

## EXHIBIT No. 52.

I, EDWARD R. CARROLL, Clerk of the Court of General Sessions of the Peace, of the City and County of New York, held in and for the county of New York, do hereby certify that the annexed is a copy of an indorsement on an indictment filed June 4, 1901, by the Grand Jury, in and for the county of New York, against one James Thomson Paterson, for the Misdemeanor of Publishing a Libel, and of a certain letter mentioned in said indorsement now on file in the clerk's office, and that the same has been compared by me with the original, and is a correct transcript therefrom and of the whole of such original.

[SEAL] Given under my hand and attested by the seal of the said Court this eighteenth day of July, in the year of our Lord one thousand nine hundred and four.

EDWARD R. CARROLL.

This is an indictment for libel by the defendant Paterson of a corporation, known as the Mutual Reserve Fund Life Association. While the defendant may be guilty of a technical libel I am very doubtful if upon a trial a conviction would ensue owing to the technical nature of the evidence for the prosecution and the extreme difficulty of convincing a jury of the defendant's guilt. The alleged libellous article appeared in an insurance publication of which defendant was editor and proprietor and which he has ceased publishing since this indictment was found. The defendant before the filing of this indictment has always borne an excellent character. The newspaper attacks upon the complainant company have ceased and the company has expressed its willingness to have this indictment dismissed, as witness a letter from its vice-president, George D. Eldridge, herewith filed. In view of those facts and in order that the people may not be put to the unnecessary expense of a trial, I respectfully move the dismissal of this indictment.

JAMES LINDSAY GORDON,  
D. Asst. Dist. Attorney.  
September 29, 1901.

Approved, EUGENE A. PHILBIN,  
District Attorney.

The dismissal of the indictment rather than discharge of bail merely is moved because it is impossible for the defendant in endeavouring to form business connections with insurance companies must give bond, which he cannot do with the indictment against him still pending.

J. L. GORDON.

September 30, 1901.

Hon. WARREN W. FOSTER,  
Judge of the Court of General Sessions,  
Criminal Court Building, New York City.

DEAR SIR,—The Mutual Reserve Fund Life Association, of which I am the vice-president, having made some months ago a complaint for criminal libel against Mr. J. Thomson Paterson, and an indictment having been found upon that complaint, I am now advised that for reasons which appear sufficient to him it is the intention of the District Attorney to move for the dismissal of that indictment.

ELDRIDGE