

Mass. State Prison,  
Charlestown, Mass.,  
September 27, 1930.

Hon. James S. Allen, Clerk,  
U.S. District Court,  
Boston, Mass.

Dear Sir:-

Enclosed please find my petition for a writ of prohibition which I desire to file in your court. I hope it may comply with all of the legal requirements. If not, kindly let me know and I will remedy any omission.

It is also my hope that it may not be necessary for me to appear in court at this time. Of course, I am ready to come at any time if my presence should be required, but I am inclined to believe that the Court may grant the writ without the necessity of a hearing.

Thanking you for taking care of this matter for me, I am

Very truly yours,

*Chas. Lenzi*

Mass. State Prison,  
Charlestown, Mass.,  
October 8th, 1930.

Hon. James S. Allen, Clerk,  
United States District Court,  
Boston, Massachusetts.

Dear Sir:-

Enclosed you will find a \$15.00 check - the deposit for fees requested in your letter of the 3rd inst., in connection with the filing of my petition for a writ of prohibition.

I am also returning herewith the appearance blank properly filled. I will appear in my own behalf and argue my petition in person, if the Court will cause a habeas to be issued therefor.

If convenient to the Court, I would like to have the hearing set for the forenoon because, if any particular question of law should arise, the case could be adjourned till the afternoon, so as to give an opportunity to look up some authorities which are not available to me here.

I assume that you will send me personal and seasonable notice of the hearing and I thank you for your courtesy in the matter.

Enclosed please find copy of my petition which you may hand to the respondent's attorney.

Very truly yours,

*Chas. Touzi*

October 9, 1930.

Mr. Charles Ponzi  
Massachusetts State Prison  
Charlestown, Massachusetts

Dear Sir:

I have yours of the 8th enclosing check for \$15. Your petition for writ of prohibition has been entered and I enclose herewith a copy of the summons to show cause which is being served upon the respondent, the Commissioner of Immigration at Boston, and which is returnable a week from Monday at two o'clock.

I referred your letter to Judge Morton and he directed me to say that it is not the practice of this Court to issue a writ of habeas corpus at the request of a prisoner for the purpose of trying his own case in this Court. You should be represented by counsel to try this case. If you are unable to secure counsel for yourself, the Court will appoint counsel to represent you.

Will you therefore kindly let me know some time before the return day whether you will yourself employ counsel?

Yours very truly,

Clerk.

JSA-WRC



Misc. Civ. No. 4307.

## APPEARANCE

### District Court of the United States

DISTRICT OF MASSACHUSETTS

CHARLES PONZI

v.

UNITED STATES COMMISSIONER OF IMMIGRATION at the port of

Boston

The clerk will enter my appearance for the Petitioner

Name Chas. Ponzi, pro se.

Address Mass. State Prison,

Charlestown, Mass.

NOTE.—Appearances must be signed individually by a member of the bar of the District Court for the District of Massachusetts (firm names may be added).

GOVERNMENT PRINTING OFFICE

United States of America

MASSACHUSETTS DISTRICT

ss.

BOSTON, Oct .17th, 1930 ., 192

Pursuant hereunto, I have this day summoned the within-named Anna C. M. Tillinghast

to appear before the District Court of the United States, as within directed, by giving to her in hand at East Boston, in said District a true and attested copy of this Summons to Show Cause.

FEES.

Service, \$ 2.00

Travel, .18

Cop.

Expenses,

\$2.18

William J. Keville

U. S. Marshal.

By;

Deputy, U. S. Marshal

Misc. Civil No. 4307

Charles Ponzi, Petr.

vs.

Anna C. M. Tillinghast,  
U. S. Com'r. of Immigration.

SUMMONS

TO SHOW CAUSE

Charles Ponzi, Pro se

Box 100, Charlestown, Mass.

GOVERNMENT PRINTING OFFICE: J. 2337



THE PRESIDENT OF THE UNITED STATES OF AMERICA

MASSACHUSETTS DISTRICT, ss.

# United States of America

MASSACHUSETTS DISTRICT, SS.

## THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of our District of Massachusetts, or either of his Deputies, GREETING:

WE COMMAND YOU that you summon

ANNA C. M. TILLINGHAST,

United States Commissioner of Immigration at Boston, in said District,

(If she may be found in your precinct) to appear before the District Court of the United States, to be holden at Boston, within and for the Massachusetts District, on Monday the twentieth day of October, current, at <sup>2</sup>10 o'clock, <sup>a</sup>p. m., then and there to show cause, if any she has why ~~an~~ ~~Injunction should not issue against~~ ~~XXXXXXXXXX~~ ~~as prayed for in the Bill of Complaint~~ a writ of prohibition should not issue, as prayed for in the petition of Charles Ponzi,

this day filed in the office of the Clerk of said District Court.

HEREOF FAIL NOT, and make due return of this Writ, with your doings thereon, into our said Court.

Witness, the Honorable JAMES M. MORTON Jr.,

at Boston aforesaid, the 9th day of October

in the year of our Lord one thousand nine hundred and thirty.

James S. Allen

Deputy Clerk.

*Misc. Civil 4307.*

UNITED STATES OF AMERICA

U.S. DISTRICT COURT  
for the  
District of Massachusetts

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CHARLES PONZI

vs

U.S. COMMISSIONER OF IMMIGRATION  
at the Port of Boston

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PETITION

for a

WRIT OF PROHIBITION

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The Petitioner, Pro se.

Box 100

Charlestown, Mass.

Oct. 9, 1930. Summons to show cause  
issued, returnable Oct. 20th, at 2 P.M.

UNITED STATES OF AMERICA

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DISTRICT COURT OF THE UNITED STATES

for the

DISTRICT OF MASSACHUSETTS

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CHARLES PONZI, Petitioner

vs

U.S. Commissioner of Immigration  
at the Port of Boston,

Respondent

PETITION FOR A WRIT OF PROHIBITION.

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TO THE HONORABLE JUDGES OF THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

Respectfully represents your petitioner, Charles Ponzi, now confined, in execution of sentence, in the State Prison at Charlestown, Mass., within this district, that from information, observation and belief he has cause to fear material and unwarranted injury at the hand of the respondent and prays, therefore, this Honorable Court that the said respondent may be restrained, through the issuance of a writ of prohibition, until such time as the petitioner may be afforded adequate opportunity to submit his grievances to this Honorable Court.

More particularly, the petitioner respectfully states the facts to be as follows:

1. That, on or about September 28, 1927, a warrant was issued by the U.S. Department of Labor providing for the pe-

petitioner's deportation upon his release from the said State Prison, whether at, or before, the expiration of the sentence, upon the ground that the petitioner was liable to deportation under the provisions of Section 19 of the Immigration Act of February 5, 1917 (39 Stat.874, Section 154);

2. That, it is a part of the respondent's official duties and routine to execute all deportation warrants within this district and, therefore, also the specific warrant referred to in the preceding paragraph;

3. That, the petitioner enjoys at law and under the constitution the definite right to resist execution of the said warrant, through habeas corpus proceedings instituted in this Court, if he has reason to believe that the said warrant was issued in pursuance of an arbitrary interpretation of the law;

4. That, the petitioner is unable to initiate habeas corpus proceedings in this Court, upon the allegation of unlawful restraint of liberty, until such time as the respondent shall have actual custody of him in consequence of his release from the state prison;

5. That, in the event of such a release occurring before the expiration of his sentence, the petitioner would receive no advance notice thereof, but would immediately be turned over to the respondent's custody;

6. That, if, through the exercise of official comity, the respondent should happen to receive advance information of such a release, he could so avail himself of the advantage as to transfer the petitioner from the State Prison to the vessel upon which

he is to be deported, thus preventing him from initiating any proceedings in this Court;

7. That, such a sudden deportation, in addition to abridging the petitioner's constitutional rights, would also cause him material and unwarranted injury as follows:

- a) it would prevent him from making the necessary arrangements so that his wife may leave the country with him, if she so desires;
- b) it would prevent him from disposing of whatever real, or personal property, or other interest he may have in this country;
- c) it would prevent him from gathering his belongings;
- d) it would prevent him from generally settling all pending affairs;

8. That, while he is not inclined to believe the respondent might be prompted by any personal malice or influenced by other unethical considerations into acts injurious to him, yet, knowing by previous experience that official comity has been stretched in his case to cover a multitude of sins, the petitioner feels deeply concerned and genuinely alarmed over the possibility that the respondent might, against his better and honest judgment, be led astray by an excessive official zeal and an unnecessary haste, so as to prejudice the petitioner's interests.

For the reasons above set forth, the petitioner respectfully prays Your Honorable Court that a writ of prohibition may issue restraining the respondent from deporting your petitioner until such time as, after a hearing, the said writ of prohibition has

been superseded by some other process or rescinded by order of  
this Court.

Respectfully submitted,

*Charles Ponzi*

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Petitioner, Pro se.

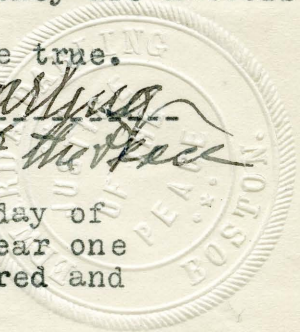
SUFFOLK, ss.

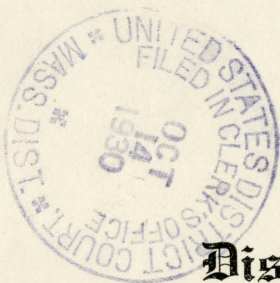
Charlestown, Mass.

Personally appeared before me and known to me, the above  
named petitioner, Charles Ponzi, has made oath that the state-  
ments contained in the foregoing petition, in so far as they are  
matters of fact, they are true and, in so far as they are matters  
of information and belief, they are believed to be true.

Before me, -----

*Edward A. Darling*  
*Justice of the Peace*  
*South*  
this twenty-~~sixth~~ day of  
September of the year one  
thousand nine hundred and  
tirty.  
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Misc. Civil No. 4307

APPEARANCE

District Court of the United States

DISTRICT OF MASSACHUSETTS

Charles Ponzi, Pet.

v.

Anna C. M. Tilluighast, Respondent

The clerk will enter my appearance for the petitioner

Name Peter V. Maggio

471 Broadway  
Everett Mass.

NOTE.—Appearances must be signed individually by a member of the bar of the District Court for the District of Massachusetts (firm names may be added).

GOVERNMENT PRINTING OFFICE

United States of America

United States District Court

District of Massachusetts

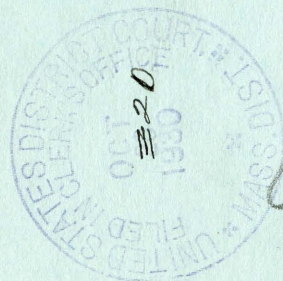
Misc. Civil #4307

Charles Ponzi, Pet.,

vs.

Anna C. M. Tillinghast, Resp.,

MOTION



*Filed Oct 20 1930*  
*Denied*

FROM THE OFFICE OF

**PETER V. MAGGIO**

ATTORNEY AT LAW

471  
459 BROADWAY, EVERETT, MASS.

TELEPHONE EVERETT 2690

UNITED STATES OF AMERICA

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UNITED STATES DISTRICT COURT ---- DISTRICT OF MASSACHUSETTS.

In re

CHARLES PONZI, Petitioner

vs

ANNA C. M. TILLINGHAST, U.S. Comm'r Immigration,  
Respondent.

Misc. Civil 4307.

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MOTION TO ENTER ON RECORD

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And now comes the petitioner in the above named action and respectfully prays that it may be entered in the record and appear thereon, the following:

1st. That the petitioner, being now a prisoner in the Massachusetts State Prison, pro se and through counsel, has asked that a proper process may issue from this Court, enabling him to appear in person to testify in support of his petition and prosecute this action;

2nd. That this Court has denied the request aforesaid upon the ground that it is not the custom of this said Court to permit a prisoner to appear in connection with a writ of prohibition;

3rd. That the petitioner hereby files an exception to the said denial of his request;

4th. That the petitioner hereby files an exception to  
the denial of this motion, if it is denied in toto or in part.

Peter Maggio  
-----  
Attorney for Petitioner, \_\_\_\_\_

DISTRICT COURT OF THE UNITED STATES

District of Massachusetts

No. 4307

Misc.Civil Docket

In re:

CHARLES PONZI, Petitioner for Writ of Prohibition,

v.

ANNA C. M. TILLINGHAST,  
U.S.Com'r. of Immigration.

O R D E R   O F   C O U R T .  
(October 21, 1930).

LOWELL, J.      The above-entitled cause having come on  
for hearing it is now, to wit, October 21, 1930, ORDERED that  
the petition be dismissed and writ denied.

By the Court:

*Mary E. Freudenyaast*  
Deputy Clerk.



*ffl*  
*21*  
*Oct 21, 1930*  
*1*

*Misc. Civil 4307.*

Mass. State Prison,  
Charlestown, Mass.,  
October 27, 1930.

Hon. James S. Allen, Clerk,  
U.S. District Court,  
Boston, Mass.

Dear Sir:-

Enclosed please find notice of appeal which I desire to file in the event my attorney has not already done so.

It is my understanding that such a notice must be filed within ten days and that the appeal itself must be completed within 30 or 60 days.

Shortly I will mail you my bill of exceptions for certification by the Court.

Respectfully yours,

*Chastouzi*

P.S. Can you tell me the name and present address of the librarian in charge of the library attached to the federal courts? I used to be acquainted with him and I may write him to look something up for me, if the charges are not beyond my means. I assume that the library still exists and is functioning.

4307 Civil

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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In re

CHARLES PONZI, Petitioner

vs.

ANNA C. M. TILLINGHAST,  
U.S. Comm'r of Immigration, Respondent

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Misc. Civil 4307.

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NOTICE.

And now comes the petitioner in the above named action and respectfully gives hereby notice of appeal from the decision of this Court denying the issuance of a Writ of Prohibition, as prayed for in the petition.

*Charles Ponzi*

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Petitioner, pro se.

Young's Hotel      xxxxxxxx

October 29, 1930.

Mr. Charles Ponzi,  
Mass. State Prison,  
Charlestown, Mass.

Dear Sir:

#4307, Civil. Charles Ponzi v. A.C.M. Tillinghast, U.S. Com'r of Immigra-<sup>tion.</sup>

The notice of appeal which was enclosed in your letter of the 27th instant has been duly filed.

According to Rule 23, appellant shall file with his petition for appeal an assignment of errors. No appeal will be allowed, until such assignment shall have been filed and the bond on appeal approved or waived.

The statutory time within which an appeal shall be allowed is 3 months after the entry of judgment or decree.

It will be necessary for you to confer with your attorney as to the necessity for filing a bill of exceptions. If he considers the writ of prohibition in the nature of a common law writ, a bill of exceptions may be required. Bills of exception to any order, ruling or decision of the court should be filed within 20 days, unless the court or judge shall extend the time.

Very truly yours,

JAMES S. ALLEN, Clerk,

per

JT