementary Motion for new trial, filed May 4, 1922 (Louis Pelser & Roy E. Gould)

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5 - 71	F. G. Katzmann	Mar. 8, 1923		
6 - 72	H. P. Williams	Mar. 8, 1923		
7 - 90			Gwendolyn S. Beamish	Sep. 26, 1923
8 - 91			Frank J. Burke	Sep. 26, 1923
9 - 92			Edward P. Burke	Sep. 26, 1923
10 - 93			John J. Heaney	Sep. 26, 1923
11 - 94			Roy E. Gould	Sep. 26, 1923
12 - 96			Thomas Doyle	Sep. 26, 1923

1 - 56 2nd Supplemental Motion for new trial, filed May 4, 1922 (Louis Pelser & Roy E. Gould)

Hearing opened Oct. 22, 1923, at 10 A.M.

Present: H.P. Williams, F.G. Katzmann & Jos. W. Keith, for the Commonwealth
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5 - 71	F. G. Katzmann	March 8, 1923		
6 - 72	H. P. Williams	March 8, 1923		
7 - 90			Gwendolyn S. Beamish	Sep. 26, 1923
8 - 91			Frank J. Burke	Sep. 26, 1923
9 - 92			Edward P. Burke	Sep. 26, 1923
10 - 93			John J. Heaney	Sep. 26, 1923
11 - 94			Roy E. Gould	Sep. 26, 1923
12 - 96			Thomas Doyle	Sep. 26, 1923

13 - 71a letter of Pelser filed Oct. 22 1923

1 - 58 3rd Supplementary Motion for new trial, filed July 22, 1922. (Goodridge.)

List of Affidavits.

	Commonwealth	Date	Defense	Date
2 - 63	Erastus C. Whiting	March 7, 1923		
3 - 64	Chas. W. Knappenburg	March 7, 1923		
4 - 65	J. Hunter Black	March 7, 1923		
5 - 66	Ethel W. Lee	March 7, 1923		
6 - 67	William R. Corbett	March 7, 1923		
7 - 68	William Mawe	March 7, 1923		
8 - 69	Robert A. Cony	March 7, 1923		
9 - 95			Thomas Doyle	Sept. 26, 1923
10- 111			Marjorie L. Lee	Oct. 24, 1923

1 - 58 3rd Supplementary Motion for new trial, filed July 22, 1922. (Goodridge.)

List of Affidavits

Commonwealth	Date	Defense	Date
2 - 63		Erastus C. Whitney	
3 - 64		Chas. W. Knappenburg	
4 - 65		J. Hunter Black	
5 - 66		Ethel W. Lee	
6 - 67		William R. Corbett	
7 - 68		William Mawe	
8 - 69		Robert A. Cony	
9 - 95		Thomas Doyle	

1 - 58 3rd Supplementary Motion for new trial, filed July 22, 1923. (Goodridge.)

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	Commonwealth	Date	Defense	Date
2 - 63	Erastus C. Whiting	March 7, 1923		
3 - 64	Chas. W. Knappenburg	March 7, 1923		
4 - 65	J. Hunter Black	March 7, 1923		
5 - 66	Ethel W. Lee	March 7, 1923		
6 - 67	William R. Corbett	March 7, 1923		
7 - 68	William Mawe	March 7, 1923		
8 - 69	Robert A. Cony	March 7, 1923		
9 - 95			Thomas Doyle	Sept. 26, 1923/
10- 111			Marjorie L. Lee	Oct. 24, 1923

1 - 58 3rd Supplementary Motion for new trial, filed July 22, 1923. (Goodridge.)

List of Affidavits.

	Commonwealth	Date	Defense	Date
2 - 63	Erastus C. Whiting	March 7, 1923		
3 - 64	Chas. W. Knappenburg	March 7, 1923		
4 - 65	J. Hunter Black	March 7, 1923		
5 - 66	Ethel W. Lee	March 7, 1923		
6 - 67	William R. Corbett	March 7, 1923		
7 - 68	William Mawe	March 7, 1923		
8 - 69	Robert A. Cony	March 7, 1923		
9 - 95			Thomas Doyle	Sept. 26, 1923/
10- 111			Marjorie L. Lee	Oct. 24, 1923

COMMONWEALTH OF MASSACHUSETTS

NORFOLK SS.
Nos. 5545 & 5546

SUPERIOR COURT

Commonwealth
vs.
Sacco and Vanzetti

List of affidavits put in by defence at argument of
Andrews' motion ordered impounded Oct. 23, 1923.

		<u>Date of jurat or certificate.</u>
1.	Affidavit of Emma E. Allen	July 15, 1922
2.	Alfred L. Burke	
3.	Mrs. Bessie F. Seger	
4.	Joseph A. Seger	
5.	Mrs. Ethel Smith	
6.	George B. Smith	
7.	Albert W. Thompson	
8.	(interview) John Andrew Hassam	July 19, 1922
9.	(interview) Mayhew J. Hassam	
10.	Ada F. Hunt	
11.	John W. Marston	
12.	(interview) Joseph H. Wellman	
13.	(interview) Mrs. Martha Wellman	
14.	Stephen S. Lancaster	July 22, 1922
15.	Mrs. Millian Silva	
16.	Mrs. Ella M. Shaw	
17.	Record of adoption (June 11/28) of Rachel Andrews	July 22, 1922
18.	Memorandum of receipts for payments for case of John A. Hassam	(no date)
19.	Certificate of court record (July 25, 1914) State vs. John A. Hassam (neglected child.)	

1 - 59 4th Supplementary Motion for new trial, filed Sept. 11, 1923. (Andrews)

Heard Oct. 22 & 23, 1923.

List of Affidavits

	Commonwealth	Date
2 - 70	Lola Andrews	March 7, 1923
3 - 73	F. G. Katzmann	March 8, 1923
4 - 74	H. P. Williams	March 8, 1923
5 - 75	M. E. Stewart	March 8, 1923
6 - 76	M. J. Barrett	March 8, 1923
7 - 77	W. E. Gray	March 8, 1923
8 - 78	A. L. Broun	March 8, 1923
9 - 112	Robert Reid	Oct. 23, 1923
10 - 113	Fred H. [unclear]	Oct. 23, 1923

1 - 59 4th Supplementary Motion for new trial, filed Sept. 11, 1922 (Andrews)

Hearing began Monday Oct. 22/23 3 P.M.

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Commonwealth

List of Affidavits
Date

2 - 70	Lola Andrews	March 7, 1923	X
3 - 73	F. G. Katzmann	March 8, 1923	X
4 - 74	H. P. Williams	March 8, 1923	X
5 - 75	M. E. Stewart	March 8, 1923	X
6--76	M. J. Barrett	March 8, 1923	X
7 - 77	W. E. Gray	March 8, 1923	X
8 - 78	A. L. Brouillard	March 8, 1923	X

1 - 59 4th Supplementary Motion for new trial, filed Sept. 11, 1922 (Andrews)

	Commonwealth	<u>List of Affidavits</u> Date
2 - 70	Lola Andrews	March 7, 1923
3 - 73	F. G. Katzmann	March 8, 1923
4 - 74	H. P. Williams	March 8, 1923
5 - 75	M. E. Stewart	March 8, 1923
6--76	M. J. Barrett	March 8, 1923
7 - 77	W. E. Gray	March 8, 1923
8 - 78	A. L. Brouillard	March 8, 1923

1 - 59 4th Supplementary Motion for new trial, filed Sept. 11, 1922 (Andrews)

Heard Oct. 22 & 23. 1923

	Commonwealth	<u>List of Affidavits</u> Date
2 - 70	Lola Andrews	March 7, 1923
3 - 73	F. G. Katzmann	March 8, 1923
4 - 74	H. P. Williams	March 8, 1923
5 - 75	M. E. Stewart	March 8, 1923
6--76	M. J. Barrett	March 8, 1923
7 - 77	W. E. Gray	March 8, 1923
8 - 78	A. L. Brouillard	March 8, 1923

1 - 89 5th Supplementary Motion for new trial, filed April 30, 1923.

List of Affidavits

Commonwealth	Date	Defence	Date
2 - 98		Wilbur F. Turner	Sep. 26, 1923
3 - 99		Wilbur F. Turner (Album)	Sep. 26, 1923
4 - 106		Augustus H. Gill	Oct. 16, 1923
5 - 108		William H. Proctor	Oct. 22, 1923
6 - 109		Albert H. Hamilton	Oct. 23, 1923
7 - 110		Albert H. Hamilton (Album)	Oct. 23, 1923
8 - 112		Augustus H. Gill	Oct. 24, 1923
9 - 113		Albert H. Hamilton	Oct. 24, 1923
10- 117 Chas. J. Van Amburgh	Oct. 25, 1923		
11- 118 Photographic Exhibits	Oct. 25, 1923		
12- 119		Album (with Hamilton Aff.)	Oct. 26, 1923
13- 120 Supp. Aff. of C. J. Van Amburgh	Oct. 29, 1923		
14- 121 Merton A. Robinson	Oct. 29, 1923		
15- 122 Supp. Aff. of M. A. Robinson	Oct. 29, 1923		
16- 123 Nils Elkman (with 24 Photos 1-12, A-L)	Oct. 29, 1923.		

1 - 89 5th Supplementary Motion for new trial, filed April 30, 1923.

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	Commonwealth	Filing Date	Defence	Filing Date
2 - 98			Wilbur F. Turner	Sep. 26, 1923.
3 - 99			Wilbur F. Turner (Album)	Sep. 26, 1923
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5 - 108			William H. Proctor	Oct. 22, 1923
6 - 109			Albert H. Hamilton	Oct. 23, 1923
7 - 110			Albert H. Hamilton (Album)	Oct. 23, 1923
8 - 115			Augustus H. Gill	Oct. 24, 1923
9 - 116			Albert H. Hamilton	Oct. 24, 1923
10 - 117	Chas. J. Van Amburgh	Oct. 25, 1923		
11 - 118	Photographic Exhibits	Oct. 25, 1923		
12 - 119			Album (With Hamilton Aff.)	Oct. 26, 1923.

1 - 89 5th Supplementary Motion for new trial, filed April 30, 1923.

Arguments began Nov. 1, 1923 at 10. a. m.

List of Affidavits

Commonwealth	Date	Defence	Date
2 - 98		Wilbur F. Turner	Sep. 26, 1923
3 - 99		Wilbur F. Turner (Album)	Sep. 26, 1923
4 - 106		Augustus H. Gill	Oct. 16, 1923
5 - 108		William H. Proctor	Oct. 22, 1923
6 - 109		Albert H. Hamilton	Oct. 23, 1923
7 - 110		Albert H. Hamilton (Album)	Oct. 23, 1923
8 - 112		Augustus H. Gill	Oct. 24, 1923
9 - 113		Albert H. Hamilton	Oct. 24, 1923
10- 117 Chas. J. Van Amburgh	Oct. 25, 1923		
11- 118 Photographic Exhibits	Oct. 25, 1923		
12- 119		Album (with Hamilton Aff.)	Oct. 26, 1923
13- 120 Supp. Aff. of C. J. Van Amburgh	Oct. 29, 1923		
14- 121 Merton A. Robinson	Oct. 29, 1923		
15- 122 Supp. Aff. of M. A. Robinson	Oct. 29, 1923		
16- 123 Nils Elkman (with 24 Photos 1-12, A-L)	Oct. 29, 1923.		
17- 124 F. G. Katzmann	Oct. 31, 1923		
18- 125 Harold P. Williams	Oct. 31, 1923.		

1 - 89 5th Supplementary Motion for new trial, filed April 30, 1923.

List of Affidavits

Commonwealth	Date	Defence	Date
2 - 98		Wilbur F. Turner	Sep.26,1923
3 - 99		Wilbur F. Turner (Album)	Sep.26,1923
4 - 106		Augustus H. Gill	Oct.15,1923
5 - 108		William H. Proctor	Oct.22,1923
6 - 109		Albert H. Hamilton	Oct.23,1923
7 - 110		Albert H. Hamilton (Album)	Oct.23,1923
8 - 112		Augustus H. Gill	Oct.24,1923
9 - 113		Albert H. Hamilton	Oct.24,1923
10- 117	Chas.J.Van Amburgh		Oct.25,1923
11- 118	Photographic Exhibits		Oct.25,1923
12- 119		Album(with Hamilton Aff.)	Oct.26,1923
13- 120	Supp.Aff.of C.J.Van Amburgh		Oct.29,1923
14- 121	Merton A. Robinson		Oct.29,1923
15- 122	Supp.Aff.of M.A.Robinson		Oct.29,1923
16- 123	Nils Elkman(with 24 Photos 1-12, A-L)		Oct.29,1923.
17. 124.	F. G. Katzmann		Oct.31.1923
18. 125.	Harold P. Williams		Oct.31.1923

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Arguments begun Nov. 1. 1923 at 10. a.m.

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17- 124	<i>F. G. Katzmann</i>		<i>Oct. 31, 1923</i>
18- 125	<i>Harold P. Williams</i>		<i>Oct. 31, 1923</i>

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT.

COMMONWEALTH VS. NICOLA SACCO & BARTOLOMEO VANZETTI.

Defendants' Exhibits Referred to in Bill of Exceptions.

- - - - -

Reference in Bill of Exceptions.	Attached to Affidavit of	No. of Affidavit.	Description of Exhibit.
Page 39 (6th line)	Nicola Sacco	#177	A Photostatic copy of Madeiros' Confession
" 40 (3rd line)	Amleto Pabbri	#178	Photostatic copy of Madeiros confession
" 44 (14th line)	William G. Thompson	#179	Photostatic copy of Madeiros' confession Statement of Madeiros Sketch by Madeiros
" 56 (8th line)	Herbet B. Caffrey	#180	Photographs of Joe Morelli, Pasquale Morelli, Fred Morelli and Albert Barone.
" 89 (3rd line)	John J. Richards	#190	Photographs of Joe Morelli, Pasquale Morelli, Fred Morelli and Albert Barone.
" 91 (5th par.)	John J. Richards	#190	Marked map of Providence
" 105 (24th line) 106 (2nd line)	Herbert B. Ehrmann	#191	Photograph of Joseph Morelli
" 110 (14th line)	Lewis L. Wade	#222	Photograph of Joseph Morelli
" 111 (3rd par.) (4th par.)	John F. Carney	#223	Photograph of Joseph Morelli. Clipping from Boston Traveler.
" 123 (last Per.)	Patrick J. McGovern	#226	Photo. of Madeiros

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Page 125 (13th line)	Frank J. Burke	#228	Photo of Joseph Morelli
" 125 (last par.)	Daniel E. Geary	#231	Copy of Ranney aff.
" 139 (last par.)	Edward J. Neons	#234	Photo of McDevitt
" 143 (2nd par.)	Fred J. Weyand	#233	Photostatic copy of parts of Weiss letter.
" 144 (3rd par.)	Fred J. Weyand	#233	Picture of Feri Felix Weiss
" 150 (22nd line)	Minnie Kennedy	#242	Photo of Steve Benkosky
" 151 (last par.)	Nellie Gannon	#241	" of Madeiros
" 164 (last line)	Michael Franklin	#245	" of Stephen Benkosky
" 167 (end of par.)	Herbert B. Ehrmann	#246	" of Antonio Mancini
" 169 (3rd par.)	Chester W. Goward	#247	Group photograph & photo of Madeiros
" 181 (2nd and 3rd par.)	Wm. G. Thompson	#257	Brown envelope. Certified copies of records of Pauline Gray.
" 205 (2nd line and 2nd par.)	Donato DiBona	#260	Photograph of Benkosky and Mancini

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AFFIDAVIT

RECORD PAGE

EXHIBIT

Nicola Sacco

39 *6th line A* - Photostatic copy of Medeiros' confession

Amleto Fabbri

40 *3rd line* Photostatic copy of Medeiros' confession

William G. Thompson

44 *14th P* Photostatic copy of Medeiros' confession
Statement of Medeiros
Sketch by Medeiros

Herbert B. Caffrey

56 *8th P* Photographs of Joe Morelli, Pasquale Morelli, Fred Morelli and Albert Barone

John J. Richards

89 *3rd P* Photographs of Joe Morelli, Pasquale Morelli, Fred Morelli and Albert Barone

John J. Richards

91 *5th P* Marked map of Providence

Herbert B. Ehrmann

105 - *24th line*
106 - *2nd line* → Photograph of Joseph Morelli

Lewis L. Wade

110 - *14th P* Photograph of Joseph Morelli

John F. Carney

111 - *3rd P* - Photograph of Joseph Morelli
4th P - Clipping from Boston Traveler

Patrick J. McGovern

123 *P P* Photograph of Medeiros

Frank J. Burke

125 - *13th P* Photograph of Joseph Morelli

Daniel E. Geary

125 *P P* Copy of Ranney affidavit

Edward J. Noons

139 *P P* Photograph of McDevitt

Fred J. Weyand

143 *P P* Photostatic copy of parts of Weiss letter

Fred J. Weyand

144 *3rd P* Picture of Feri Felix Weiss

Minnie Kennedy

150 *22nd P* Photograph of Steve Benkosky

Nellie Gannon

151 *P P* Photograph of Madeiros

Michael Franklin

164 *P P* Photograph of Stephen Benkosky

Herbert B. Ehrmann

167 *i P* Photograph of Antonio Mancini

Chester W. Goward

169 *3rd P* Group photograph and photograph of Madeiros

William G. Thompson

181 *2nd & 3rd P* Brown envelope. Certified copies of records of Pauline Gray.

Donato DiBona

205 *2nd line + 2nd P* Photograph of Benkosky and Mancini

DEFENDANTS' LIST OF EXHIBITS

<u>AFFIDAVIT</u>	<u>RECORD PAGE</u>	<u>EXHIBIT</u>
Nicola Sacco	39 (6th line)	A Photostatic copy of Medeiros' confession
Amleto Fabbrì	40 (3rd line)	Photostatic copy of Medeiros' confession
William G. Thompson	44 (14th line)	Photostatic copy of Medeiros' confession Statement of Medeiros Sketch by Medeiros
Herbert B. Caffrey	56 (8th line)	Photographs of Joe Morelli, Pasquale Morelli, Fred Morelli and Albert Barone
John J. Richards	89 (3rd line)	Photographs of Joe Morelli, Pasquale Morelli, Fred Morelli and Albert Barone
John J. Richards	91 (5th paragraph)	Marked map of Providence
Herbert B. Ehrmann	105 (24th line) 106 (2nd line)	Photograph of Joseph Morelli
Lewis L. Wade	110 (14th line)	Photograph of Joseph Morelli
John F. Carney	111 (3rd paragraph) (4th Paragraph)	Photograph of Joseph Morelli Clipping from Boston Traveler
Patrick J. McGovern	123 (last paragraph)	Photograph of Medeiros
Frank J. Burke	125 (13th line)	Photograph of Joseph Morelli
Daniel E. Geary	125 (last paragraph)	Copy of Ranney affidavit
Edward J. Noons	139 (last paragraph)	Photograph of McDevitt
Fred J. Weyand	143 (second paragraph)	Photostatic copy of parts of Weiss letter
Fred J. Weyand	144 (third paragraph)	Picture of Feri Felix Weiss
Minnie Kennedy	150 (22nd line)	Photograph of Steve Benkosky
Nellie Gannon	151 (last paragraph)	Photograph of Medeiros
Michael Franklin	164 (last line)	Photograph of Stephen Benkosky
Herbert B. Ehrmann	167 (end of paragraph)	Photograph of Antonio Mancini
Chester W. Goward	169 (3rd paragraph)	Group photograph and photograph of Medeiros
William G. Thompson	181 (2nd and 3rd Paragraphs)	Brown envelope. Certified copies of records of Pauline Gray.
Donato DiBona	205 (2nd line and 2nd paragraph)	Photograph of Benkosky and Mancini

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nosfolk ss come of mass
on us - Nicola Sacco & Bartolomeo Vanzetti Superior Court
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on Dec 23, 1926 *6th Supplemental* *motion for new trial filed May 26, 1926*
Entered Oct 23, 1926

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5	14	✓ Affidavit of Jeremiah J. McAnarney
6	15	✓ Affidavit of William G. Thompson
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9	22	Clerk's Certificate
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12	27	✓ Affidavit of Edward G. Lennon
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14	32	✓ Affidavit of John S. Mendonca and Elwin H. Hauver
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18	39	Interrogation of James F. Weeks at State Prison- May 27, 1926, by Wm. G. Thompson
19	48	✓ Affidavit of Edward J. Moons
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43	109	✓ Affidavit of Patrick J. McGovern
44	115	✓ Affidavit of Frank J. Burke
45	116	✓ Affidavit of Daniel E. Geary
46	120	✓ Affidavit of John Ruzzamenti
47	130	✓ Affidavit of Edward J. Miller
48	135	✓ Affidavit of Edward J. Noons
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50	143	✓ Affidavit of Lawrence Letherman
51	146	✓ Affidavit of Mrs. Minnie Kennedy
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54	154	✓ Affidavit of John J. Richards
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59	172	✓ Affidavit of Harvey A. Baker
60	173	✓ " " <i>Charles H. Eward</i>
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63	177	✓ Supplemental Affidavit of William G. Thompson
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70	217	✓ Supplemental Affidavit of Thomas Theodore Driver
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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT.

COMMONWEALTH vs. NICOLA SACCO and BARTOLOMEO VANZETTI

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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT.

COMMONWEALTH vs. NICOLA SACCO and BARTOLOMEO VANZETTI

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Superior Court

COMMONWEALTH vs. NICOLA SACCO and BARTOLOMEO VANZETTI

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Norfolk, ss.

Superior Court.

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COMMONWEALTH OF MASSACHUSETTS

vs.

NICOLA SACCO and
BARTOLOMEO VANZETTI

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

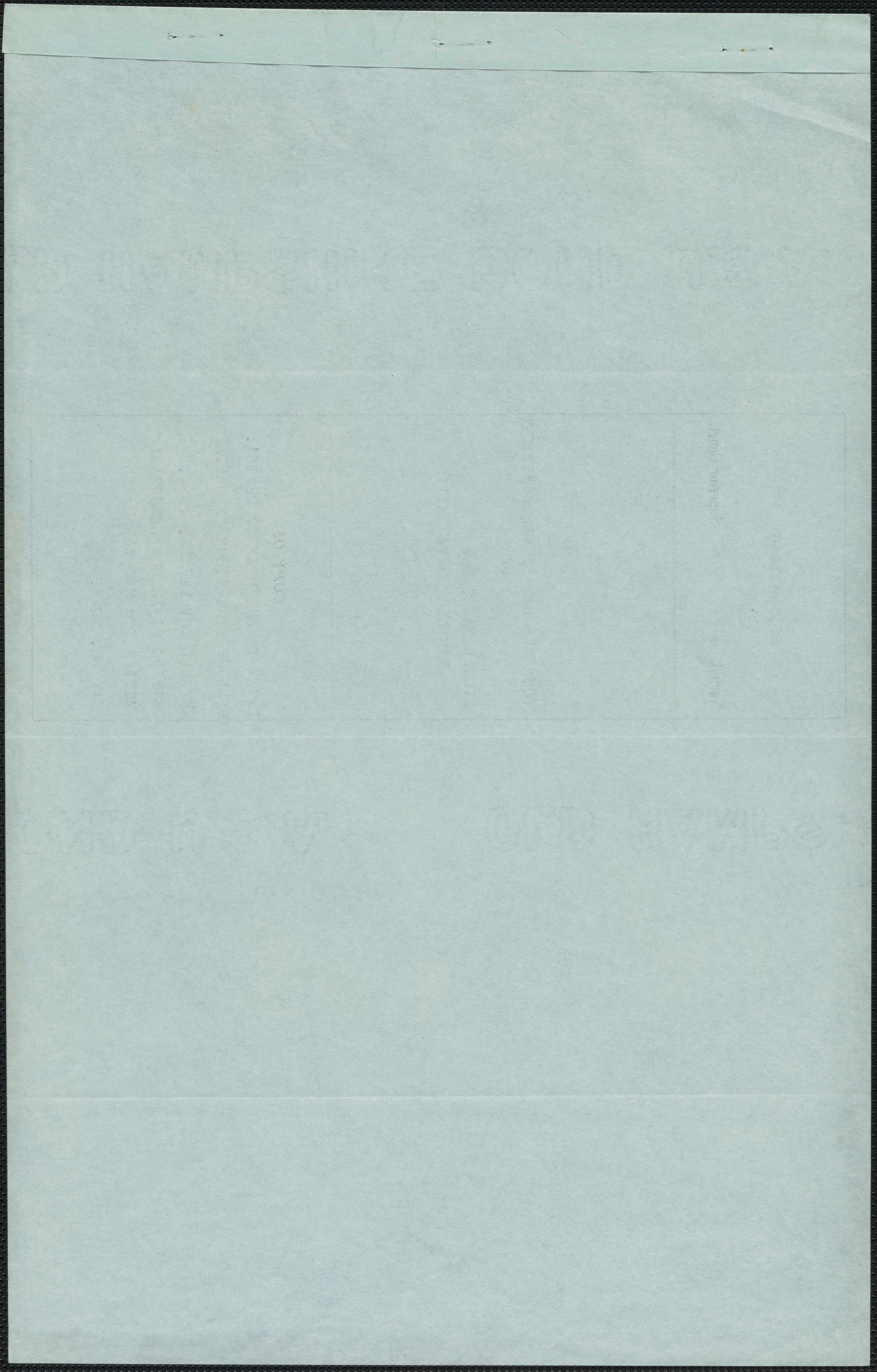
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No. 5545 and 5546

Norfolk, ss.

Superior Court.

COMMONWEALTH OF MASSACHUSETTS

vs.

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NOS. 5545 and 5546
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#27 Motion of Nicolo Sacco for new trial --- - --- --- Filed July 18, 1921

#28 Motion of Bartholomew Vanzetti for new trial-----Filed July 18, 1921

BEFORE RESCRIPT

1. #31 First Supplementary Motion for New Trial, filed November 8, 1921 (Ripley

Heard Oct. 1, 2, & 3, 1923

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
2. #34			Sacco & Vanzetti	Dec. 24, 1921
3. #35			J.J. & T.F. McAnarney	Dec. 24, 1921
4. #36			Fred H. Moore and William J. Callahan	Dec. 24, 1921
5. #60	Lewis McHardy and 10 others	Mar. 7, 1923		
6. #86			Albert E. Hamilton	Apr. 16, 1923
7.			Album of Photographs (3 pages) Exhibit "A"	Apr. 16, 1923
8. #97			Wilbur F. Turner	Sep. 26, 1923
9. #100			Albert H. Hamilton	Sep. 26, 1923
10. #101	Chas J. VanAmburgh	Oct. 1, 1923		
11. #102	Wm. E. Hingston	Oct. 1, 1923		
12. #103	Jos. W. Keith	Oct. 1, 1923		
13. #104			William H. Daly	Oct. 1, 1923
14. #105			Albert H. Hamilton	Oct. 3, 1923
15. #106			Amended Album of Photo- graphs (5 pages) (as substi- tute Ex. "A") to 1st Affidavit of Hamilton, filed by leave of Court	Oct. 3, 1923.

1. #56 Second Supplementary Motion for New Trial, filed May 4, 1922 (Louis Pelser & Roy E. Gould)
(BEFORE RESCRIPT)

Hearing opened Oct. 22, 1923, at 10 A.M.

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
2. #57			Louis Pelser	May 4, 1922
3. #61	Louis Pelser	Mar. 7, 1923		
4. #62	Jeremiah F. Gallivan	Mar. 7, 1923		
5. #71	F. G. Katzmann	Mar. 8, 1923		
6. #72	H. P. Williams	Mar. 8, 1923		
7. #90			Gwendolyn S. Beamish	Sep. 26, 1923
8. #91			Frank J. Burke	Sep. 26, 1923
9. #92			Edward P. Burke	Sep. 26, 1923
10. #93			John J. Heaney	Sep. 26, 1923
11. #94			Roy E. Gould	Sep. 26, 1923
12. #96			Thomas Doyle	Sep. 26, 1923
13. #71a	Original letter of Pelzer to Dist. Atty. substituted in place of copy annexed to affidavit of F. G. Katzmann	Oct. 22, 1923.		

1. #58 Third Supplementary Motion for New Trial, filed July 22, 1923 (Goodridge.)
 (BEFORE RESCRIPT)

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
2. #63	Erastus C. Whitney	March 7, 1923		
3. #64	Chas. W. Knappenburg	March 7, 1923		
4. #65	J. Hunter Black	March 7, 1923		
5. #66	Ethel W. Lee	March 7, 1923		
6. #67	William R. Corbett	March 7, 1923		
7. #68	William Mann	March 7, 1923		
9. #95			Thomas Doyle	Sept. 26, 1923
10. #111			Ethel W. and Marjorie L. Lee	Oct. 24, 1923

#59. Fourth Supplementary Motion of New Trial, filed September 11, 1923 (Andrews)
 (BEFORE RESCRIPT)
Heard October 22 and 23, 1923.

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#70	Lola Andrews	March 7, 1923		
#73	F. G. Katzmann	March 8, 1923		
#74	H. P. Williams	March 8, 1923		
#75	M. E. Stewart	March 8, 1923		
#76	M. J. Barrett	March 8, 1923		
#77	W. E. Gray	March 8, 1923		
#78	A. L. Brouillard	March 8, 1923		
#112			Robert Heid	Oct. 23, 1923
#113			Fred H. Moore	Oct. 23, 1923
#114			19 Affidavits, etc. ordered impounded	Oct. 23, 1923

#89 Fifth Supplementary Motion of New Trial, filed April 30, 1923 } Before Rescript
 #126 Supplement to Motion } filed November 5, 1923

LIST OF AFFIDAVITS

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#98		Wilbur F. Turner	Sep. 26, 1923
#99		Wilbur F. Turner(album)	Sep. 26, 1923
#106		Augustus H. Gill	Oct. 16, 1923
#107		Albert H. Hamilton	Oct. 16, 1923
#108		William H. Proctor	Oct. 22, 1923
#109		Albert H. Hamilton	Oct. 23, 1923
#110		Albert H. Hamilton(album)	Oct. 23, 1923
#115		Augustus H. Gill	Oct. 24, 1923
#116		Albert H. Hamilton	Oct. 24, 1923
#117	Chas. J. VanAmburgh		Oct. 25, 1923
#118	Photographic Exhibits		Oct. 25, 1923
#119		Album(with Hamilton aff.)	Oct. 26, 1923
#120	Supp.aff.of C.J.VanAmburgh		Oct. 29, 1923
#121	Merton A. Robinson		Oct. 29, 1923
#122	Supp.affi.of M.A.Robinson		Oct. 29, 1923
#123	Nils Elkman(with 24 photos 1-12, A-L)		Oct. 29, 1923
#124	F.G.Katzmann		Oct. 31, 1923
#125	Harold P. Williams		Oct. 31, 1923
#127	Supp.motion of C.J.VanAmburgh		Nov. 12, 1923
#128		Albert H. Hamilton	Dec. 7, 1923

#173 Motion for New Trial, (After Rescript), filed May 26, 1926.

LIST OF AFFIDAVITS

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#174		Wm. G. Thompson	May 26, 1926
#175		James F. Weeks	May 26, 1926
#176		J. J. McAnarney	May 26, 1926
#177		Nicola Sacco	May 26, 1926
#178		Amleto Fabri	May 26, 1926
#179		Wm. G. Thompson	May 28, 1926
#180	Herbert B. Caffrey		June 10, 1926
#181		Celestino F. Madeiros	June 10, 1926
#182		Edward G. Lennon	June 10, 1926
#183		Henry E. Connors	June 11, 1926
#184		Edward J. Noons	June 11, 1926
#185		Ellsworth C. Jacobs	June 11, 1926
#186		John T. McKay	June 11, 1926
#187		John S. Mendonca & Elwin H. Hauver	June 11, 1926
#188		Peter C. Cannon	June 11, 1926
#190		John J. Richards	June 12, 1926

LIST OF AFFIDAVITS IN SUPPORT OF #173 MOTION FOR NEW TRIAL AFTER RESCRIPT
(CONTINUED)

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#191		Herbert B. Ehrmann	June 12, 1926
#193		Herbert B. Ehrmann & John J. Richards	June 12, 1926
#194		Herbert B. Ehrmann	June 17, 1926
#195	Mrs. Mary Matthews		June 21, 1926
#196	John T. McKay		June 21, 1926
#197	Oliver J. Curtis (with Exhibit "A")		June 21, 1926
#198	Henry A. Plett		June 21, 1926
#199	John P. Hanley		June 21, 1926
#200	Albert C. Thomas		June 21, 1926
#201	Elisha H. Cohoon		June 21, 1926
#202	Charles E. Linscott		June 21, 1926
#203	William P. Kelley		June 21, 1926
#204	Dudley P. Ranney		June 21, 1926
#205	Winfield M. Wilbar & Dudley P. Ranney		June 21, 1926
#206	Michael F. Fleming		June 21, 1926
#207	Albert C. Crocker		June 21, 1926
#208	Samuel H. Capen		June 21, 1926
#209	Michael F. Fleming		June 21, 1926
#210	Arthur D. Timmins		June 21, 1926

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 LIST OF AFFIDAVITS IN SUPPORT OF #173, MOTION FOR NEW TRIAL, AFTER RESCRIPT.
 (CONTINUED.)

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#211 Dudley P. Ranney	June 21, 1926		
#213		Lester S. Cornell	June 25, 1926
#214		Rubin Galkin	June 25, 1926
#215		Charles E. Linscott (amended)	June 25, 1926
#216		Charles E. Linscott	June 25, 1926
#217		Herbert B. Ehrmann	June 26, 1926
#218		Albert L. Carpenter	June 26, 1926
#221 Dudley P. Ranney	June 29, 1926		
#222		Lewis C. Wade	June 30, 1926
#223		John F. Carney	June 30, 1926
#224		Barney B. Monterio	July 1, 1926
#225		May B. Monterio	July 1, 1926
#226		Patrick J. McGovern	July 1, 1926
#227		Nicola Sacco	July 1, 1926
#228		Frank J. Burke	July 1, 1926
#229 Joseph Morell	July 2, 1926		
#230		Edward J. Miller	July 3, 1926
#231		Daniel E. Geary	July 3, 1926
#232		John Ruzzamenti	July 3, 1926

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LIST OF AFFIDAVITS IN SUPPORT OF #173, MOTION FOR NEW TRIAL, (AFTER RESCRIPT)
CONTINUED.

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#233		Fred J. Weyand	July 3, 1926
#234		Edward J. Noons	July 7, 1926
#235	Mary Splaine Williams		July 8, 1926
#238	Pauline Gray		July 9, 1926
#239	Pasquale Morrelli		July 9, 1926
#240		Louise Kelley	July 9, 1926
#241		Nellie Gannon	July 9, 1926
#242		Minnie Kennedy	July 9, 1926
#243		Lawrence Letherman	July 9, 1926
#244		John J. Richards & Wm. J. Carroll	July 10, 1926
#245		Michael Franklin	July 13, 1926
#246		Herbert E. Ehrmann	July 15, 1926
#247		Chester H. Goward	July 15, 1926
#248		Herbert C. Dow	July 15, 1926
#249		Harvey A. Baker	July 15, 1926
#250		Alice Peckham	July 16, 1926
#251		Patrick J. Pyne	July 16, 1926
#252		John J. Richards	July 16, 1926
#253		Wm. G. Thompson	July 16, 1926
#255	F. G. Katzmann		July 16, 1926

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 LIST OF AFFIDAVITS IN SUPPORT OF #173, MOTION FOR NEW TRIAL (AFTER RESCRIPT.)
 CONTINUED.

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#256	Michael E. Stewart	July 16, 1926		
#257			Wm. G. Thompson	July 19, 1926
#258			Henry Epstein	July 22, 1926
#259			N. O. Simard	July 22, 1926
#260			Donato Dibona	July 22, 1926
#261			Thos. Theodore Driver	July 22, 1926
#262			Thos. Theodore Driver (supplemental)	July 22, 1926
#263	Robert C. Karnes	July 24, 1926		
#264	Chas. J. VanAmburgh	July 27, 1926		
#265	Dudley P. Ranney	July 27, 1926		
#266			James E. Burns	July 30, 1926
#267			Lincoln Wadsworth	Sept. 13, 1926
#268			George Hatton	Sept. 13, 1926.
#276			Wm. G. Thompson	Oct. 9, 1926

#286---MOTION FOR NEW TRIAL AFTER SECOND RESCRIPT, FILED AUGUST 6, 1927.

LIST OF AFFIDAVITS

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#287		Elias Field	August 6, 1927
#288		John Nicholas Beffel	Aug. 6, 1927
#289		Herbert B. Ehrmann	Aug. 6, 1927
#290		Robert Benchley	Aug. 6, 1927
#291		Herbert B. Ehrmann	Aug. 6, 1927
#292		Elizabeth R. Bernkopf	Aug. 6, 1927
#293		Frank P. Sibley	Aug. 6, 1927
#294		Lois B. Rantoul	Aug. 6, 1927

(170)	1926-May 13	Rescript (Sacco)	"Exceptions overruled-Verdict to stand	
(171)	"	"	"	"
(171)	"	Rescript (Vanzetti)	"	"
(172)	"	26	Motion to impound	
(173)	"	"	Motion for new trial	
(174)	"	"	Affidavit of William G. Thompson	
(175)	"	"	"	James F. Weeks
(176)	"	"	"	J. J. McAnarney
(177)	"	"	"	Nicola Sacco
(178)	"	"	"	Amleto Fabri
(179)	"	28	"	Wm. G. Thompson
(180)	"	June 10	"	Herbert B. Caffrey
(181)	"	"	"	Celestino Madeiros
(182)	"	"	"	Edward G. Lennon
(183)	"	11	"	Henry E. Connors
(184)	"	"	"	Edward J. Noone
(185)	"	"	"	Ellsworth C. Jacobs
(186)	"	"	"	John T. McKay
(187)	"	"	"	John S. Mendonca and Edwin H. Hauver
(188)	"	"	"	Peter C. Cannon
(189)	"	"	Interrog. of James F. Weeks at State Prison by W.G. Thompson	
(190)	"	12	Affidavit of John J. Richards	
(191)	"	"	"	Herbert B. Ehrmann
(192)	"	15	Mo. filed by Comlth. for termination of time in which defts. may file affidavits in support of mo. for new trial	
(193)	"	16	Affidavit of Herbert B. Ehrmann & John J. Richards	
(194)	"	17	"	Herbert B. Ehrmann
(195)	"	21	"	Mrs. Mary Matthews
(196)	"	"	"	John T. McKay
(197)	"	"	"	Oliver J. Curtis (with Exhibit "A")
(198)	"	"	"	Henry A. Flett
(199)	"	"	"	John P. Hanley
(200)	"	"	"	Albert C. Thomas
(201)	"	"	"	Elisha H. Cohoon
(202)	"	"	"	Charles E. Linscott
(203)	"	"	"	William P. Kelley
(204)	"	"	"	Dudley P. Ranney

(205)	1926-June 21	Affidavit of Winfield M. Wilbar
(206)	" " "	Michael F. Fleming
(207)	" " "	Albert C. Crocker
(208)	" " "	Samuel H. Capen
(209)	" " "	Michael F. Fleming
(210)	" " "	Arthur D. Timmins
(211)	" " "	Dudley P. Ranney
(212)	" " 18	Defts' memo. on Governm nt's m .to, lim t defts.time for filing aff.
(213)	" " 25	Affidavit of Lester S. Cornell
(214)	" " "	Rubin Galkin
(215)	" " "	Charles E. Linscott
(216)	" " "	Charles E. Linscott
(217)	" " 26	Herbert B. Ehrmann
(218)	" " "	Albert L. Carpenter
(219)	" " 25	Defts. mo. for further ext. of time for filing aff. to July 8.
(220)	" " 28	Appearance of Herbert B. Shrmann for defts.
(221)	" " 29	Affidavit of Dudley P. Ranney
(222)	" " 30	" Lewis L. Wade
(223)	" " "	" John F. Carney
(224)	" July 1	" Barney B. Monterio
(225)	" " "	" May B. Monterio
(226)	" " "	" Patrick J. McGovern
(227)	" " "	" Nicola Sacco
(228)	" " "	" Frank J. Burke
(229)	" " 2	" Joseph Morell
(230)	" " 3	" Edward J. Miller
(231)	" " "	" Daniel E. Geary
(232)	" " "	" John Ruzzamenti
(233)	" " "	" Fred J. Weyand
(234)	" " 7	" Edward J. Noone
(235)	" " 8	" Mary Splaine Williams
(236)	" " "	Defts, no, to further ext.time for filing aff. to July 16.
(237)	" " "	Dep sition of Celestino Madeiros

#59. Fourth Supplementary Motion of New Trial, filed September 11, 1923 (Andrews)
 (BEFORE RESCRIPT)
Heard October 22 and 23, 1923.

LIST OF AFFIDAVITS

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#70	Lola Andrews	March 7, 1923		
#73	F. G. Katzmann	March 8, 1923		
#74	H. P. Williams	March 8, 1923		
#75	M. E. Stewart	March 8, 1923		
#76	M. J. Barrett	March 8, 1923		
#77	W. E. Gray	March 8, 1923		
#78	A. L. Brouillard	March 8, 1923		
#112			Robert Reid	Oct. 23, 1923
#113			Fred H. Moore	Oct. 23, 1923
#114			19 Affidavits, etc. ordered impounded	Oct. 23, 1923

#89 Fifth Supplementary Motion of New Trial, filed April 30, 1923 (Before Rescript
 #126 Supplement to Motion filed November 5, 1923)

LIST OF AFFIDAVITS

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#98		Wilbur F. Turner	Sep. 26, 1923
#99		Wilbur F. Turner(album)	Sep. 26, 1923
#106		Augustus H. Gill	Oct. 16, 1923
#107		Albert H. Hamilton	Oct. 16, 1923
#108		William H. Proctor	Oct. 22, 1923
#109		Albert H. Hamilton	Oct. 23, 1923
#110		Albert H. Hamilton(album)	Oct. 23, 1923
#115		Augustus H. Gill	Oct. 24, 1923
#116		Albert H. Hamilton	Oct. 24, 1923
#117	Chas. J. VanAmburgh		Oct. 25, 1923
#118	Photographic Exhibits		Oct. 25, 1923
#119		Album(with Hamilton aff.)	Oct. 26, 1923
#120	Supp.aff.of C.J.VanAmburgh		Oct. 29, 1923
#121	Merton A. Robinson		Oct. 29, 1923
#122	Supp.affi.of M.A.Robinson		Oct. 29, 1923
#123	Nils Elkman(with 24 photos 1-12, A-L)		Oct. 29, 1923
#124	F.G.Katzmann		Oct. 31, 1923
#125	Harold P. Williams		Oct. 31, 1923
#127	Supp.motion of C.J.VanAmburgh		Nov. 12, 1923
#128		Albert H. Hamilton	Dec. 7, 1923

#173 Motion for New Trial, (After Rescript), filed May 26, 1926.LIST OF AFFIDAVITS

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#174		Wm. G. Thompson	May 26, 1926
#175		James F. Weeks	May 26, 1926
#176		J. J. McAnarney	May 26, 1926
#177		Nicola Sacco	May 26, 1926
#178		Amleto Fabri	May 26, 1926
#179		Wm. G. Thompson	May 28, 1926
#180	Herbert B. Caffrey		June 10, 1926
#181		Celestino F. Madeiros	June 10, 1926
#182		Edward G. Lennon	June 10, 1926
#183		Henry E. Connors	June 11, 1926
#184		Edward J. Noons	June 11, 1926
#185		Ellsworth C. Jacobs	June 11, 1926
#186		John T. McKay	June 11, 1926
#187		John S. Mendonca & Elwin H. Hauver	June 11, 1926
#188		Peter C. Cannon	June 11, 1926
#190		John J. Richards	June 12, 1926

LIST OF AFFIDAVITS IN SUPPORT OF #173 MOTION FOR NEW TRIAL AFTER RESCRIPT
(CONTINUED)

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#191			Herbert B. Ehrmann	June 12, 1926
#193			Herbert B. Ehrmann & John J. Richards	June 12, 1926
#194			Herbert B. Ehrmann	June 17, 1926
#195	Mrs. Mary Matthews	June 21, 1926		
#196	John T. McKay	June 21, 1926		
#197	Oliver J. Curtis (with Exhibit "A")	June 21, 1926		
#198	Henry A. Plett	June 21, 1926		
#199	John P. Hanley	June 21, 1926		
#200	Albert C. Thomas	June 21, 1926		
#201	Elisha H. Cohoon	June 21, 1926		
#202	Charles E. Linscott	June 21, 1926		
#203	William P. Kelley	June 21, 1926		
#204	Dudley P. Ranney	June 21, 1926		
#205	Winfield M. Wilbar & Dudley P. Ranney	June 21, 1926		
#206	Michael F. Fleming	June 21, 1926		
#207	Albert C. Crocker	June 21, 1926		
#208	Samuel H. Capen	June 21, 1926		
#209	Michael F. Fleming	June 21, 1926		
#210	Arthur D. Timmins	June 21, 1926		

LIST OF AFFIDAVITS IN SUPPORT OF #173, MOTION FOR NEW TRIAL, AFTER RESCRIPT.
(CONTINUED.)

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#211	Dudley P. Ranney		
#213		Lester S. Cornell	June 25, 1926
#214		Rubin Galkin	June 25, 1926
#215		Charles E. Linscott (amended)	June 25, 1926
#216		Charles E. Linscott	June 25, 1926
#217		Herbert B. Ehrmann	June 26, 1926
#218		Albert L. Carpenter	June 26, 1926
#221	Dudley P. Ranney		
#222		Lewis C. Wade	June 30, 1926
#223		John F. Carney	June 30, 1926
#224		Barney B. Monterio	July 1, 1926
#225		May B. Monterio	July 1, 1926
#226		Patrick J. McGovern	July 1, 1926
#227		Nicola Sacco	July 1, 1926
#228		Frank J. Burke	July 1, 1926
#229	Joseph Morell		
#230		Edward J. Miller	July 3, 1926
#231		Daniel E. Geary	July 3, 1926
#232		John Ruzzamenti	July 3, 1926

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LIST OF AFFIDAVITS IN SUPPORT OF #173, MOTION FOR NEW TRIAL, (AFTER RESCRIPT)
CONTINUED.

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#233			Fred J. Weyand	July 3, 1926
#234			Edward J. Noons	July 7, 1926
#235	Mary Splaine Williams	July 8, 1926		
#238	Pauline Gray	July 9, 1926		
#239	Pasquale Morrelli	July 9, 1926		
#240			Louise Kelley	July 9, 1926
#241			Nellie Gannon	July 9, 1926
#242			Minnie Kennedy	July 9, 1926
#243			Lawrence Letherman	July 9, 1926
#244			John J. Richards & Wm. J. Carroll	July 10, 1926
#245			Michael Franklin	July 13, 1926
#246			Herbert E. Ehrmann	July 15, 1926
#247			Chester H. Goward	July 15, 1926
#248			Herbert C. Dow	July 15, 1926
#249			Harvey A. Baker	July 15, 1926
#250			Alice Peckham	July 16, 1926
#251			Patrick J. Pyne	July 16, 1926
#252			John J. Richards	July 16, 1926
#253			Wm. G. Thompson	July 16, 1926
#255	F. G. Kitzmann	July 16, 1926		

LIST OF AFFIDAVITS IN SUPPORT OF #173, MOTION FOR NEW TRIAL (AFTER RESCRIPT.)
CONTINUED.

	<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#256	Michael E. Stewart	July 16, 1926		
#257			Wm. G. Thompson	July 19, 1926
#258			Henry Epstein	July 22, 1926
#259			N. O. Simard	July 22, 1926
#260			Donato Dibona	July 22, 1926
#261			Thos.Theodore Driver	July 22, 1926
#262			Thos.Theodore Driver (supplemental)	July 22, 1926
#263	Robert C. Karnes	July 24, 1926		
#264	Chas.J. VanAmburgh	July 27, 1926		
#265	Dudley P. Ranney	July 27, 1926		
#266			James E. Burns	July 30, 1926
#267			Lincoln Wadsworth	Sept. 13, 1926
#268			George Hatton	Sept. 13, 1926.
#276			Wm. G. Thompson	Oct. 9, 1926

#286---MOTION FOR NEW TRIAL AFTER SECOND RESCRIPT, FILED AUGUST 6, 1927.

LIST OF AFFIDAVITS

<u>Commonwealth</u>	<u>Date</u>	<u>Defense</u>	<u>Date</u>
#287		Elias Field	August 6, 1927
#288		John Nicholas Beffel	Aug. 6, 1927
#289		Herbert B. Ehrmann	Aug. 6, 1927
#290		Robert Benchley	Aug. 6, 1927
#291		Herbert B. Ehrmann	Aug. 6, 1927
#292		Elizabeth R. Bernkopf	Aug. 6, 1927
#293		Frank P. Sibley	Aug. 6, 1927
#294		Lois B. Rantoul	Aug. 6, 1927

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT.

COMMONWEALTH vs. NICOLA SACCO and BARTOLOMEO VANZETTI

ALPHABETICAL INDEX TO APPENDIX TO DEFENDANTS' BILL OF
EXCEPTIONS ON DECISION ENTERED OCTOBER 23, 1926, DENYING
SIXTH SUPPLEMENTARY MOTION FOR NEW TRIAL FILED MAY 26, 1926.

No.	Page	Paper
59	168	Baker, Harvey A.- Affidavit of
44	124	Burke, Frank J. - Affidavit of
73	205	Burnes, James E.- Affidavit of
10	55	Caffrey, Herbert B.- Affidavit of
17	66	Cannon, Peter C. - Affidavit of
88	225	Capen, Samuel H.- Affidavit of
39	110	Carney, John F. - Affidavit of
37	106	Carpenter, Albert L.- Affidavit of
55	163	Carroll, William H. - Affidavit of
84	219	Cohoon, Elisha H.- Affidavit of
15	63	Connors, Henry E.- Affidavit of
87	223	Crocker, Albert C.- Affidavit of
80	213	Curtis, Oliver J.- Affidavit of
113	362	Decision
72	204	Dibona, Donato- Affidavit of
57	165	Dow, Herbert C.- Affidavit of
69	199	Driver, Thomas Theodore- Affidavit of
70	202	Driver, Thomas Theodore- Supplemental Affidavit of
20	77	Ehrmann, Herbert B. - Affidavit of
30	92	Ehrmann, Herbert B. and John J. Richards- Affidavit of
31	96	Ehrmann, Herbert B.- Affidavit of
36	105	Ehrmann, Herbert B.- Affidavit of
58	167	Ehrmann, Herbert B.- Affidavit of
68	197	Epstein, Henry- Affidavit of
2	4	Fabri, Amleto- Affidavit of
93	237	Fleming, Michael F.- Affidavit of
94	238	Fleming, Michael F.- Affidavit of
56	164	Franklin, Michael- Affidavit of
32	98	Galkin, Rubin- Affidavit of
52	150	Gannon, Mrs. Nellie- Affidavit of
45	125	Geary, Daniel E.- Affidavit of
60	169	Goward, Chester H.- Affidavit of
100	248	Gray, Pauline- Affidavit of
89	226	Hanley, John P.- Affidavit of
74	206	Hatton, George- Affidavit of
107	354	Index to Exhibits
13	59	Jacobs- Ellsworth C.- Affidavit of
103	252	Karnes, Robert C.- Affidavit of
102	251	Katzmann, Frederick G.- Affidavit of
53	152	Kelley, Mrs. Louise- Affidavit of
92	229	Kelley, William P.- Affidavit of
51	147	Kennedy, Mrs. Minnie- Affidavit of
12	59	Lennon, Edward G.- Affidavit of
50	145	Letherman, Lawrence- Affidavit of
33	101	Linscott, Charles E.- Affidavit of
34	102	Linscott, Charles E.- Amended affidavit of
85	221	Linscott, Charles E.- Affidavit of
79	212	Matthews, Mary- Statement of
5	46	McAnarney, Jeremiah J. - Affidavit of
43	120	McGovern, Patrick J.- Affidavit of
16	64	McKay, John T.- Affidavit of
78	211	McKay, John T.- Affidavit of
11	56	Medeiros, Celestino F.- Affidavit of
64	183	Medeiros Confession
106	255	Medeiros, Celestino F.- Deposition of
14	62	Mendonca, John S. and Elwin H. Hauver- Affidavit of
47	136	Miller, Edward J.- Affidavit of

COMMONWEALTH OF MASSACHUSETTS.
NORFOLK SS. SUPERIOR COURT.

NO. 5545 COMMONWEALTH vs. SACCO & VANZETTI
NO. 5546 SAME SAME

MEMORANDUM.

These cases came on for argument at Dedham on Monday, October 1, 1923, on the supplementary motion of defendants for a new trial which motion was based upon the affidavit of J.J. McHarney and to which were annexed copies of affidavits Amanda Ripley and others and a revolver and three cartridges formerly the property of Walter H. Ripley. The motion was filed Nov. 8, 1921.

Arguments were made by W.G. Thompson and A.D. Hill in support of the motion and H.P. Williams and F.G. Katzmann, opposing.

At the conclusion of the arguments on Wednesday, October 3, 1923, at 5.30 P.M. the following original papers were taken by Mr. Justice Thayer:-

- 1. Supplementary motion for new trial with accompanying affidavits and exhibits (except the Ripley revolver).
- 2. Affidavits of Lewis McHardy and others.

October 4, 1923.

COMMONWEALTH OF MASSACHUSETTS.
NORFOLK SS. SUPERIOR COURT.

NO. 5545 COMMONWEALTH vs. SACCO & VANZETTI
NO. 5546 SAME SAME

MEMORANDUM

The following affidavits and motions relating to the supplementary motion for new trial are of record as filed in the case.

1. Affidavit of Sacco & Vanzetti, filed Dec. 24, 1921
2. Affidavit of J.J. & T.F. McAnarney " " " "
3. Affidavit of Fred H. Moore & Wm. J. Callahan filed Dec. 24, 1921.
4. Affidavits of Lewis McHardy & 10 others filed Mar. 7, 1923.
5. Affidavit of Albert H. Hamilton, filed April 16, 1923.
6. Album of photographs (3 pages)
7. Motion of Vanzetti for leave to photograph exhibits filed Ap. 30, 1923
8. Order authorizing clerk of courts to guard exhibits " Ap. 16, "
9. Affidavit of Wilbur F. Turner filed Sep. 26, "
10. Supplementary affidavit of Albert H. Hamilton " " " "
11. Affidavit of Chas. J. Van Amburgh " Oct. 1, "
12. Affidavit of Wm. E. Hingston " " " "
13. Affidavit of Joseph W. Keith " " " "
14. Supplement to First Supp. motion for new trial " " " "
15. Second Supplementary Affidavit of Albert H. Hamilton " " 3, "
16. Amended Album of photographs (5 pages) filed by leave of court as substitute exhibit A. to 1st affidavit of Hamilton " " 3, "

COMMONWEALTH OF MASSACHUSETTS.
NORFOLK SS. SUPERIOR COURT.

NO.5545 COMMONWEALTH vs. SACCO & VANZETTI
NO.5546 SAME SAME

MEMORANDUM

The following affidavits and motions relating to the supplementary motion for new trial are of record as filed in the case.

1. Affidavit of Sacco & Vanzetti, filed Dec.24,1921
2. Affidavit of J.J.& T.F.McAnarney " " " "
3. Affidavit of Fred H.Moore & Wm.J.Callahan filed Dec.24,1921.
4. Affidavits of Lewis McHardy & 10 others filed Mar.7,1923.
5. Affidavit of Albert H.Hamilton, filed April 16,1923.
6. Album of photographs (3 pages)
7. Motion of Vanzetti for leave to photograph exhibits filed Ap.30,1923
8. Order authorizing clerk of courts to guard exhibits " Ap.16, "
9. Affidavit of Wilbur F.Turner filed Sep.26, "
10. Supplementary affidavit of Albert H.Hamilton " " " "
11. Affidavit of Chas.J.Van Amburgh " Oct. 1, "
12. Affidavit of Wm.E.Hingston " " " "
13. Affidavit of Joseph W.Keith " " " "
14. Supplement to First Supp.motion for new trial " " " "
15. Second Supplementary Affidavit of Albert H.Hamilton " " 3, "
16. Amended Album of photographs (5 pages) filed by leave of court as substitute exhibit A.to 1st affidavit of Hamilton " " 3, "

COMMONWEALTH
NORFOLK SS.

OF

MASSACHUSETTS.
SUPERIOR COURT.

NO.5545
NO.5546

COMMONWEALTH
SAME

vs.
vs.

SACCO & VANZETTI
SAME

MEMORANDUM

List of documents and exhibits sent to Mr. Justice Thayer, at Worcester, October 9, 1923.

1. Affidavit of Sacco & Vanzetti, filed Dec.24, 1921.
2. Affidavit of J.J. & T.F.McAnarney, filed Dec.24,1921.
3. Affidavit of Fred H. Moore & Wm.J.Callahan, filed Dec.24,1921.
4. Affidavit of Albert H. Hamilton, filed April 16, 1923.
5. Album of photographs (3 pages)
6. Affidavit of Wilbur F. Turner, filed Sept. 26, 1923.
7. Supplementary affidavit of Albert H. Hamilton, filed Sept. 26, 1923.
8. Affidavit of Chas.J.Van Amburgh, filed Oct.1,1923.
9. Affidavit of Wm.E.Hingston, filed Oct.1,1923.
10. Affidavit of Joseph W. Keith, filed Oct. 1, 1923.
11. Supplement to First Supp.motion for new trial, filed Oct.1,1923.
12. Second Supplementary Affidavit to Albert H. Hamilton, filed Oct.3,1923.
13. Amended Album of photographs (5 pages) filed by leave of court as substitute exhibit A. to First Affidavit of Hamilton, filed Oct.3,1923.
14. Vanzetti Pistol (Exhibit No. 27.)
15. Ripley Pistol (Exhibit ^B~~No. 3~~, First Supp. Motion)