

COMMONWEALTH OF MASSACHUSETTS.

Norfolk, ss.

Superior Court.

COMMONWEALTH

v.

SACCO

COMMONWEALTH

v.

VANZETTI.

Requests for Rulings.

1. If, as a matter of fact, the fouled barrel found in one of Mr. Hamilton's pistols is not the barrel of the pistol taken from Sacco introduced as an exhibit at the trial and afterwards examined by the experts Hamilton and Van Amburgh in connection with certain motions for a new trial, then there is no evidence whatever warranting a finding that said fouled barrel was substituted for the original barrel of the Sacco pistol by anyone for whose acts the defendants or either of them are responsible.

2. If the fouled barrel found in one of Mr. Hamilton's pistols is not the original barrel of the Sacco pistol, then the defendants are entitled to a new trial as matter of law.

3. It is a fact not in dispute that some weeks before the discovery of the fact that a fouled barrel had been placed in one of Mr. Hamilton's pistols the defendants had moved the Court to permit an experiment to be made consisting of the firing through the Sacco pistol of a number of Winchester shells for the purpose of determining whether the dent made by the firing pin in the cap of the shell would be in the center or off the center; and that the government had not consented



to this experiment and that the Court had decided to hear an argument on the question of whether the experiment should or should not be made. If it is a fact that after the application for said experiment had been made by the defense as above stated a substitution of a barrel for the genuine Sacco barrel in the Sacco pistol had been made by some one for whose actions the defendants are in no wise responsible with intent to frustrate the purpose of said experiment, then the defendants are entitled to a new trial as matter of law.

5. Under the Constitution and laws of this Commonwealth as well as under the Fourteenth Amendment to the Constitution of the United States, the defendants Sacco and Vanzetti are entitled to a public hearing on any matter before the Court affecting their guilt or innocence of the crime of murder or their right to a new trial. The refusal of the Court of their request for a public hearing on the question whether as contended by them a different barrel from the original barrel of the Sacco pistol had been substituted for said original barrel by someone for whose acts the defendants were not responsible is a violation of the defendants' constitutional right to a public hearing.

Fred Thompson

Wm G. Thompson

attys for Nicola Sacco.



