

Fol. 1

STATE OF NEW YORK)
LIVINGSTON COUNTY) SS.
TOWN OF DANSVILLE)

Commonwealth
Nicola Sacco et al

#5545
#5546

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I, Charles W. Knappenberg, of Dansville, in the County of Livingston and state of New York, being duly sworn on oath depose and say, that I am District Attorney for the County of Livingston and have held that office since January 1, 1921; that there is on file in the Clerk's office for the County of Livingston, located at Geneseo, a certain indictment for larceny against one Erastus C. Whitney, which indictment was returned by the Grand Jury to the court on the 24th day of November, 1922; that this indictment was returned before I became District Attorney of said County, and that my attention was first directed to it, or to any indictment against said Whitney, after May 20, 1922, when I received a letter from one Fred H. Moore of Boston, dated May 20, 1922,

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(a copy of which letter is hereto annexed); that I replied to said letter on May 27, 1922, (a copy of which letter is hereto annexed); that except by said letter I have had no correspondence with said Fred H. Moore, or anyone representing him; that I have never given to said Fred H. Moore or anyone purporting to represent him, or to any person or persons whatsoever, any authority to apprehend or detain said Erastus C. Whitney for the purpose of holding him and sending him back to said Livingston County to answer to said indictment; that said indictment, in my opinion, is now so old that there is no desire on the part of the county authorities here to attempt to prosecute said Whitney by reason of it, and if said Whitney has been arrested or detained in Maine, or any other place, for the purpose of holding him for rendition or extradition to New York State, such apprehension or detention of said Whitney has been without my request or authority and without the request or authority, so far as I know, of any official of Livingston County.

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Charles W. Knappenberg

STATE OF NEW YORK
Livingston County Clerk's Office
GENESEO N. Y.

I, J. HUNTER BLACK, Clerk of the County of Livingston, and also Clerk of the Supreme Court for said County, the same being a Court of Record, do hereby certify that

Wm W Bishop

Esq.,

whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument and thereon written, was, at the time of taking such proof and acknowledgment, a Notary Public, in and for said County, residing therein, duly commissioned and sworn, and authorized by the laws of said State to take acknowledgments and proofs of deeds or conveyances, for land, tenements or hereditaments in said State, to be recorded therein. And further, that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said certificate of proof or acknowledgment is genuine.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court and County this 11 day of December, A. D., 1922.

J. Hunter Black

Clerk.

Deputy.



#5 Rollins Pl.,
Boston, Mass.

May 20, 1922.

District Attorney,
Livingston County,
Geneseo, New York.

Dear Sir:

I am advised that some time in 1908 or 1909 one E. C. Whitney was indicted on the charge of larceny of horses. I understand that he was charged together with certain associates; that the associates were tried and convicted and sentenced for life as "habitual criminals." Can you give me the names of these men that were sentenced and the prisons to which they were sentenced? We are vitally concerned in securing every scrap of information that we can with reference to these men and to Whitney, whom we now believe makes his appearance in this state under the name of Carlos Edward Goodridge.

I am enclosing herewith two photographs of the man who goes here under the name of Goodridge. Can you forward me immediately a certified copy of the indictment against Whitney? If he is the same man as Goodridge it is vitally important that I have this information. And particularly am I anxious to learn the names of all of the witnesses that you had against him.

I appreciate that you, who now hold office as district attorney, probably did not hold office at the time that this indictment was returned, and that therefore you may not have any personal knowledge of the matter. If this be the case then can you put me in touch with the parties that did handle the original prosecution?

Goodridge or Whitney now appears here as the principal witness against a man charged with murder. Goodridge has been married twice and possibly three times. His record, so far as we know it, and we only know it in fragmentary parts, is such that I do not feel that any jury is warranted in taking a human life upon his testimony.

Can you put me in touch with any persons who knew him intimately in New York? Particularly am I anxious to learn his birthplace and his family name. In his marriage license applications here he gave two different states as his place of birth. Also, I am anxious to get in touch if humanly possible, with the men who were sent up to serve life sentences, as I understand, as habitual criminals, in connection with his activities. Has the statute of limitations run on this indictment? If it has not, then if I can put you in touch with him, are you willing to extradite? In this connection let me say that I can put you in touch with a written communication of his wherein he expressly says in so many words in his own handwriting that he was engaged in stealing horses in New York State and that he was a fugitive of justice from that state.

In explanation of my interest let me say that I appear as counsel for the man charged with murder. Furthermore, that I am morally convinced that my man is utterly innocent and knows nothing at all about the crime charged against him. I feel that the testimony of such persons as Goodridge, alias Whitney, together with other aliases, that he has used in this and other states, ought not to be accepted by any jury.

To the end that substantial justice may be done, I thank you in anticipation of as full a reply to this letter as you may be able to give.

Sincerely

(Signed) Fred H. Moore

LD/FM

Kindly return photos.

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May 27, 1922.

Mr. Fred H. Moore,

5 Rawlins Place,
Boston, Mass.

Dear Sir: I am returning photographs of E. C. Whitney. In 1908 John C. Connor of Mt. Morris was District Attorney of this county and in 1909 Frank A. Cook of Geneseo of the firm of Cook & Horton, was district attorney. I have no knowledge of this matter, and as my office is not in the county seat where records are kept, I think possibly you could get your information more quickly by writing to J. Hunter Black, County Clerk of Livingston County, or to Mr. Cook, who, undoubtedly, tried this case. I never heard of this man and so would be able to give you little information which would be of value to you. If you find later that there is anything I can do, I will be pleased to assist you.

Very truly yours,

CK:RR

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Nos. 5545-5546

Comlth. vs. Sacco
Vanzetti

Affidavit

of

Charles W. Knappenberg

RECEIVED & FILED

MAR 7 - 1923

OFFICE OF CLERK OF COURTS
NORFOLK COUNTY.

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