

IN THE CRIMINAL COURT OF COOK COUNTY.

PEOPLE OF THE STATE OF ILLINOIS

-VS-

NATHAN F. LEOPOLD, JR. AND

RICHARD LOEB

BEFORE HONORABLE JOHN R. CAVERLY.

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STATE OF ILLINOIS )  
                          ) SS.  
COUNTY OF COOK    )

IN THE CRIMINAL COURT OF COOK COUNTY,

AT THE JULY TERM, A.D. 1924.

PEOPLE OF THE STATE OF )  
ILLINOIS,                    )  
                                  )  
                          ) vs.                    ) Gen. Nos. 33623-33624  
                                  )  
NATHAN LEOPOLD, JR. AND )  
RICHARD LOEB. . . . . )

BILL OF EXCEPTIONS

BE IT REMEMBERED that heretofore to-wit: on  
the 23rd day of July, A.D. 1924, being one of the days  
of the said term of said Court, before the Honorable  
JOHN R. CAVERLY, one of the Judges of said Court, the  
above entitled cause came on for hearing upon the indict-  
ments heretofore found herein, the defendants, and each of  
them, having entered pleas of guilty.

APPEARANCES:

State's Attorney Robert E. Crowe,  
                          appearing on behalf of the People.

Messrs. C.S. Darrow and Benjamin C. Bach-  
rach and Walter Bachrach,  
                          appearing on behalf of the Defendants.

THE CLERK: Nathan F. Leopold, Jr., Richard Loeb.

MR. DARROW: Your Honor, before we enter any other matter, Mr. Walter Bachrach has been assisting us in the preparation of this case, and I wish to move that his name may be entered as one of the Counsel for the Defense.

THE COURT: Hadn't you better file his appearance in writing?

MR. DARROW: All right.

THE COURT: Yes.

MR. DARROW: You file his appearance in writing in the afternoon, will you.

MR. CROWE: The record can show that the defendants are represented by Mr. Darrow, Mr. Benjamin Bachrach and Mr. Walter Bachrach.

THE COURT: Yes.

MR. CROWE: And the State will be represented by Robert E. Crowe, Thomas Marshall, Joseph P. Savage, Milton Smith and John Sbarbaro.

THE COURT: Now find seats everybody and be as quiet as possible. The other day, gentlemen, and at the day of arraignment, the plea had taken us

somewhat by surprise, and probably the proper formality was not complied with, so in order to have the record clear I will ask Nathan F. Leopold , Jr. to stand up.

Whersupon the Court advised the defendants in the words and figures as follows, to-wit:

NATHAN F. LEOPOLD, JR. Stand up.

You, Nathan F. Leopold, Jr. and Richard Loeb were on the 6th day of June, 1924, indicted by the Grand Jury in the Criminal Court of Cook County, State of Illinois, General Number 33623, People of the State of Illinois vs. Nathan F. Leopold, Jr. and Richard Loeb, upon a charge that you, Nathan F. Leopold, Jr. and Richard Loeb did on the 21st day of May, 1924, murder one Robert Franks.

Upon arraignment on the 11th day of June, 1924, in the Criminal Court of Cook County, State of Illinois, you were present in person and with counsel, and you personally entered a plea of not guilty to the indictment aforesaid. On the 21st day of July, 1924, you were again personally present in the Criminal Court of Cook County, State of Illinois, and Clarence Darrow, Esquire, Attorney for you, asked leave to withdraw your plea of not guilty and to enter on your behalf your plea of guilty. And thereupon the Court fully explained to you, Nathan F. Leopold, Jr., the consequences of entering such plea, and you were at that time fully advised by the Court of your right to a trial by a jury upon a plea of not guilty, and that as a consequence of your plea of guilty and under your plea of guilty the

Court had the power to sentence you to the punishment of death, or to sentence you to imprisonment in the Penitentiary for your natural life, or to sentence you to imprisonment in the Penitentiary for a term not less than fourteen years. And after being advised of the consequences of entering your plea of guilty upon the indictment for Murder of said Robert Franks you then personally and by counsel persisted in pleading guilty to the said indictment for Murder.

The Court, having heretofore fully explained to you, Nathan F. Leopold, Jr. the consequences of entering your plea of guilty of the murder of the said Robert Franks, again desires to fully explain to you, Nathan F. Leopold, Jr., the consequences of entering such plea, and now here advises you again that you have a right to a trial by a jury under a plea of not guilty herein, and that as a consequence of the plea of guilty of the murder of Robert Franks the Court has the power to fix your punishment at death, or imprisonment in the Penitentiary for your natural life, or imprisonment in the Penitentiary for a term of not less than fourteen years, and that such plea of guilty will make no alteration in the punishment. And the Court desires to know whether, with the consequences of entering such plea of guilty before

you, you now here persist in pleading guilty to the murder of the said Robert Franks in manner and form as charged in the indictment herein.

NATHAN F. LEOPOLD, JR. "I do, your honor."

NATHAN F. LEOPOLD, Jr. Stand Up.

You, Nathan F. Leopold, Jr. and Richard Loeb were on the 6th day of June, 1924, indicted by the Grand Jury in the Criminal Court of Cook County, State of Illinois, General Number 33624, People of the State of Illinois vs. Nathan F. Leopold, Jr. and Richard Loeb, upon a charge that you, Nathan F. Leopold, Jr. and Richard Loeb did on the 21st day of May, 1924, kidnap one Robert Franks for Ransom.

Upon arraignment on the 11th day of June, 1924, in the Criminal Court of Cook County, State of Illinois, you were present in person and with counsel, and you personally entered a plea of not guilty to the indictment aforesaid. On the 21st day of July, 1924, you were again personally present in the Criminal Court of Cook County, State of Illinois, and Clarence Darrow, Esquire, Attorney for you, asked leave to withdraw your plea of not guilty and to enter on your behalf your plea of guilty. And thereupon the Court fully explained to you, Nathan F. Leopold, Jr., the consequences of entering such plea, and you were at that time fully advised by the Court of your right to a trial by a jury upon a plea of not guilty, and that as a



consequence of your plea of guilty and under your plea of guilty the Court had the power to sentence you to the punishment of death, or to sentence you to imprisonment in the Penitentiary for your life, or to sentence you to imprisonment in the Penitentiary for any term not less than five years. And after being advised of the consequences of entering your plea of guilty upon the indictment for kidnaping of said Robert Franks for Ransom you then personally and by counsel persisted in pleading guilty to the said indictment for Kidnaping said Robert Franks for Ransom.

The Court, having heretofore fully explained to you, Nathan F. Leopold, Jr. the consequences of entering your plea of guilty of the kidnaping of the said Robert Franks for Ransom again desires to fully explain to you, Nathan F. Leopold, Jr., the consequences of entering such plea, and now here advises you again that you have a right to a trial by a jury under a plea of not guilty herein, and that as a consequence of the plea of guilty of the Kidnaping of Robert Franks for Ransom the Court has the power to fix your punishment at death, or imprisonment in the Penitentiary for your life, or imprisonment in the Peni-

tentiary for any term of not less than five years, and that such plea of guilty will make no alteration in the punishment. And the Court desires to know whether, with the consequences of entering such plea of guilty before you, you now here persist in pleading guilty to the Kidnaping of the said Robert Franks for Ransom in manner and form as charged in the indictment herein.

NATHAN F. LEOPOLD, JR. "I do, your honor."

RICHARD LOEB, Stand up.

You, Richard Loeb, and Nathan F. Leopold, Jr. were on the 6th day of June, 1924, indicted by the Grand Jury in the Criminal Court of Cook County, State of Illinois, General Number 33623, People of the State of Illinois vs. Nathan F. Leopold, Jr. and Richard Loeb, upon a charge that you, Richard Loeb, and Nathan F. Leopold, Jr. did on the 21st day of May, 1924, murder one Robert Franks.

Upon arraignment on the 11th day of June, 1924, in the Criminal Court of Cook County, State of Illinois, you were present in person and with counsel, and you personally entered a plea of not guilty to the indictment aforesaid. On the 21st day of July, 1924, you were again personally present in the Criminal Court of Cook County, State of Illinois, and Clarence Darrow, Esquire, Attorney for you, asked leave to withdraw your plea of not guilty and to enter on your behalf your plea of guilty. And thereupon the Court fully explained to you, Richard Loeb, the consequences of entering such plea, and you were at that time fully advised by the Court of your right to a trial by a jury upon a plea of not guilty, and that as a consequence of your plea of guilty and under your plea of guilty the Court had the power

to sentence you to the punishment of death, or to sentence you to imprisonment in the Penitentiary for your natural <sup>(1)</sup> life, or to sentence you to imprisonment in the Penitentiary for a term not less than fourteen years. And after being advised of the consequences of entering your plea of guilty upon the indictment for Murder of said Robert Franks you then personally and by counsel persisted in pleading guilty to the said indictment for Murder.

The Court, having heretofore fully explained to you, Richard Loeb, the consequences of entering your plea of guilty of the murder of the said Robert Franks, again desires to fully explain to you, Richard Loeb, the consequences of entering such plea, and now here advises you -- again that you have a right to a trial by a jury under a plea of not guilty herein, and that as a consequence of the plea of guilty of the murder of Robert Franks the Court has the power to fix your punishment at death, or imprisonment in the Penitentiary for your natural life, or imprisonment in the Penitentiary for a term of not less than fourteen years, and that such plea of guilty will make no alteration in the punishment. And the Court desires to know whether, with the consequences of

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entering such plea of guilty before you, you now here  
persist in pleading guilty to the murder of the said  
Robert Franks in manner and form as charged in the  
indictment herein.

RICHARD LOEB "Yes, your honor, I do."

RICHARD LOEB. Stand up.

You, Richard Loeb, and Nathan F. Leopold, Jr. were on the 6th day of June, 1924, indicted by the Grand Jury in the Criminal Court of Cook County, State of Illinois, General Number 33624, People of the State of Illinois vs. Nathan F. Leopold, Jr. and Richard Loeb, upon a charge that you, Richard Loeb, and Nathan F. Leopold, Jr. did on the 21st day of May, 1924, Kidnap one Robert Franks for Ransom.

Upon arraignment on the 11th day of June, 1924, in the Criminal Court of Cook County, State of Illinois, you were present in person and with counsel, and you personally entered a plea of not guilty to the indictment aforesaid. On the 21st day of July, 1924, you were again personally present in the Criminal Court of Cook County, State of Illinois, and Clarence Darrow, Esquire, Attorney for you, asked leave to withdraw your plea of not guilty and to enter on your behalf your plea of guilty. And thereupon the Court fully explained to you, Richard Loeb, the consequences of entering such plea, and you were at that time fully advised by the Court of your right to a trial by a jury upon a plea of not guilty, and that as a consequence of your plea of guilty and under your

plea of guilty the Court had the power to sentence you to the punishment of death, or to sentence you to imprisonment in the Penitentiary for your life, or to sentence you to imprisonment in the Penitentiary for any term not less than five years. And after being advised of the consequences of entering your plea of guilty upon the indictment for kidnapping of said Robert Franks for Ransom you then personally and by counsel persisted in pleading guilty to the said indictment for kidnapping said Robert Franks for Ransom.

The Court, having heretofore fully explained to you, Richard Loeb, the consequences of entering your plea of guilty of the kidnaping of the said Robert Franks for Ransom, again desires to fully explain to you, Richard Loeb, the consequences of entering such plea, and now here advises you again that you have a right to a trial by a jury under a plea of not guilty herein,

and that as a consequence of the plea of guilty of the kidnapping of Robert Franks for Ransom the Court has the power to fix your punishment at death, or imprisonment in the Penitentiary for your life, or imprisonment in the Penitentiary for any term of not less than five years, and that such plea of guilty will make no alteration in the punishment. And the Court desires to know whether, with the consequences of entering such plea of guilty before you, you now here persist in pleading guilty to the kidnaping of the said Robert Franks for Ransom in manner and form as charged in the indictment herein.

RICHARD LOEB: Yes, your Honor, I do.



THE COURT: Those who are not seated will have to leave the courtroom. It is at the direction and advice of the Fire Department that the Court is acting, that no person be permitted to stand, when all the seats are taken, therefore those who are not seated will leave the courtroom, and the bailiffs will not permit anybody else to enter the courtroom, other than officers and those connected with the court.

You may proceed, Gentlemen.

MR. CROWE: I would suggest that the hearing on the indictment in the case of the People vs. Loeb and Leopold charging kidnapping for ransom be continued, and the State is now ready to proceed with the presentation of evidence in the case of People vs. Loeb and Leopold charging them with murder.

MR. BACHRACH: We object, if the Court please. We object to any continuance of the case. There is a plea of guilty in both cases.

THE COURT: I don't think you understand. You mean to proceed with this one case now?

MR. CROWE: Yes, and when I finish that I will proceed with the other.

THE COURT: You see, you cannot mingle the two together.

MR. DARROW: The evidence is just the same in both of them.

THE COURT: I know, but what he wants to do, is to proceed. Now, for instance, there is no necessity of the corpus delicti -- that is the death of the boy -- being proven in the kidnapping case, the kidnapping for ransom, while there is here.

MR. CROWE: Two different cases.

THE COURT: The proof is actually different, but it will remain on its call from day to day, and then when the first indictment is disposed of there wont be but very little testimony needed in the ransom case, very little probably, and before I determine the punishment in the murder case, we will have heard the testimony in the ransom case. It remains on the call from day to day, but he is now trying the case for murder.

MR. BACHRACH: Inasmuch as there is no real trial ~~and the only purpose of it--~~

MR. CROWE: What is this, if it isn't a trial?  
Is it an experiment or a try-out?

THE COURT: Wait. You see, there may be evidence introduced in the murder case, and there will be, that would not be necessary at all in the kidnapping for ransom case.

MR. BACHRACH: If we do not object, what is the difference?

MR. CROWE: I assume that this is a trial that is going to be conducted according to the rules.

THE COURT: Yes.

MR. BACHRACH: Certainly.

MR. CROWE: And it is not an experiment or a tryout.

THE COURT: I think this is what we will do. We will go ahead with the murder case now, with the understanding that the two or three witnesses that are necessary in the ransom case, will be put on in the kidnapping for ransom case, and the Court will hear all the testimony, and the record will have to show that this is the evidence taken in indictment number 33624 and then afterwards --

MR. CROWE: 33623.

THE COURT: -- in 33623, and then afterwards it won't take but a very little time in the ransom case probably

MR. CROWE: Half an hour.

THE COURT: -- about half an hour.

MR. BACHRACH: You will proceed with it afterwards?

MR. CROWE: Yes.

THE COURT: It just remains on call from day to day, and the record now shows that we are only trying ~~this~~ 33623.

MR. DARROW: All right.

THE COURT: And immediately that is concluded then we will go on with the short testimony that is necessary in the other case.

MR. DARROW: All right.

THE COURT: With that understanding we will proceed now, gentlemen, in the case of the People vs. Nathan F. Leopold, Jr. and Richard Loeb, indictment for murder general number 33623.

MR. CROWE: Now, may it please your Honor, it is the duty of the State, as I take it, at this time, to outline to your Honor the evidence that the State intends to introduce in support of the charge of murder contained in this indictment.

~~It is not the purpose at this time, nor would~~  
it be proper, for the State to base an argument upon

the facts as it expects to develop them, but merely to outline briefly what those facts are, and at the conclusion of all of the hearing, then to argue to the Court that on those facts, in the judgment of the State, the extreme penalty ought to be imposed on both of these defendants.

The evidence in this case --

THE COURT: Pardon me, Mr. Crowe. Would it be well, or do you want your witnesses, if there are any in the room, excluded before the opening statement?

MR. DARROW: We don't care, your Honor.

THE COURT: Do you, Mr. Crowe, desire it?

MR. CROWE: I think most of them are out, your Honor.

THE COURT: All right.

MR. CROWE: The evidence in this case will show that Nathan Leopold, Jr. is a young man 19 years past, that the other defendant, Richard Loeb, is a young man of 19 years; that they are both the sons of highly respected and prominent citizens of this community; that their parents gave them every advantage that

wealth and indulgency could give to boys. They have attended the best schools in this community and have,

from time to time, had private tutors. These young men behaved as a majority of young men in their social set behaved, with the exception that they developed a desire to gamble, and gambled for large stakes, the size of the stakes being such that even their wealthy companions could not sit in games with them.

The evidence will further show that along in October or November of last year these two defendants entered into a conspiracy, the purpose of which was to gain money, and in order to gain it they were ready and willing to commit a cold-blooded murder.

These young men are men of intelligence and education. In the criminal project that they were about to embark in, it was necessary that certain letters be written.

The evidence will show that they knew that it was possible to tell what kind of a typewriter was used in any given instance. They secured a typewriter, which was stolen from a student in Ann Arbor early in November, 1933. It was a portable Underwood typewriter, and the letters which were written in this case, which will be introduced in evidence, were written

upon this machine.

During the month of November, December, January, February and March, these two defendants planned and schemed this crime and devoted their energies in working out details so it would be impossible for them to be detected and brought to the bar of justice.

The first overt act beyond the acquiring of the stolen typewriter will be a newspaper folded in a compact manner and tied to a string, which these defendants experimented with by throwing it from the rear of a moving Illinois Central train to see where it would land so that they might give directions later on to their victim as to how to throw the money that they hoped and intended to get.

On the 9th day of May, 1924, in pursuance to the unlawful conspiracy that these two defendants had entered into, Richard Loeb went to the Morrison Hotel, in the City of Chicago, and registered under the name of Morton D. Ballard of Peoria, Illinois. He took with him a suitcase containing some books belonging to the Chicago University, and in one of those books is a library card on which he had written

his name "Richard A. Loeb". There is a condition on the card that the book must be returned within a certain time and the person who draws the book is obliged to sign it, and in this case Richard A. Loeb signed his name. They had previously decided that it would not be feasible to use either one of their automobiles. The one that Leopold used was a bright red with a maroon top, disc wheels, sport model, and one that would readily attract attention. They had learned that you could rent an automobile from the Rent-a-Car people who had a place of business on Michigan Avenue near 13th Street.

They had also learned that it was necessary to make an application in writing prior to obtaining the car, that it was necessary to give three references and one of them had to be a Chicago reference.

It was arranged that while Leopold would go to the Rent-a-Car company to make this application Loeb was to remain in a little eating house on Wabash Avenue, I believe the number is 1352. Leopold was to give the name of Louis Mason, address 1352 Wabash Avenue and the telephone number as his Chicago reference



and when the Rent-a-Car people telephoned to this address Loeb, who was waiting there, was to answer the phone.

After Leopold went to the Rent-a-Car people and made out his application, which will be introduced in evidence here, he gave the name of Morton D. Ballard of Peoria, Illinois, the same name that Richard Loeb had used when he rented a room in the Morrison Hotel; he gave as his Chicago Address the Morrison Hotel; he gave two fictitious persons in Peoria as references, and he gave Louis Mason of Wabash Avenue as the third reference.

The Rent-a-Car people thereupon called up the number, the phone was answered by Richard Loeb, the inquiry was made as to whether he was Louis Mason, and he said "yes".

"Do you know Morton D. Ballard of Peoria?"

"Very well." "What about him."

"Well, what kind of a man is he?"

"He is a man of integrity and entirely trustworthy and you can safely give him credit," or words to that effect.

They gave as a bank reference the Hyde Park State Bank. The evidence will show that for some time prior thereto Richard Loeb had an account, a legitimate account, in the Hyde Park State Bank, under his name.

Prior to his going to the Rent-a-Car people Richard Loeb drew a check, on the 9th of May, for four hundred dollars, to currency, which he gave to Leopold for the purpose of financing this criminal conspiracy. He also drew a check to Currency for one hundred dollars, cashed it and gave the hundred dollars to Leopold, and Leopold, under the name of Morton D. Ballard, opened an account at the Hyde Park State Bank.

Having made arrangements and established credit with the Rent-a-Car people, they took a car out, rode through the streets of the City for several hours, and then returned the car on May 9th.

On the day of May 21st their plans for this kidnapping and murder were complete. They had in mind no particular person as the subject, but had discussed four or five boys whose fathers were wealthy men

in this City. One of them, Billy Deutsch, the grandson of Julius Rosenwald, another one a young boy named Hartman whose father is the proprietor of the Hartman Furniture Company, another one was John Levinson a young boy whose father is a prominent and distinguished attorney at the Chicago Bar. Several others were discussed.

Leopold and Loeb had gotten together and wrote -- have you got that letter, Joe? -- and wrote a letter addressing it merely as "Dear Sir", intending after they had selected their victim to address it to the father of the boy that they had kidnapped. I wont wait now to read that letter. The letter will be presented to your Honor in evidence, and it substantially states that "Your son has been kidnapped. If you comply with our request, don't notify the police or make any effort to apprehend us, the boy will be returned safely to you upon the payment of Ten Thousand Dollars," and they state how the money -- what denominations the bills should be in -- I have the letter here and I will now read it to you:

"Dear Sir: As you no doubt know by this time, your son has been kidnapped. Allow us to assure you that he is at present well and safe. You need fear no physical harm for him, provided you live up carefully to the following instructions and to such others as you will receive by future communications. Should you, however, disobey any of our instructions, even slightly, his death will be the penalty.

First, for obvious reasons make absolutely no attempt to communicate with either the police authorities or any private agency. Should you already have communicated with the police, allow them to continue their investigation, but do not mention this letter.

Second, secure before noon today ten thousand dollars. This money must be composed entirely of old bills of the following denominations:

Two thousand dollars in twenty dollar bills, eight thousand dollars in fifty dollar bills. The money must be old. An attempt to include new or marked bills will render the entire venture futile.

"Third; The money should be placed in a large cigar box, or if this is impossible, in a heavy cardboard box, securely closed and wrapped in white paper. The wrapping papers should be sealed at all openings with sealing wax.

Fourth. Have the money with you, prepared as directed above, and remain at home after one o'clock P.M. See that the telephone is not in use.

You will receive a further communication instructing you as to your future course.

As a final word of warning, this is an extremely commercial proposition and we are prepared to put our threat into execution should we have reasonable grounds to believe that you have committed an infraction of the above instructions.

However, should you carefully follow out our instructions to the letter, we can assure you that your son will be safely returned to you within six hours of our receipt of the money.

Yours truly,

George Johnson."

MR. CROWE: Have you got the other letter found in the car?

THE COURT: Do you want to change places now, your court reporters, relief men? Step right up. All right.

MR. CROWE: They had also previously prepared, that is prior to May 21st, the following letter:

"Dear Sir: Proceed immediately to the back platform of the train, watch the east side of the track, have your package ready, look for the first large red brick factory situated immediately adjoining the tracks on the east. On the top of this factory is a large black water tower with the word "Champion" written upon it. Wait until you have completely passed the south side of the factory, count five very rapidly and then immediately throw the package as far east as you can.

Remember, this is your only chance to recover your son.

~~Yours truly,~~  
George Johnson."

The envelope which contained that letter  
read:

"Mr. Jacob Franks.  
Should somebody else find this note, please  
lease it alone. The letter is very important."

The evidence will show that both of these  
letters were jointly composed by both of the defendants  
in this case, Leopold and Loeb, that the mechanical  
work or the typing of it, was done by the defendant  
Leopold.

The evidence will further show, as a  
further evidence of the extreme caution and cunning  
with which this cruel and vicious murder was planned  
and committed, that Leopold, some days previously,  
had bought a block of note paper from a stationery  
store on 63rd Street --

MR. SAVAGE: 47th Street.

MR. CROWE: 47th Street, and that these two letters  
were written upon that paper.

On the morning of May 21st, as was the  
custom of the chauffeur of the Leopold family, he  
placed in the runway alongside of the house, about  
half past seven that morning, the red Willys-Knight

car that belonged to and was driven by the defendant Leopold.

Leopold attended the Chicago University, as was his custom, that morning, and then he and the defendant Loeb began to make the final preparations for this murder, for while it has the aspects of a kidnapping proposition, they had determined that immediately upon seizing the victim they were going to immediately murder him and extort the money afterwards in the manner as will appear from the evidence in this case.

The evidence will further show that they went to the Leopold home where they secured a quantity of ether which Leopold had heretofore used in chloroforming birds, Leopold being a student of ornithology, and conducting a number of classes in that subject; he got some tape from the bathroom of his house, and a gag. They then went out on Cottage Grove Avenue and bought a bottle of hydrochloric acid. It was the first bottle this druggist had sold in a period of three or four years. The purpose of the hydrochloric acid was, that after having murdered their victim they



intended destroying his features with it so that it would be impossible to identify him. They stopped in another store, the proprietor of which will appear before your Honor, and bought ropes for the purpose of binding and tying their little victim. They stopped in another store and bought a cold chisel, over the sharp end of which they wrapped this tape so they would not injure themselves in any degree, and with the other end they intended to beat the life out of whatever little boy they happened to seize upon.

Having made all these elaborate preparations for this murder they went down to the Rent-a-Car people and got a dark Willys-Knight car, with the side curtains put up all around the car. They then returned about one o'clock to Leopold's house and Leopold told his chauffeur that the brakes were out of order on his red Willys-Knight car, and he would like to have him fix them.

They transferred from the red car the implements of death that they had gathered and placed it in the dark Willys-Knight car that they

had rented at the Rent-a-Car company.

They then proceeded over to the Harvard School , which is a private school on the south side of this city . and attended by the sons of wealthy citizens of Chicago. Both of these boys had been students at this school and Richard Loeb's younger brother is still and was at that time a student there.

Loeb went in to look over, as he terms it and his co-murderer terms it "prospects" to see what little boys might be there that they knew whose fathers were wealthy men and who would be able to produce the ten thousand dollars the following day. They talked to one of the boys and talked to one -- Loeb talked to one of the boys and to one of the instructors, who will appear before your Honor and testify. The only boy that they had discussed, that Loeb saw at that time, was Johnnie Newman, and he returned and imparted that information --

MR. SAVAGE: Levinson.

MR. CROWE: -- Johnnie Levinson, and he returned

to the Rent-a-Car which had been parked down a block or two away in which Leopold was, and told him that Johnnie Levinson was there and that they would get him.

Not wishing to attract attention and possibly imperil their safety, they decided to park the cars several blocks away from the school. They went home, got a pair of field glasses at the Leopold house that Leopold used to use in his study of birds, and from a safe distance, for themselves, ~~thru~~<sup>through</sup> these field glasses they watched the movement of their little innocent intended victim.

So satisfied were they that Levinson was to be the victim, that one of them went into the drug store to get the address, the house address of his father, so they could address the blank envelop that contained the first ransom letter and send it to him.

Fortunately for Levinson, after school that day, he did not come in the direction that they intended he should come, and to that chance, or that act of providence, and that alone, accounts for the fact of his being a witness here today <sup>not</sup> and the corpus

delicti of this crime.

There was a little boy thirteen or fourteen years of age, the son of a wealthy citizen of our community, a boy who knew Loeb very well and intimately, a boy who the day before, on the 20th of May, had played tennis with Loeb in his yard, named Robert Franks. He also was a student at the Harvard School. He was the last boy to leave the grounds and he walked down in the direction of the car where sat these two cold-blooded, calculating murderers.

As he approached the car Loeb called him over and says, "Come on, Bobbie, I will give you a ride home."

Bobbie said, "No, I prefer to walk, it is only a short distance."

He says, "Well, come on over, I want to talk to you about the tennis racket you had yesterday, I want to get one for my brother."

Young Franks came over, was invited into the car and told by Loeb that he would introduce him to Leopold.

He took his seat alongside of the driver.

He was asked whether he objected, if they went around -

the corner and he said "no", and the evidence will show that the reason that they wanted to turn the corner was that on that street there were several citizens walking along and they were fearful that the citizens might hear the outcry of this young boy as they began to beat the life out of him.

Having turned around the corner he was immediately struck four times over the head with this cold chisel, and then the man in the back seat grabbed this little, fragile, dying, innocent boy and pulled him back, shoved a gag down his mouth, and then the evidence will show threw his hand over his mouth and held it so firmly and tightly that the marks were discernible after the dead body was found, and so held him until life left this little, fragile body.

He was then wrapped up, if your Honor please, bleeding, mangled and dead, wrapped up in an automobile blanket which belonged to the Leopold family and which Leopold had taken out that day for this very purpose.

Prior to embarking in the last stage of this contemplated kidnapping and murder ~~these two defendants~~

were fearful that their machine might be stopped while the dead body was in it, and in order to protect their liberty they secured, at the Leopold home, two revolvers, which will be introduced in evidence, and each were armed with one, it being their intention to kill any citizen or any police officer who was luckless enough to stop that car while they had the dead body in it; and fortunately no police officer, or no citizen, did stop the car or we would have another murder case in the Criminal Court.

Having strangled and suffocated and beat this little boy to death -- this happened along about five o'clock in the afternoon, it doesnot get dusk or dark until about half past eight at that time of the year, -- Leopold in his study of ornithology had visited the Forest Preserves, located on the PanHandle Railroad at 118th Street, he had been out there many times with Classes of ladies and children, teaching them the science of birds.

He had discovered there a drain in a culvert which, to him, afforded a very convenient and secure place for hiding the body of their little

murdered victim.

They drove around, up and down the roads leading to this place, until they got hungry, and then stopped, and with this little, bloody corpse in the car, they got out and calmly ate.

Immediately after killing him the first thing they did was to undress the lower portion of him. They took his shoes and stockings and trousers off, then wrapped him in a blanket, and when they got out to the culvert and drain, after dark, they took the body out of the car and took the balance of the clothes off of him.

Leopold had provided himself with a pair of high rubber boots so that when he was putting the body in the drain and he was standing in the water he wouldn't get wet.

The evidence will show that along in November of this year, about the time these defendants first plotted and planned this gruesome crime Leopold became afflicted with headaches and it was necessary for him to wear ~~glasses~~.

The evidence will show that Dr. Deutsch prescribed, and that Almer-Coe & Company made the glasses.

About three months prior to May 22nd, the headaches having disappeared, it was not longer necessary for Leopold to wear his glasses and he put them in the top coat pocket of one of his birding suits.

When they got out to the culvert and had completed undressing their little victim, Loeb poured the hydrochloric acid over his face, intending to wipe out his features so he couldn't later be identified. The can of ether was not necessary because as a result of the blows administered immediately after getting Franks into the car, the shoving of the gag down his mouth and the claspings of the hand over the mouth, life had long since been extinct.

Leopold took the body, and, face forward, shoved it into the drain. The water in there washed away most of the hydrochloric acid and the features were merely darkened. They then left. They stopped on the road and telephoned the Leopold home, where the aunt and uncle, Mr. and Mrs. Schwab, were waiting for



Leopold to come and take them home, that they would be delayed.

They then drove back to the Leopold home, they parked the death car down a considerable distance in the block, they went in the garage and got out the red Willys-Knight, the car owned by Leopold, and in that car he took the Schwabs home. While he was taking the Schwabs home, Loeb remained there talking to Mr. Nathan Leopold, Senior.

When he returned -- when Nathan Junior returned, he and Loeb remained up playing cards until the father went to bed. Then they began to plan to destroy any evidence that there might be of their participation in this cruel and vicious murder.

They took the clothes belonging to the little Franks boy, so carefully, so cruelly and with such calculation did they go about this, that they reasoned that you couldn't burn the belt buckle and it might be found in their furnace later on, that you couldn't burn the little clasp pin that this boy wore, that his shoes would not burn, so they separated those things that would not burn from

those things that would, and they took the clothes down into the basement of the Loeb home and burnt them in the furnace.

They had the Leopold automobile robe saturated with the blood of this little boy. They were afraid if they burned that in the furnace the stench would fill the house and attract attention, so they hid it in the yard behind some shrubbery and some boxes, the yard of the Loeb home.

They went into the garage and got out a bucket and washed the blood as best they could off the car. They had previously washed the blood off their hands at the culvert, and attempted to wash it off their clothes.

About one o'clock that night, in order to get rid of the chisel, they got back into the red Willys-Knight, and as they were passing the corner of Greenwood and 48th. Loeb threw the bloody chisel from the car. A watchman standing on the sidewalk saw it thrown from the car and picked it up and turned it over to the police, together with a

description of the car owned by Leopold.

They then went out in the country and buried the shoes, the pants, the belt buckle and the clasp pin.

Later on they got the blood-soaked robe, saturated it with gasoline and took it to 73rd and the lake and touched a match to it.

They took the Underwood portable typewriter, upon which these two letters were written by Leopold, and which was in Leopold's home, Loeb tore the letters out, or twisted them off with a pair of pliers, they threw the letters in one portion of the lake at Jackson Park and the machine itself in another portion of the lake.

They had, they thought, completely destroyed all evidence which would tend to connect them in any manner with this dastardly crime. There remained but the car itself.

The next day at noon they took the car over to Leopold's garage and began to wash the blood off.

The car will be introduced in evidence and your Honor

will see the blood under the carpet of the car. You will see the effort they made to wash it off. You will see the blood upon the frame work of the car.

While they were washing the car the chauffeur employed by the Leopold family, came down, the door of the car was open, the defendants parted their coats in this fashion (illustrating) so that he couldn't look into the car. He asked them could he help them and they said, "No, we have merely spilt some red wine on here last night and we want to wash it off, and we can do it without any help from you."

They then returned the car. On the way back from the culvert they got out of the car, looked up Jacob Franks' house address, took the ransom letter with the blank envelope, and in the handwriting of Nathan Leopold, Junior, the ransom letter was addressed to Jacob Franks at 5052 Ellis Avenue. They put a special delivery stamp on it and then Leopold telephoned the Franks home. The telephoned was answered by

Mrs. Franks .

Leopold said "this is George Johnson. Your son has been kidnapped. He is safe. Don't worry, details later."

They then mailed the ransom letter to Jacob Franks.

It was their original intention that the second letter, addressed to Jacob Franks, was to be put on top of a Keep-the-City-Clean box in that near neighborhood. They experimented with that and found that the gum would not stick to the box. So They decided then that instead of placing it in a Keep-the-City-clean box they would put it in the rack which holds telegraph blanks on a Pullman car leaving the Illinois Central station at four o'clock Standard time that afternoon. That is the car that they had experimented throwing the bundle of newspapers from to see where it would land.

These details had been worked out some days in advance of the actual crime.

Next, after getting rid of the chisel, they both returned to their homes and slept soundly that

night and the next day met again for the purpose of getting the ten thousand dollars from Franks .

The defendant Loeb went down to the Illinois Central, bought a ticket, got on car 507 and put the second letter in the rack.

They then telephoned the Yellow Taxi Company, told them -- Leopold did the telephoning and said his name was Jacob Franks, and he wanted a car sent over to his house at 5052 Ellis Avenue right away. They then telephoned Jacob Franks that there would be a car at his house at once, that he was to get in it with the money, to go to the drug store on 63rd Street, where he would receive further instructions.

Mr. Franks at that time was talking with Samuel Ettelson. They had just learned that the dead body of his son had been found, and for that reason Mr. Franks did not go with the Yellow Taxi to this drug store.

Leopold then telephoned the drug store and inquired of the clerk whether there was a man named Jacob Franks there. He was told no, and some

minutes later again telephoned, and this time the proprietor told him that there was no person by the name of Franks there.

They then walked out to the corner and saw on the newsstand the paper with the headline that the body had been found. They figured that that was the reason why Franks had not gone to the drug store and decided that they had better abandon the idea of getting the ten thousand dollars.

Friday and Saturday they went along in the even tenor of their way, and Sunday morning Leopold was called out to the police station near the culvert and questioned by Captain Wolf. Wolf had no idea or no suspicion that he was in any manner connected with the crime, but merely wanted to get from him the names of people that he knew who frequented this place and who wore glasses. This information was given by Nathan Leopold, Jr..

The police in the meantime had brought in a number of other suspects, who were held and questioned and let go.

Right alongside of the culvert and the body was found the next day, on the 22nd, a pair of spectacles.

They had a dark frame. They were turned over to the police. Along with the spectacles one of the stockings of little Bobbie Franks was found.

Joseph P. Savage of the State's Attorney office, on getting these spectacles learned that only one firm in the United States made them, a New York firm, and only one firm in Chicago handled them, that was Almer, Coe & Company. He had an oculist write a prescription of the glasses, and then asked Almer, Coe & Company to find out for whom those glasses were made.

Almer, Coe & Company gave the state's Attorney the names of three persons who had the identical prescription filled. One of them was a lady, one Nathan Leopold, Junior, and the other a member of the Chicago bar.

The lady was brought into the LaSalle Hotel and questioned by the State's Attorney, and it was apparent that the glasses in the case were not hers, she having hers on, and these being much too large for her. The Attorney was out of town.

The next person brought in was Nathan Leopold,



(Harvey follows Snyder 11:15 A.M. 7/23/24)

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Junior. He was asked by the State's Attorney whether or not he was familiar with the scene where the body was found, and he said he was very familiar with it, that he had been out there maybe 150 or 200 times studying birds. He said that he knew the exact spot where the body was placed, because the Saturday and Sunday previous he had been out there and had run over the mouth of the culvert in an attempt to shoot some birds. He was asked whether, in his judgment, he thought a person who was not familiar with the scene, wanting to hide the body at dusk, would be able to stumble into it accidentally, and he said absolutely not, "this is some considerable distance from the road, and whoever put that body there must have known about the culvert and the drain prior to that time."

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He was asked whether he had read the letter, ransom letter, and he said, yes, he had. He was asked his opinion as to the education of the man who wrote it. "Well," he said, "he must have been a man of some education, either a high school man or probably a high school graduate." He says, "I was unable to find any errors of any sort in that letter except possibly the word 'kidnapped', it is either spelt with one or two t's . I don't know which," but he says, "either one I think is proper."

THE COURT: Well, we will have two sessions of court, one beginning at ten o'clock, and continuing until twelve thirty, the other beginning at two and continuing to four thirty. Halfway through each of those sessions, which will be an hour and a quarter after we start, there will be a recess of five minutes. If the defendants or either of them wish to go to the washroom the sheriff will accompany them there. We will suspend for five minutes now, gentlemen.

(Whereupon a short recess was here taken by  
the Court.)

2

(Whereupon, pursuant to a short recess heretofore taken, the following proceedings were had.)

THE COURT: You may proceed, Mr. Crowe.

MR. CROWE: May it please the Court, go back a moment. After having as they thought with their extreme care and caution, absolutely removing all signs or evidence of their guilt of this atrocious murder, they went one degree further in their caution and agreed upon a story that they should tell if either were questioned about this murder. The story they agreed upon is as follows:

That they were to say that they went to school that morning at the usual time, around eight o'clock; that Leopold drove his red Willys-Knight car, that after the classes were dismissed about eleven or shortly after, he picked up his boon companion and who is now his fellow defendant, Richard Loeb, and they went down to Marshall Field's and had luncheon in the grill room. They then went out to Lincoln Park, the extreme end of the park; Leopold was to study a rare form of a sea gull that was supposed to be there. While Loeb never took any interest in ornithology he was to state he came along because it would satisfy his parents that he was taking an interest in serious matters. Leopold was to have a flask of Scotch and Loeb was to have a bottle of gin,

3 and while Loeb was studying the habits of this rate bird Loeb was to consume the contraband articles. When they were about to leave at six o'clock or thereabouts, Loeb had drank a little more than he ought to and for that reason they did not go to their homes for dinner, but went to the Cocoanut Grove where they had dinner, and then went out in the red car again and picked up a couple of girls somewhere, between the ages of 19 and 22, and after taking them around the parks, boulevards, and having made an indecent proposal to the girls and the girls having refused to comply they ordered them out of the car and made them walk home from the park.

They were to have this story provided they were called in at any time within a week of the murder.

Leopold was brought into the LaSalle Hotel to the State's Attorney of this County, on the Thursday of the next week, and that is the story he told the State's Attorney of his movements on the day of the murder. He was asked whether or not he could compose a letter as grammatically correct as the ransom letter, and said, "Without any trouble whatever." He was asked whether or not it was not true that the man who wrote it was accustomed to using the typewriter, and he says, "Yes, and I am accustomed to use one for the last two or three

4

years." He was asked what kind of typewriter he had, and he said, a Hammond typewriter, and it was home. He was then asked whether he wore glasses, and he told the State's Attorney, early in the fall he had trouble with headaches, and that Doctor Deutsch had prescribed for him and he had the prescription filled at Almer Coe & Company.

He described the glasses and said after he had worn them for two or three months the headaches disappeared and he quit wearing them and when asked where the glasses were at that particular time, he said, "They are undoubtedly at home." The State's Attorney then showed him the pair of glasses found alongside of the murdered body. He looked at them and put them on and he said, "If I was not positive if my glasses were home, I would say that these are mine." He was then asked to go out to his house and get his glasses, and he went out in company with a police officer. He then told several members of his family that he could not find his glasses, that he had lost them and that the State's Attorney had a pair of glasses which were very much like his, and were probably his, and they all expressed considerable concern about the matter.

He was a friend of Emanuel A. Ettelson, who has

been former Corporation Counsel here, and who was an attorney representing the Franks family in this case. He and his brother then proceeded to get in touch with Samuel A. Ettelson. They located Samuel A. Ettelson over at the home of the Franks people, and the State's Attorney was assured that this boy came of a perfectly respectable family and it was ridiculous to suppose that he had any knowledge whatever of this crime.

The police officer who accompanied them, however, insisted that he come back to the State's Attorney with him. He returned to the La Salle Hotel and brought with him the case which will be introduced in evidence, for these glasses, and stated he had not been able to find his at home, and that the ones that I had presented to him, were undoubtedly his.

He was then asked "How is it, Nathan, that you dropped them out there, how could that happen?" "Well," he says, "I always had them in my top coat pocket, and it is possible that Sunday, with big rubber boots on and running over this culvert, I might have tripped and dropped the glasses in that manner."

He was asked to demonstrate how it happened, and he made several attempts by falling and tripping to the floor, but the glasses remained in his coat. He

6 was then asked to put the glasses in his coat, lay his coat on the floor, pick it up by the tails and hand it to the State's Attorney. He did, and the glasses fell out.

The evidence will further show that this is the manner in which the glasses had fallen out. He had taken his coat off in order to shove the little body of his murdered victim into this culvert, and after he had washed the blood off his hands, he asked Richard Loeb to hand him his coat, and in the dark Dick Loeb picked it up by the tail, and the glasses fell out.

After having told the State's Attorney that he had been with Richard Loeb all that day, Richard Loeb was sent for and brought in. He arrived at the hotel about six o'clock that evening. When first questioned as to the happenings on Wednesday, he had no recollection of what had occurred on that day at all, it was like every other day to him. He could tell what he did on other days but not on that particular day. That was in pursuance to the agreement that he had made with Leopold, that if he was called in after a week of the crime, neither one of them were to know what they had done on that day, but any time within a week they were

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to tell the story about Lincoln Park, the Cocoanut Grove and the unwilling ladies.

After the State's Attorney had questioned Richard Loeb for some time he exhibited considerable nervousness and finally wanted to know why he was not interrogated about the Frank case. Eventually he remembered the same story that Leopold had previously told about their doings on Wednesday, May 21st, and accounted for his apparent lapse of memory in the first instance, by saying that he had gotten pretty drunk that day at the park and that may account for the fact he did not readily remember what they had done that day.

About one o'clock in the morning, that would be one o'clock Decoration Day, Friday, the two defendants were taken from the La Salle Hotel to the State's Attorney's office where a stenographer was called and they made a statement in which they again detailed the alibi referred to, and which statement will be presented to the Court.

There are some other matters in that statement that I will ask, when the time comes, that counsel for the other side read, and the Court read, and that the same matters may not be read aloud to a courtroom.



8 The reason for those questions will be made clear to your Honor, at the time, and the importance of the testimony being heard by your Honor will also be made apparent at that time.

Along about five or six o'clock on Decoration Day morning these boys were sent to - one was sent to the 48th Street Police Station and the other was sent to the Detective Bureau. Prior to that time they had been, as I say, at the La Salle Hotel where they had dinner with me that evening, and left there around one o'clock, and in the State's Attorney's office up until about five o'clock or half past five that morning, when they went to the police stations. The State's Attorney and his assistant remained here until seven or eight o'clock.

The nextday they were brought back to the State's Attorney's office about four o'clock in the afternoon. The father of Leopold and his uncle, asked the State's Attorney for an opportunity to talk to their boy? The State's Attorney took the defendant Leopold into one of the back rooms of the State's Attorney's office, and told the father and uncle to talk to him as long as they pleased and proceeded to leave the room, and they said, "No, we would like to have you remain while we talk to him," and the State's Attorney told them he had no desire whatever

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to be present, and they would be undisturbed and could converse as long as they wanted to. They said, "No," they merely wanted to assure themselves that the police were not abusing them, and if the boy was in my custody they wanted him to remain with me as long as possible and would give me such assistance as they could because they were satisfied and I must be satisfied that they had no connection whatever with this grewsome and terrible crime. They asked whether the boys could receive a change of linen, and I said, "You can send anything you want down, including their razor and shaving sets, so they can shave, or I will have them sent out, have them sent to a hotel."

MR. B. BACHRACH: May I interrupt you, Mr. Crowe?

MR. CROWE: Yes.

MR. B. BACHRACH: Did they also say they wanted to cooperate with you in every way they could to help you solve the matter?

MR. CROWE: The uncle and father, and also the uncle of Mr. Loeb, Mr. Loeb, the uncle of the defendant, appeared about the same time and made the same request, and the same offer was made to him, that he could talk to his nephew alone and in privacy, and he asked that the State Attorney also remain. Both the boys assured their

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their family that they were being treated with the utmost consideration and courtesy and they were told to remain with the State's Attorney and to give him whatever aid and assistance they could in his investigation.

Having all expressed the greatest confidence that they themselves knew nothing about the commission of the crime itself.

Long after the parents left and the State's Attorney left the office the defendants were taken to some first class restaurant in the city, I believe the Red Star that evening where they had their supper or dinner, and then brought back to the State's Attorney's office.

Very little questioning was done between that time and eleven o'clock of either one of the defendants. At eleven o'clock some of the office force of the State's Attorney left, and the newspaper boys wanted an opportunity to talk to the two defendants, it being the intention at that time to suspend operations until the next day. About that time we found out from reporters of the Chicago Daily News, who will testify here, that Nathan Leopold during the winter had at his house an Underwood Portable typewriter, and we will demonstrate beyond all reasonable doubt to your Honor that both of these letters were written

on an Underwood portable typewriter.

We learned from these alert and intelligent reporters that during the winter Leopold had four of his classmates working with him preparing for an examination and that this portable typewriter was used. We thereupon interrogated Leopold in reference to it and he denied emphatically that he ever had an Underwood typewriter in his house, an Underwood portable. When told that four of his fellow students had told us that he had one there in February, he said, "Well, if that is the case, one of them must have brought it with him, it certainly did not belong to me."

When confronted by these boys he persisted in denying the possession or ownership of such a machine. He was then asked, "If these boys did not own it, who else could be the owner of it?" And he answered, "Leon Mandel, the second."

"Leon Mandel is in Europe. If Leon Mandel owned that machine he either took it prior to leaving for Europe or it is still at your house, Mr. Leopold?" "Yes, sir, that is correct." "Mandel has been in Europe over a month." "Yes, sir, that is correct." "Your sergeant says the machine was at your house two weeks ago. If that is true then Mandel did not take it with him, did he?"

"No, sir, then the machine must be at my house, and I will go out and look for it for you."

Leopold then went out with Joseph P. Savage and some police officer to look around various places for the typewriter, and could not find it. He came back to the State's Attorney's office and said, "Well, that machine does not belong to Mandel", and said no more.

About that time the chauffeur came in. The chauffeur who had been employed for some years past by the Leopold family came in and told the State's Attorney that the red Willys-Knight car that Leopold and Loeb said they had used going to Marshall Field's, to Lincoln Park, to the Coccoanut Grove, and for the purpose of taking these unwilling ladies out for a ride had been in the garage from one o'clock in the afternoon of the day of the murder until ten thirty when they took it out.

About that time Richard Loeb sent for the State's Attorney, and said he wanted to talk to him, and said, "What are you holding me here for?" The State's Attorney says, "You realize you are in custody, do you?" And he says, "Yes." "You haven't anything on me, you are not asking me anything about this, and what are you keeping me here for?" The State's Attorney told him he was not paying any attention to him at all, that he

13 was devoting all of his energy in tightening a web around his friend Leopold, because as soon as he had tightened this web around Leopold, he had Richard Loeb also, because Loeb had told him that he had spent the entire day of May 21st in company with Nathan Leopold. The State's Attorney then told him the evidence he had to indicate that Leopold had murdered this boy, and as the State's Attorney finished his recital, Loeb said, "My God, give me a drink of water." The State's Attorney gave him a drink, and he says, "Well, I will tell you the entire truth."

The State will show unargued to your Honor the motive which prompted Richard Loeb to so suddenly and unexpectedly confess at that moment, was another evidence of his cautionness and his craftiness and his desire to protect his own hide. He knew that the man who had beaten the life out of this little boy was his confederate Leopold. He figured that the State's Attorney had the evidence which would send Leopold to the gallows, independent of anything that they might say, and he was going to ingratiate himself, he thought, into the good graces of the authorities, by telling all he knew about the gruesome details of this and help fasten the loop around his companion's neck,

While he was reciting the details of this to John Sbarbaro of my office, Nathan Leopold sent Joseph Savage in and asked whether I would see him. The State's Attorney walked into the room where Nathan Leopold was sitting, and he said, "Let me ask you a hypothetical question." I said, "Very well, what is it?" He says, "Supposing John Doe had committed this murder, and John Doe's family was as wealthy and influential as mine is, and could hire able criminal lawyers and get a friendly judge and bribe the jury, don't you think he could beat this case?" And I said, "Well, Nathan Leopold, I will let you try it out." He says, "What do you mean?" I says, "I am going to charge you with this murder." "Why, you haven't anything on me except some flimsy circumstances, you will never do that," "You don't know, Nathan Leopold, your pal Dick Loeb is telling the details of this murder, do you?" "No, my God he is not doing it, he would stand until Hell freezes over", or some similiar expression, and then the State's Attorney mentioned the Rent-A-Car, and the Morrison Hotel, and said, "If Loeb did not tell that, who did?" "Well," he says, "If Loeb is talking I will tell you the real truth", and then he proceeded to tell his story to Joseph P<sup>4</sup> Savage.

Their story is identical in all essential details, except each of them, careful of their own skin, much more careful than they were of the boy of little Franks, each one says that the scheme originated with the other. Each one says the other is the man who struck out and choked out the life of this poor little boy.

They were brought together, their confessions were read, they argued back and forth, and those confessions will be read to your Honor.

They then, beginning about eight o'clock that morning went with the State's Attorney and his assistants, police to the various places where acts were done in furtherance of this terrible conspiracy. The card signed by Loeb at the Morrison Hotel where he uses the name of Ballard was procured and will be introduced in evidence. The satchel left there by Loeb with the books, together with a library card on which appears the signature of Richard A. Loeb were obtained and they will be presented in evidence.

The Rent-A-Car in which this foul murder was committed was secured, drenched and covered with the blood of young Robert Franks; the application made in the hand-



16 writing of Leopold in which he uses the name of Ballard was secured and four witnesses who positively identify Leopold as Ballard, were questioned in their presence and they will tell their story to your Honor.

The little lunch room at 1352 Wabash Avenue was visited where Loeb waited for an hour and a half eating raisins alongside of the telephone waiting for the Rent-A-Car people to inquire for Louis Mason so that he might give a good recommendation to his co-conspirator and fellow murderer, and the people of that store will appear and tell your Honor in detail.

The drugstore where the hydrochloric acid was procured that was to eat away the sweet little features of this poor little Franks boy, so that these cautious, educated, trained criminals and murderers might be safe from detection. The drugstore will be produced, the man who sold them the paper upon which these two letters were written will be produced. The place where they attempted to burn the automobile robe belonging to the Leopolds and that was drenched in the life blood of little Franks that place was visited, and which pieces of that robe remain soaked in blood, they will be produced and identified before your Honor.

Out in the country, yes, in Indiana, if you

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please, where they buried the shoes of this little tot, where they buried his belt buckle and his little clasp pin, that place was visited and these exhibits were found where they hid them, and they will be produced before your Honor.

Cautious, crafty, cruel and vicious. Leopold it will appear in evidence was attempting to direct suspicion to others. Loeb, cautious, cruel and vicious was attempting to divert suspicion by aiding these alert and honest reporters of the Daily News in locating the drugstore that Frank was directed to go to. Agreed to go with them and help them locate the place, which Frank in his excitement had forgotten the name, and exact location. Loeb said to these newspaper men, this is before this story was told to the State's Attorney, this was when suspicion was directed against other people, "Let me go with you and I will help you find the place", and one of the reporters said, "Well, Dick, you must know this little Frank boy, he lives in your neighborhood, his brother goes to the school," or words of that sort, and then to show the abandoned and malignant heart that is in the bosom of Loeb, Loeb said, "Yes, I know him well," "What kind of a fellow is he?" And here, this little fellow that is lying cold and dead, the boy who had played tennis with him

18           the day before, who lured him to his death, Dick Loeb says, "Well, if you are going to kidnap or murder a person he is just the cocky kind of a son of a bitch you would pick."

          The State will show to your Honor by facts and circumstances, by witnesses, by exhibits, by documents, that these men are guilty of the most cruel, cowardly, dasdardly murder ever committed in the annals of American jurisprudence. The State will demonstrage their guilty here so conclusively that there is not an avenue for them to escape, and they make a virtue of necessity, when they have no escape, they throw themselves upon the mercy of this court.

          We will prove that all these matters happened in Cook County, Illinois, and when the State has concluded, when the defense has concluded, and the final arguments are made, in the name of the People of the State of Illinois, in the name of the womanhood and the fatherhood, and in the name of the children of the State of Illinois, we are going to demand the death penalty for both of these cold blooded, cruel, vicious murderers.

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MR. DARROW: Your Honor, I want to say a few words at this time. The defendants in this case have entered a plea of guilty. Now, in all cases with any prosecutor, it seems to me, who is interested purely in administering justice, it would not have been possible to go into all the details that have been gone into this morning, and make all the covert threats that have been made. Everybody knows that this was a most unfortunate homicide. That it is the cruelest, the worst, the most atrocious ever committed in the United States is pure imagination without a vestige of truth, and everybody knows that too. Those words are litany of State's Attorneys and that is all.

A death in any situation is horrible, but when it comes to the question of murder it is doubly horrible. But there are degrees perhaps of atrocity, and as I say, instead of this being one of the worst of the atrocious character, it is perhaps one of the least painful and of the smallest inducement. Bad, nevertheless, bad enough of course, but anybody with any experience of criminal trials knows what it is to be branded as it has been repeatedly, as the greatest, most important and atrocious killing that ever happened in the State of Illinois, or in the United States.

Meyer  
rel.  
Harvey  
13 M  
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MR. CROWE: Mr. Darrow, just a minute.

If your Honor please, if the purpose of Mr. Darrow is to make an opening statement as to what they intend to prove, I have no objection, but if his purpose now is merely to make an argument, I object that this isn't the proper time.

MR. DARROW: Well, was it the proper time for you to make it?

MR. CROWE: If I stepped outside the bounds it was your business to object. I insist that this be conducted like a law suit and not like an experiment.

MR. DARROW: Oh, your Honor, he has learned that somewhere in the book. This will be tried like a law suit.

MR. CROWE: I object, if your Honor please, to an argument of this sort. I insist that he should confine himself to a statement as to what he expects to prove.

MR. DARROW: Your Honor, it comes with poor grace from counsel after for more than an hour he sought to stir up feeling in this community, where he had repeatedly sought to stir it up that justice may be blind in this case.

MR. CROWE: I insist on a ruling, your Honor.

THE COURT: Well, counsel for the state went further than he should have gone, and if counsel for the defendants had objected of course I would have to sustain it. It is true that this isn't the time for argument. The argument of counsel for either side or both sides will be after all the evidence is introduced.

MR. DARROW: Surely, your Honor, but --

THE COURT: We will let Mr. Darrow go ahead.

MR. DARROW: I wouldn't make an argument.

THE COURT: Now, Mr. Darrow, confine it as nearly as you can to that which you expect to prove.

MR. DARROW: Very well, your Honor. I am aware at this time it isn't a proper statement, but I felt outraged at the whole statement that has been made in this case. That accounts for it. All this evidence that is sought to be introduced in this case is utterly incompetent; all the statements made in this case are incompetent. All of this is added to the statements already made publicly, and have no bearing on this case whatever, with the plea of guilty in it. No one on the part of the defense

claims that there was not a conspiracy, that there was not a murder, that it was not done by these two boys, that it was not done in a way that they have already given to the press for a purpose, rehearsed now, and to be rehearsed later, all of which is incompetent.

We shall insist in this case, your Honor that terrible as this is, that terrible as any killing is, it would be without precedent if two boys of this age should be hanged by the neck until dead, and it would in no way bring back Robert Franks or add to the peace and security of this community. I insist that it would be without precedent, as we learned, if on a plea of guilty this should be done.

We will attempt to inform the court, and inform the court in a way that can leave no chance for reasonable men to doubt, as to the make-up of both these boys, their limited degree of responsibility in this case, and we think all of this is borne out by every fact in this case; no one could imagine that mature people of full responsibility could have done it as it was done in this case.

We think the court should not permit for the pure purpose of rehearsing again to this community, to stir up anger and hatred in this community that may result in many other crimes, details which have nothing to do with this case upon a plea of guilty and of which the community is already aware. We simply ask your Honor to keep this within the legal prescribed grounds of a hearing as this case is presented. Of course I might say to your Honor that we hesitate under our situation in this case where we are asking for the clemency we think we ought to have, and nothing more, we hesitate to be put in the attitude of objecting. We sat and listened to this statement, utterly incompetent and meant only to appeal to the passion of man.

When this case is presented, I know this court will take it, take it calmly and honestly, in consideration of the community and in consideration of the lives of these two boys, and that any echo that may come back from this extravagant and unlawful statement and from the lurid painting in this court room, which was made for nothing excepting that a hoarse cry of angry people may somehow reach these



chambers, - we know your Honor would disregard that and do in this case what is just, fair and merciful, and a court must always interpret justice and mercy together.

MR. CROWE: Mr. Bailiff, will you call Jacob Franks.

THE COURT: Mr. Bachrach?

MR. BENJAMIN C. BACHRACH: No, I don't care to make an opening statement at this time.

MR. CROWE: While we are waiting Mr. Greshan is here. Take the stand, Mr. Greshan.

E D W I N M. G R E S H A N

a witness called on behalf of the People, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY  
Mr. Crowe:

Q Will you kindly state your name? A Edwin M. Greshan.

Q And where do you live, Mr. Greshan? A 5120 Greenwood Avenue.

Q Are you related in any manner to the late Robert Franks? A I was the boy's uncle.

Q And I direct your attention to June, - May 22nd, 1924. Did you see the body of Robert Franks that day?

A I did.

Q Will you tell the court in your own way under what circumstances.

A I was asked by Mr. Ettelson to accompany two reporters, one from the Daily News and one from the Evening American. I didn't know where I was going until I had started driving. I had my car.

Q About what time of the day was this?

A Well, I should judge around half past two in the afternoon.

n Q Well, all right. Where did you go?

A We started out south, and when we had gotten a short distance one of the reporters, who was sitting in the front seat with me --

Q Never mind what he said. Where did you go?

A We went out to Hegewisch.

Q And where did you go out there?

A To the undertaker's in Hegewisch.

Q And describe or state what you saw?

A I went into the undertaking establishment, and a reporter said to the undertaker --

MR. DARROW: I object.

MR. CROWE: No, no. No conversation. Did you see a body?

A Yes sir.

Q Whose body was it?

A Robert Franks.

Q Well, now, describe the condition of the body when you saw it.

A The body had absolutely no clothing on. It was laying on its back. It had on the glasses. I removed the glasses to make sure that the body was the boy's. I noticed further -- I looked further to see that there

were marks on the boy's teeth. When the boy was a child he had ricketts and that had left marks or pearls in the teeth, and I looked at the teeth to make sure that the pearls were there. They were there. It was beyond the question of a doubt in my mind that the boy was Robert.

Q That is, Roberts Franks, your nephew, the son of Jacob --

A Jacob Franks.

Q -- Franks?

A Yes.

MR. CROWE: Cross examine.

MR. DARROW: That will be all .

THE COURT: Is that all?

MR. DARROW: Yes.

THE COURT: That is all.

## J O B O B      F R A N K S

called as a witness on behalf of the People, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY  
Mr. Savage:

Q Will state your name, please?

A Jacob Franks.

Q Your address, Mr. Franks?    A 5053 Ellis Avenue.

Q Chicago?

A Chicago.

Q Do you know Robert Franks, the deceased in this case

A Yes sir.

Q What relation was Robert Franks to you?

A Son.

Q Son. When did you last see Robert Franks alive?

A On the 21st of May, 1924.

Q About what time?

Q About eight o'clock in the morning.

Q He was in good health at that time?

A Yes sir.

Q Nothing wrong with his sight, hearing?

A No sir.

Q Or his physique in any way?

A No sir.

Q When was the next time you saw your son, the deceased, Robert Franks?

A The following day.

Q That Was May 22nd?

A 22nd.

Q About what time, Mr. Franks?

A About four o'clock in the afternoon.

Q And under what circumstances did you see him?

A He was at the morgue.

Q Describe, Mr. Franks, the circumstances under which you saw your boy the next day, the 22nd?

A He was dead, lying at the morgue out in -- I don't know just the address.

Q And you recognized your son, Robert Franks, on May 22nd, in the morgue of an undertaking establishment on the south side, is that right?

A Yes sir.

Q And the boy that you recognized, the deceased in this case, Robert Franks, your son, was the same boy that you had seen the prior morning at eight o'clock, on May 21st, alive, is that right?

A Yes sir.

Q Will you describe, Mr. Franks, Robert Franks as to size and age and so forth?

A He was born on the 19th of September, 1909.

MR. DARROW: I didn't get that.

A 19th of September, 1909. He was small for his age, somewhat slight. I don't know his measurements. I hardly think he measured five feet, and possibly weighed eighty pounds.

Q Eighty pounds?

A Yes.

Q Small in stature for his age? A Yes sir.

Q And the boy that you saw in the morgue on the 22nd, Mr. Franks, and recognized as your son, was dead when you saw him there, is that correct?

A Yes sir.

Q On the 21st, Mr. Franks, do you remember how your son was dressed that morning, when you last saw him, as to the suit, shoes, stockings and so forth?

A I don't.

MR. DARROW: I object on the ground that there is no dispute about it.

MR. SAVAGE: Mark those People's Exhibit No. 1 for identification.

(whereupon said articles were so marked.)

MR. SAVAGE: Q I will ask you to look at People's Exhibit No. 1, marked for identification and state if you know whether or not those are the shoes of your deceased son, Robert Franks?

A Yes sir.

Q And they were purchased where?

A At Field's.

Q Marshall Field's. I will ask you to look at People's Exhibit No. 2, marked for identification, purporting to be a stocking, boy's stocking?

A Yes sir.

Q And ask you whether or not on the morning you last saw Robert Franks alive, whether he was wearing a stocking answering the description of the one you now hold?

A I didn't notice him dressed that morning. I can't answer that, but I know those are the kind of stockings he wore. He had others that matched it::

Q I will ask you to look at a clash buckle, marked People's Exhibit No. 3 for identification, and state whether or not that resembles the buckle worn by your son, Robert Franks?

*Robert Franks*



A Yes he had two or three belts. They were all alike with the exception of the colors of the ribbons.

Q I will ask you to look at People's Exhibit No. 3-B, marked for identification, and state whether or not the belt buckle resembles the belt buckle worn by your son, Robert Franks, deceased, in this case?

A Yes sir.

Q I will ask you to look at People's Exhibit 3-C, a belt, and state whose that is, if you know?

A My boy's. The buckle was attached to this ribbon.

Q Your boy's?

A Yes sir.

Q I will ask you to look at People's Exhibit 3-D for identification, and state what that is, if you know, and to whom it belonged?

A Yes, this is a class pin that I bought for him, for my boy, a class pin for the Harvard school.

Q You bought that and presented it to your son, Robert?

A Yes sir.

Q And you recognize that as the pin --

THE COURT: He says it is.

MR. SAVAGE: Q Mr. Franks, when was the first time that you missed your son, Robert?

A About six o'clock in the evening of May 21st.

Q Just go on in your own way, Mr. Franks, and tell what happened after you had missed your son at six o'clock May 21st, 1924?

MR. DARROW: I object.

MR. SAVAGE: Q What did you do, if anything?

MR. DARROW: Yes. I object.

THE COURT: Sustained.

MR. SAVAGE: Leaving out the conversations, Mr. Frank, just tell what you did after your son was missing, if anything.

MR. DARROW: As to that I object.

THE COURT: Oh, yes, it makes no difference what he did.

MR. SAVAGE: Q Did you receive a telephone conversation after you had missed your son that evening, Mr. Franks?

MR. DARROW: Excuse me, just a minute.

MR. SAVAGE: Q Did you receive a telephone conversation after you had missed your son that evening?

A No.

Q Pertaining to your son?

A I didn't.

Q Did you receive a letter the following morning?

A Yes sir.

Q I will ask you to look at People's Exhibit No. 4, 4-A and 4-B and state whether or not that resembles the letter, or whether or not that is the letter you received at your home on the morning of the 22nd of May?

A Yes sir, that is the letter.

Q Is that the envelope, Mr. Franks?

A Yes sir.

MR. SAVAGE: For the purpose of the record, your Honor, I desire to read the envelope and letter into the record.

Envelope postmarked Chicago, Mat 21st, 1 A.M., 1924, Illinois. Bearing six two cent postage stamps, addressed in print "Mr. Jacob Franks, 5042 Ellis Avenue, City. " "Special." And underneath "special" a line drawn or underscored. Stamp mark, "Fee claimed at Chicago, Illinois."

Letter: "

*Address to Allys the  
Campbell*

"Dear Sir:

As you no doubt know by this time your son has been kidnaped. Allow us to assure you that he is at present well and safe. You need not fear no physical "

any physical harm for him providing you live up carefully to the following instructions and such others as you will receive by future communications. Should you, however, disobey any of our instructions, even slightly, his death will be the penalty.

1. For obvious reasons make absolutely no attempt to communicate with either the police authorities nor any private agency. Should you already have communicated with the police, allow them to continue their investigations, but do not mention this letter.

2. Secure before noon today \$10,000. This money must be composed entirely of old bills of the following denominations: \$2,000 in \$20 bills, \$8,000 in \$50 bills. The money must be old. Any attempt to include new or marked bills will render the entire venture futile. The money should be placed in a large cigar box or if such is impossible, in a heavy cardboard box securely closed and wrapped in white paper. The wrapping paper should be sealed and all openings with sealing wax.

4. Have the money thus prepared as directed above and remain home after one o'clock P. M. See that the telephone is not in use. You will receive a

future communication instructing you as to your future course. As a final word of warning, this is a strictly commercial proposition, and we are prepared to put our threats into execution should we have reasonable ground to believe that you have committed an infraction of the above instructions. However, should you carefully follow out our instructions to the letter, we can assure you that your son will be safely returned to you within six hours of our receipt of the money.

Yours truly,

George Johnson."

Initials "G R R ."

THE COURT: Is that offered?

MR. SAVAGE: Yes, your Honor.

THE COURT: How long do you expect to have Mr. Franks on the stand?

MR. CROWE: He might come back at 2 o'clock.

THE COURT: All right.

MR. CROWE: We would like to ask him one more question.

MR. SAVAGE: Q Mr. Franks, just going back. The first time you told about seeing your boy, that is

on May 21st, a live that was about eight o'clock in the morning on May 21st?

A Yes sir.

Q That was in Chicago, Cook County, Illinois.

A Yes sir.

Q And that was the last time you saw him a live?

A The last time I saw him alive.

Q Now, the next time when you saw him dead on May 22nd, in the morgue of this undertaking establishment, that was in the afternoon?

A May 22nd.

THE COURT: He said on May 22nd, about 4 P. M.

MR. SAVAGE: That was in Chicago Cook County, Illinois?

A Yes sir.

THE COURT: We will suspend now, folks, until 3 o'clock sharp. Go out as quietly as possibly now, and don't crowd. Two o'clock.

(Whereupon a recess was taken until

3 o'clock P. M. of the same day. )

July 23, 1924.  
2:00 o'clock P.M.

Court convened at 2:00 o'clock P.M. same day, July 23rd, 1924, pursuant to recess heretofore taken.

MR. CROWE: While waiting for Mr. Franks, if your Honor please, with your permission I will put Dr. Benson on, and if he is not here I will put on Dr. Springer.

THE COURT: Is there any objection on the part of the defense?

MR. DARROW: No objection.

THE COURT: Dr. Benson.

MR. CROWE: See if Dr. Benson is there, and if not, call Dr. Springer.

THE COURT: Here is Dr. Springer.

MR. CROWE: Dr. Springer, take the stand.

MR. SAVAGE: Your Honor, at this time, may the record show that the witness, Jacob Franks, is withdrawn for the time being.

THE COURT: Very well.

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J O S E P H S P R I N G E R,  
a witness called on behalf of the prosecution, was  
first duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. SBARBARO.

Q Just state your name? A Joseph Springer.

Q What is your occupation, please?

A Physician and Surgeon. .

Q How long have you been a physician and surgeon?

A Since 1895.

MR. SBARBARO: You will admit his qualifications,  
will you?

MR. DARROW: Oh, yes.

MR. SBARBARO: Q What is your official capacity?

A I am Coroner's physician, Deputy, of Cook County.

Q Now, directing your attention to the 22nd day of  
May, 1923, were you so employed?

A Yes sir.

Q Did you perform a post-mortem examination or autopsy  
on the body of one Robert Franks?

A Yes sir.

Q Where did that occur? A At Hegewisch,

133rd and Houston Avenue.



Q Who else was present or assisted you?

A Dr. Benson.

Q Who identified the body of Robert Franks?

A The body was identified to me by the Undertaker, who stated there was a relative called in the afternoon and he identified the body as that of Robert Franks.

The Undertaker's name is Stanley Olejniczak.

Q Who was the relative, Greshan?

A Mr. Greshan.

Q What was your finding, Doctor?

A On inspection I found a boy, fairly well nourished, about five feet tall, weighing one hundred pounds, estimated. On inspection I found the face, involving the forehead and cheek and nose and the mouth, the inner side of the lips and the mucous membrane of the mouth showed evidence that some irritant had been placed on the face. I found two inches above, on the right side of the head in the region of the hair, a small, sharp wound, the upper surface was flattened; on the left side in the same region I found another wound about a half an inch running longitudinally, the first wound was three-quarters of an inch in length.

I found on the left side in the back of the head a bruise and a swelling, and on the right side in the back of the head I found another bruise and a swelling. The swelling and bruise were caused by external violence. On opening the scalp I found there was a large amount of blood in the tissues underneath. On opening the forehead part of the scalp I found that the cuts were of a sharp edge and were down to the periosteum, or the bone.

Q What caused the two cuts in the forehead?

A Some blunt instrument?

Q And what, if you know, caused the two in the back of the head?

A A blunt instrument.

Q What else did you find, doctor?

A I found on the shoulders small scratches like, extending down the right shoulder, down the back and as far down as the buttocks. I found a few superficial scratches on the forehead.

Q Will you describe the face, Doctor?

A The face was of a darkish hue, copper colored, which had extended all the way down along the face, as I described a minute ago, down into the mouth,

and the tongue was ---

Q What did you find the cause of that to be?

A That was done by the acid, which I later learned was diluted hydrochloric acid.

Q Did you examine the contents of the stomach?

A Yes sir. On opening the body I found a dark discoloration extending down the windpipe, down into the right lung and as far down as the diaphragm.

Q What would cause that, Doctor?

A The absorption of fumes and suffocation. I found small hemorrhagic petechiae or spots of a minute character in the lung; the heart was negative; the stomach was diluted; it contained some undigested particles of food and liquid; the kidneys were congested, the liver was congested; the other organs showed no gross pathology outside of the chain of congestion. The mouth was swollen, the tongue part, and the paucities around it was swollen and congested. I removed the organs for analysis. The analysis of the lungs showed these small hemorrhagic conditions, and the bronchi was congested and inflamed; the other organs showed that there had been some obstruction in the

circulation.

Q In your opinion, Doctor, and from your examination of the undigested food, how long would you say that that food was in the stomach?

A Well, I would say --

Q How long would you say it was since the --

A I should say four to five hours.

Q How long would you say it was since the deceased had last eaten?

A I should say the boy had his dinner and about five hours after the digestion was taking --

Q Do you mean lunch, Doctor, or dinner?

A Lunch, yes.

Q What else did you find about the body?

A In regard to what?

Q Well anything. There was a line of demarkation surrounding the mouth, wasn't there, showing that the color of the skin surrounding the mouth was different than the color of the skin otherwise?

A The color of the skin was as I described it, running along the mouth down as far as the left elbow, and on the left side coming up again to within about

an inch of the forehead, back of that was white, this had a copper color consistency.

Q What else did you find about the body that was unusual?

A I examined the hands and there was no puckering up to show that there was any evidence of drowning. The soles of the feet showed nothing which usually we find in cases of drowning. The lungs showed me evidence of suffocation.

Q From your examination, Doctor, have you any opinion as to what was the cause of death?

A Yes sir, he came to his death from an injury to the head, associated with suffocation.

MR. SAVAGE: You may cross examine.

CROSS EXAMINATION

BY MR. BACHRACH.

Q Doctor Springer, did you make a written report of your autopsy to the Coroner?

A Yes sir.

Q You signed it? A Yes sir.

MR. BACHRACH: Have you that report here, gentlemen?

MR. CROWE: Have you got a copy of it, Doctor?

A Yes sir.

MR. BACHRACH: May I see it?

A (Witness producing paper and handing same to Mr. Bachrach).

Q The papers that you have produced from your pocket are entitled "Doctor's blank," two sheets. They are correct copies of the report you made to the Coroner?

A Yes sir.

MR. BACHRACH: I don't suppose it is proper for me at this time to offer them in evidence, but I would like them to go in evidence.

MR. CROWE: You may do so. We will offer them.

MR. BACHRACH: All right Will you offer them?

MR. CROWE: Yes.

MR. BACHRACH: All right. I consent to that.

MR. CROWE: The State will offer these.

MR. BACHRACH: I am willing that they may be considered read, Mr. Crowe.

MR. CROWE: Well, we might let the Doctor read it right into the record. Go ahead and read the report into the record, Doctor.

THE COURT: By consent, the report may be read at this time.

THE WITNESS: "On the 22nd day of May I made a post mortem of the body of Robert Franks at 13300 Houston Avenue, the body being identified by Edwin M. Gresham.

"Upon general inspection the body measured five feet in length and 100 pounds in weight. There was evidence of exposure to sand and water and the body was nude.

"Upon examination I found two cuts on the forehead inside the hairy margin two inches above the left and right eyebrow. The left cut was one-half inch in length and the right three-quarter inch both with dull edges and ante-mortem."

("Ante-mortem" means before death.)

"There were numerous scratches on the left side of the forehead, all of which were ante-mortem. The face presented a peculiar appearance, with a marked outline around the nose and mouth and part of the chin, the color of the skin in this area being pale. The rest of the face presented a flushed and streaked appearance such as would result from acid fumes.

"There were a number of scratches on the back, over the left shoulder and over the right buttock,

all of which were ante mortem.

"There was one superficial sharp edge cut over the spine one inch left of the median line and just above the buttock. This was post mortem. I found no cutis anserina of the hands, and only the scrotum showed evidence of having been submerged in the water.

"The genitals were intact, but the rectum was dilated and would admit easily one middle finger. There was no evidence of a recent forcible dilation.

"On the upper left side of the tibia were two small abrasions five inches below the knee.

"Upon opening the head I found the two previously described cuts on the forehead having penetrated the skin, muscles and pericestum.

"In the occipito-parietal region both right and left were hematomas underneath the scalp, which were the result of heavy blows by some blunt instrument before death.

"Upon opening the skull I found no evidence of fracture. The brain was hyperemic and large.

"Upon opening the body I found the viscera presenting a peculiar slate color appearance throughout.



The lungs and pleura were of the same color except for a number of hemorrhagic spots in the lungs.

"The liver was discolored and congested.

"In my opinion death was due to injury and suffocation."

REDIRECT EXAMINATION

BY MR. SAVAGE.

Q In your opinion, Doctor, how long had the deceased been dead?

A I figured death had occurred, at the time of my examining the body, it must have occurred about from two to five hours prior. There was no rigor-mortis set in.

MR. SAVAGE: That is all.

MR. BACHRACH: No further cross examination.

(Witness excused)

A X E L F. B E N S O N,

a witness called on behalf of the prosecution, was first duly sworn, and testified as follows:

DIRECT EXAMINATION

BY MR. SBARBARO.

MR. BACHRACH: If this witness is going to testify to anything different from the other witness I cannot object, but if he is going to testify to the same matter, it seems to me that it is just a repetition, and there will be no contest of it.

THE COURT: Is it a repetition of what Dr. Springer testified to? If so, there is no necessity of proving the same thing by two witnesses, as long as there is no contest.

MR. CROWE: We are not going to take up very much time with this witness. There are just one or two questions that we want to ask him.

THE COURT: All right. Go ahead. What is your name, doctor?

A Axel F. Benson.

THE COURT: Go ahead.

MR. SBARBARO: Q Where do you live?

Q 1537 North Mayfield.

Q What is your occupation, Doctor?

A Coroner's Physician.

Q How long have you been employed in that capacity?

A Four months.

Q Did you post the body of Robert Franks?

A I did.

Q Who identified the body of Robert Franks?

A Edward M. Greshan.

Q Is that the Uncle?

THE COURT: There is no need of going into that.

We have got that proved by one witness and it is only a repetition and it is burdening the record, and there is nothing that you can --

MR. CROWE: If your Honor please, the other witness did not testify that the uncle had identified the body, but that the Undertaker told him that the uncle had, and that is why we want this Doctor to testify on the subject.

THE COURT: All right, but there is no dispute.

MR. CROWE: That is the only reason we call him, to show that the body had been identified by the uncle.

THE COURT: All right, go ahead, Doctor. By whom was the body identified in your presence?

A By Edwin M. Greshan.

MR. CROWE: The uncle?

A The uncle of the boy.

MR. CROWE: That is all.

(Witness excused)

MR. CROWE: Now Jacob Franks.

J A C O B F R A N K S,

resumed the stand as a witness on behalf of the prosecution and being further examined by Mr. Savage testified as follows:

Q State your name please?

A Jacob Franks.

Q You are the same Jacob Franks that testified here just before adjournment?

A Yes sir.

Q Now after you received this letter, referring to People's exhibit number 4 for identification, Mr. Franks, on the morning of May 22nd, 1924, what did you do, if anything after that?

A I got home from downtown about half past ten and I remained home until I got a call about three twenty, a telephone call.

Q Then what did you do? A The call was for me to jump into a taxi that they had sent for me and to come out to an address on 63rd Street.

Q You received that call?

A I did.

Q Did you follow the instruction of the telephone conversation about getting into the cab?

A No, by that time I knew my boy was dead.

Q Did the cab arrive at your home?

A Yes sir.

Q Now you say you went downtown?

A Yes.

Q What was the purpose of your visit downtown after you received this letter, Mr. Franks?

A To procure the ten thousand dollars.

Q Did you procure the tenthousand dollars?

MR. DARROW: Just a minute. That is objected to. That is not the subject matter in this case.

MR. CROWE: I think it is competent to show, your Honor, what he did after receiving --

THE COURT: What difference does it make what he did? That would be competent in the ransom case, in the other indictment, but in this case I don't think it makes any difference.

MR. CROWE: The motive in the murder case was to get ten thousand dollars. It is important to show, first, why they took a boy who had a father capable

of getting immediately ten thousand dollars, and there is no better proof to show that fact than that this man at once got the ten thousand dollars.

THE COURT: There wont be any dispute about it.

MR. CROWE: I know, but suppose when we argue the motive in this case later on, in fixing the penalty --

MR. DARROW: Well, I will withdraw the objection.

MR. CROWE: -- and the argument is made that the boys picked out a man who did not have ten thousand dollars, and there is nothing in the record to show your Honor that the man had ten thousand dollars?

THE COURT: Well, counsel withdraws his objection. He says to go ahead. You did procure the ten thousand dollars?

A Yes sir.

MR. SAVAGE: In the denominations as mentioned in the letter, Mr. Franks?

A Exactly, yes sir.

Q And did you prepare that ten thousand dollars as you were instructed to do --

MR. DARROW: I object.

MR. SAVAGE: -- by the letter?

MR. DARROW: Just a minute. I object. I think they have gone far enough.

THE COURT: Oh well, he says he had it in the denominations as required by the letter.

MR. SAVAGE: Q What did you do with the ten thousands and dollars?

A I wrapped it up as per the instructions that I received.

Q And that was when you were awaiting the telephone communication which you received later?

A Yes sir.

MR. SAVAGE: That is all. You may cross examine.

MR. DARROW: No cross examination.

(Witness excused)



M R S. F L O R A F R A N K S,

a witness called on behalf of the prosecution being  
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you kindly state your name?

A Mrs. Flora Franks.

Q You are the wife of Mr. Jacob Franks?

A Yes sir.

Q Where do you live, Mrs. Franks?

A 5052

Ellis Avenue.

Q Ellis Avenue, Chicago?

A Yes.

Q Did you have a son named Robert Franks?

A Yes.

Q How old was he?

A Fourteen.

Q When is the last time you saw him alive?

A Wednesday noon.

Q What date?

A May 22nd.

Q May 22nd, or 21st?

A 21st.

Q May 21st, 1924?

A Yes.

Q And where did you see him at that time?

A At home.

Q At 5052 Ellis Avenue?

A Yes.

Q Did he have lunch at that time?

A Yes.

Q Did he return alive to your house after that?

A No.

Q What did Robert Franks do, that is, did he  
go to school?

A Yes.

Q What school was he attending?

A Harvard School.

Q Harvard School?

A Yes.

Q Where is the Harvard School located, do you know?

A Between 47th and 46th on Ellis.

Q In Chicago, Illinois?

A Yes.

Q And your home is in Chicago, Cook County, Illinois?

A Yes.

Q Now, your son did not return after he left at  
noon that day?

A No.

Q To your home?

A No.

Q When did you next see him, or see his body?

A Saturday night -- Friday night -- Saturday night.

Q The Friday following? On Wednesday evening  
May 21, 1924, did anybody telephone you at your home?

A Yes.

Q Did you receive a telephone call?

A I received a telephone call Wednesday evening.

Q About what time was it?

A Well I think it was ten thirty, I am not positive  
about the time.

Q About ten thirty in the evening?

A Yes.

Q Now will you state to the Court what was said to  
you and what you said over the phone at that time?

A Well, the phone rang and I went to the phone and  
they asked for Mr. Franks and I said Mr. Franks was  
not home, but I was Mrs. Franks, and I asked them  
what they wanted, and they said, "your son has been  
kidnapped, he is all right, further news in the  
morning", and I said, "who is it"? And they said,

"Johnson". I wanted to ask something else but they rang off.

Q Now will you describe the kind of a voice. Was it a voice that you were familiar with?

A No.

Q Was it a masculine or feminine voice?

A Masculine.

Q Was there any other thing about the voice that you noted at the time?

A Well it sounded like -- it was not a gruff voice.

Q Well how would you describe it?

A It was more of a cultured voice than a ~~rough~~ gruff voice.

MR. DARROW: I didn't hear that.

MR. CROWE: It was more of a cultured voice than a gruff voice.

Q You had no further telephone calls?

A No.

Q You are familiar with your son's clothing?

A Yes.

Q I will show you a pair of low shoes here and ask you who they belonged to?

A To him.

Q To Robert Franks, your son?

A Yes.

Q And a stocking?

A Yes.

Q Is that his stocking, Mrs. Franks?

A Yes.

Q Do you know whether or not he had a clasp pin or school pin?

A Yes sir.

Q I will ask you to look at that and state whether or not you have seen that before?

A Yes.

Q That is your son's clasp pin, is it?

A Yes.

Q Did your son have a belt on that day?

A Yes.

Q I will ask you to look at these two pieces of a belt and state whether or not they were his?

A Yes.

Q You must talk and not nod your head so the reporters can get it. I will show you a belt buckle and ask you whether that was his belt buckle?

A Yes, this was his. There is something on this

here, though, that wasn't his, something that is written here.

Q Well, those are marks that we have made for the purpose of identifying them.

A I see.

Q That is a part of the belt buckle of your son, Robert's, belt?

A Yes.

MR. CROWE: Now if the Court please, and counsel on the other side, we have a number of exhibits here that are hard to mark, and I would suggest that when we get all through, and it will be necessary with a great many of them, to <sup>connect</sup> ~~get~~ them up, to show where they were found and so on, when we get all through I will then offer each one in evidence, and if there is any objection it can be made at that time?

MR. DARROW: It will be easy to mark them, your Honor.

THE COURT: All right.

MR. CROWE: So I wont offer them at this time.

THE COURT: Very well.

MR. CROWE: With the consent of counsel on the other

side and the Court, when we are through I will offer all the exhibits.

THE COURT: Very well.

MR. CROWE: You will cross examine.

MR. DARROW: There is nothing, Mrs. Franks.

THE COURT: That is all.

(Witness excused)

J. B. CRAVENS,

a witness called on behalf of the prosecution was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Your name is what, sir?

A J. B. Cravens.

Q Where do you live, Mr. Cravens?

A 4422 Lake

Park .

THE COURT: Is it "C-r-a-v" or "b"?

A C-r-a-v-e-n-s.

MR. CROWE: Q What is your occupation?

A Hotel business.

Q What? A Hotel business.

Q Connected with what hotel?

A The Morrison Hotel.

Q For how long a time have you been connected with  
the Morrison Hotel?

A Well off and on for the last ten years.

Q What are your particular duties over there?

A Room clerk.

Q What system have you over there, when a person wants



to rent a room over there how do they register?

A They register on cards.

Q And that was the system you had in vogue on May 7th, 1924?

A Yes sir.

Q I will show you a card number 74334 and dated May 7th, 1924 and I will ask you what that is if you know?

A That is a registry card that we use at the Morrison Hotel.

Q And that indicates what person registered at that hotel?

A Morton D. Ballard.

Q Of what city?

A Peoria, Illinois.

Q And any street address?

A 302 Elm Street.

Q What room, if any, was that person assigned to?

A Room 1031.

Q Have you any method of telling when they arrived and when they checked out?

A Yes sir.

Q What method have you?

A The date of the arrival is always stamped on the card.

Q Have you any other slip showing the arrival?

A Yes sir, the bellboy's slip, the slip that we give the boy when he rooms the party, it is made out by the clerk.

Q This second slip marked "Arrival", is that the slip?

A Yes sir.

Q It shows the arrival of Mr. Ballard, Room 1031?

A Assigned to room 1031.

Q Does it show that he had any baggage?

A One suitcase.

Q What is that?

A That is a telephone call, that is the slip that is made out by the operator in the telephone room where the man calls from his room.

Q This third piece of paper, "Room No. 1031, L 8096, 5 cents," would indicate that the occupant of that room telephoned, would it?

A Yes sir, called that number. The exchange would begin with "L", if any one of the Exchanges begin with "L".

Q "L 8096" indicates that they telephoned such a number?

A Yes sir.

Q What is that?                   A That is the envelope which the baggage was checked. That was put in after they checked him out, when it was not occupied.

Q Well now what happened to the suitcase that was brought up there, do you know?

A The room not being occupied, we made an inspection of the room and found insufficient baggage to carry the account any further, so we checked him out as "skipped".

Q Did you see the grip that was up there?

A Yes sir.

MR. CROWE: Let me have that grip, will you?

Q I will show you a suitcase and ask you if you ever saw that before?

A Yes sir.

Q Is that the suitcase that the person purporting to be Morton D. Ballard left at your hotel on the 7th of May?

A yes sir.

Q Now what was in that suitcase?

A Four books, I believe it was four.

Q And what kind of books were they?

A I didn't examine the books personally, but there were four books.

Q Well, I will ask you to look at those four and state whether or not they resemble the books?

A Yes sir, they do.

MR. CROWE: You may take that suitcase.

Q What is that card entitled, "Hotel Morrison, Chicago, No.3212, suitcase, date May19, 1924"?

A That is the check from the checkroom when the grip was brought out of room 1031 and checked as "skip baggage". We put that in this little envelop and pin it to the skip account.

Q The envelop you refer to is "Morton D. Ballard, room 1031"?

A Yes.

Q What is that, "C.O.D.?"

A C.O.D.

Q So when there was not anybody in the room you took the grip down and checked it in the check room?

A Yes sir.

Q What is this?

A That is another telephone slip

Q That is another telephone slip, "Room 1031, State 3800"?

A Yes sir.

Q Indicating that there were two telephone calls from that room?

A Yes sir.

Q What is this?

A That is the bellboy's sheet showing the bellboy that rooms the party. You see they register on that card and we give the bellboy the arrival slip, and the bell captain puts the number on the sheet, when the boy left and when he returned.

Q This sheet of paper here headed "May 7th, 1924, afternoon", that is the slip you say the bellboy keeps to indicate --

A The bell captain.

Q -- the bell captain keeps to indicate at what time the person gets a room?

A What boy rooms him and what time the boy returns.

Q And what does it show in reference to room 1031 on May 7th?

A "Bellboy number 12 at 4:25 and returned to the floor at 4:30."

Q Bellboy Number 12 brought him to the room at what time?

A 4:25 in the afternoon and returned to his post

at 4:30.

Q And this piece of paper I show you here is what?

A That is what we call our record hour reference book. All those cards are copied alphabetically, the time that they arrive and the time when they check out.

Q This paper is headed "June 7, 1924, 1031, Ballard, Morton"?

A This is arranged alphabetically, a reference for our own use you might say. Room 1031 is written alphabetically, and the time of the departure is stamped here with this stamp.

Q What is that?

A That is just simply a copy of the record that is made in the auditor's office.

Q The paper I now show you headed "Name: Ballard, Morton," is merely a copy of the record?

A Yes sir.

Q Is made for the convenience of your auditor?

A Yes sir.

Q The last paper I showed you headed "Morrison Hotel, The Hotel of Perfect Service, Room 1031," that is the bill that was prepared?

A Account sheet, that is the guest's account sheet made in duplicate.

Q Showing how much due?

A \$8.20.

Q And that has never been paid?

A No sir.

MR. CROWE: If the Court please, and counsel for the defense, instead of reading these into the record now, and offering them, I will adhere to the original suggestion, that at the conclusion of our case we will offer all the exhibits and read them at that time.

MR. BACHRACH: That is satisfactory to the defense.

THE COURT: It may be so understood.

MR. CROWE: Q I have showed you a rattan suitcase.  
You recognize that as the suitcase that the man who get Room 1031 had when he came in at that time?

A Yes sir.

MR. CROWE: The record may show at this time that the four books referred to are:

"Bancroft's History of the United States,  
The Economic History of Rome,  
Journal of Constitutional Convention, and  
The Influence of Wealth in Imperial Rome."

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

(Witness excused)

T H O M A S     T A Y L O R ,

a witness called on behalf of the prosecution being first  
duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A Thomas Taylor.

Q Where do you live, Mr. Taylor?

A 3839 North

Robey.

Q What is your occupation?

A House detective.

Q House detective at what hotel?

A Morrison Hotel.

Q And how long have you been house detective there?

A Since February 13th.

Q And during the month of May of this year were you house  
detective there?

A Yes sir.

Q Was there anything about room 1031 on the 7th of May  
or any subsequent date, that particularly attracted your  
attention that you had anything to do with officially  
as house detective?

A About May 9th I had occasion to go to room 1031.



A On the night previous to that the party who occupied that room skipped out.

Q And when you went up there what did you find?

A I found a suitcase.

Q I will show you or call your attention to a suitcase I have here, a rattan suitcase, and ask you whether you ever saw that before?

A yes sir, I have.

Q Where did you see it?

A I seen it in room 1031 of the Morrison Hotel on May 9th.

Q What if anything was in it at that time?

A At that time on inspection of the suitcase I found four books.

Q I will show you one, "Bancroft's History of the United States" and I will ask you to look at that and state whether that was one of the books or not?

A That is one of the books, yes sir.

Q And I show you a "Journal of Constitutional Convention" by Madison, and I will ask you whether that is another one of them?

A yes sir.

Q "The Economic History of Rome", by Frank, and I will ask you if that is another one of them?

A Yes sir.

Q And "The Influence of Wealth in Imperial Rome", is that another one of them?

A Yes sir, these are the four books which I found in the suitcase on May 9th.

Q Did you examine any of the books to see whether there were any cards in them?

A Yes sir, I did.

Q I will ask you to look at the "Journal of the Constitutional Convention", by Madison, on the back page. There is a little envelop there, or a card, is there not?

A Yes sir.

Q And in that envelop, what card, if any, was in it when you looked at it and examined it?

A Well this card here it would be . This one here I didn't open.

Q And the card that you refer to is -- get my other glasses, will you? That is one of the disadvantages of getting old. The card marked "J K 141, Reserve Book, Session No. 249309, Author Madison, Title 'Journal' then printed, ' I promise to return this book to the attendant before leaving the room', and the name is 'C.C. Phipps', scratched out in pencil, and "Russell" scratched out in

A Yes sir.

Q And that was in this book at the time?

A At the time that I examined it.

Q At the time that you examined the book on the 19th of May, 1924?

A yes sir.

MR. CROWE: That is all, sir. Cross examine.

MR. BACHRACH: No cross examination.

(Witness excused)

MR. CROWE: Who is the next one -- oh, just a minute.

Q What did you do with the suitcase and the books, Mr. Taylor?

A I checked them in the check room.

Q And afterwards -- A And attached the check to the account.

Q And afterwards what happened?

A Why, they werelaying there for a number of days and later on two detectives came from the State's Attorney's office.

Q From the State's Attorney's office and you turned them over to us?

A Yes sir.

MR. CROWE: That is all.

(Witness excused)

C H A R L E S        E .    W A R D ,

a witness called on behalf of the prosecution was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A Charles E. Ward.

Q Where do you live, Mr. Ward?

A 2014 East  
93rd Street.

Q What is your occupation?

A Cashier of the Hyde  
Park State Bank.

Q For how long a time have you been cashier of that  
bank?

A Since March 27th of this year.

Q Were you employed by the Hyde Park State Bank on the  
7th of May, 1924?

A I was.

Q I will ask you whether or not a person giving the  
name of Morton D. Ballard opened an account at your  
Bank on that date?

A He did.

Q I will show you a card here which reads: "Name. Address.  
Peoria, Illinois. Morton D. Ballard, 302 Elm Street,  
Peoria, Illinois", among other things, and ask you what

that card is?

A That is the signature card for our files used in comparing signatures with.

Q Well now, will you tell the court under what circumstances this account was opened, what was said and done by you and the person purporting to be Morton D. Ballard?

A The party representing himself as Morton D. Ballard came to the desk and stated that he wanted to open a checking account, and I asked him where he lived, he said he lived at the Morrison. I said, "Do you know anybody in Hyde Park", and he said, "no, I don't know anybody in Hyde Park".

THE COURT: Will you please stop chewing gum?

THE WITNESS: Yes.

MR. CROWE: Q Proceed.

A I said, "Well, have you any other address?" He said, "Yes, Peoria, Illinois." He put down the address, the Peoria address on the card and gave --

MR. CROWE: Q Well, directing your attention to this card, what if anything on that card was written by this person, Morton D. Ballard, read all that was written?

A The name on the top line.

Q Well, read it?

A "Morton D. Ballard, 302 Elm Street, Peoria, Illinois."

On the line where it says "Sign", -- "Morton D. Ballard".

Q Underneath the Peoria address, what other address is given?

A "Morrison".

Q And what else?

A And "Be careful against uncollected funds."

Q Who wrote that?

A Our bookkeeper.

Q That is in the handwriting of your bookkeeper?

A Yes.

Q Now do you know how he came to write that, at whose suggestion?

A The bookkeeper wrote that at my suggestion.

Q Go ahead and tell what conversation, if any, you had with this person who purported to be Ballard, any further conversation?

A I had no further conversation except to ask him what kind of a check book he would like, and I gave him a check book, together with a pass book showing the amount of the deposit.

MR. CROWE: Have you got the ledger, Joe?

Q What is this that I show you?

Q And it reads, "Morton D. Ballard, 302 Elm Street, Peoria, Illinois", and shows what?

A It shows a deposit on May 7th of \$100.00 and a withdrawal on May 22nd of One hundred dollars.

Q Closing the account?

A Yes.

Q I show you a cancelled check here which is entitled, "Chicago, May 22, 1924, Number 100, and also 2210," and I ask you what that is?

A This is a check on our own bank. The "2210" is our "ABA" number.

Q Check for one hundred dollars payable to whom?

A Check for one hundred dollars payable to "Cash".

Q And drawn against whose account?

A Morton D. Ballard.

Q On May 22nd?

A May 22nd.

Q Now after that did you ever see this person who purported to be Morton D. Ballard?

A Not after that time.

Q At any time?

A Not after that time -- well, --

Q I don't mean in your bank, but at any other place did

you ever see this person who purported to be Morton D. Ballard?

A I identified him previously.

Q Did you ever see this person after May 7th?

THE COURT: Yes or No?

A No.

MR. CROWE: Q Did you see anybody in the County Jail?

A Yes.

Q Now, who did you see in the County Jail?

A I saw the man that opened the account.

Q And when was that?

MR. DARROW: Let him point him out, if he wants to.

MR. CROWE: Q About when was that?

THE COURT: Well, do you see him now?

A Yes.

THE COURT: Point him out, please?

A The man that is sitting directly behind this man with the grey hair and the glasses.

THE COURT: Stand up.

MR. BACHRACH: Q Is that the one?

A Yes sir.

MR. BACHRACH: Indicating the defendant, Leopold?

A Yes.

MR. CROWE: Q Now, when you saw him in the County Jail,



will you state what if anything he said, or what if anything he did?

A He said we had no right to see him, that it was ~~xxx~~ against his constitutional rights to be exhibited.

Q What if anything did he do with his hands and arms?

MR. DARROW: Was this in the jail?

MR. CROWE: Yes.

A He made an effort to conceal his identity.

Q Indicate what he did?

A Well, he did such as this (witness illustrating).

MR. CROWE: That is all. Cross examine.

MR. BACHRACH: Just one or two questions.

#### CROSS EXAMINATION

BY MR. BACHRACH.

Q This occasion in the County Jail, was that the occasion when the State's Attorney and some police officer brought Leopold out of the cell and forced him to be exhibited to you, is that correct?

A They brought him out into an ante room.

MR. CROWE: Now, who brought him out?

MR. BACHRACH: He didn't want to go, did he? Did he

A I think he did.

Q Did he call out in a loud tone of voice that neither the police or the State's Attorney had any right to force him to be exhibited to anybody?

A He said they had no right.

Q Did he talk in a loud tone of voice, and resist?

A Yes.

MR. BACHRACH: That is all.

MR. CROWE: Just a moment.

REDIRECT EXAMINATION

BY MR. CROWE.

Q Where was the State's Attorney when you saw him? When you saw Leopold who was he with?

A The State's Attorney?

Q Yes. A Mr. Cronson was with the State's Attorney.

Q And who else? The point I am getting at is, did the State's Attorney and some police officer bring this man down to you, or did you and the State's Attorney walk up to where this man was?

A We were brought up to where the man was.

Q The State's Attorney and you and the police officers

walked up to where he was in jail?

A Yes sir.

Q Did the State's Attorney or the police drag him or put their hands on him at all in your presence?

MR. DARROW: Just a moment. This is somewhat collateral, your Honor.

A No, I don't recollect that.

MR. DARROW: I think I will object to that.

THE COURT: All right.

MR. CROWE: Mr. Bachrach brought it out. That is all.

(Witness excused)

A R T H U R            D O H E R T Y,

a witness called on behalf of the prosecution, being first  
duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A Arthur Doherty.

THE COURT: Pardon me, I didn't get it, young man?

A Arthur Doherty.

THE COURT: Arthur Doherty?

A Yes.

THE COURT: Spell your last name please?

A D-o-h-e-r-t-y.

MR. CROWE: Q What is your occupation?

A Teller at the Hyde Park State Bank.

Q How long have you been Teller at the Hyde Park State  
Bank?

A About fifteen months.

Q I will ask you to state whether or not you know a  
man named Richard A. Loeb?

A To see him, yes.

Q Did Richard A. Loeb have an account at your bank  
this spring?

A Why I don't believe under that name.

Q "Richard A. Loeb"?

A Not that I remember.

Q Do you know Morton D. Ballard?

A I do.

Q How long have you known him?

A Well just from coming in the bank I recognize the name.

Q Would you recognize the person?

A I would.

Q I will ask you to state whether or not you ever saw a check, this check, cancelled check, dated "May 22, 1924, Cash \$100.00 and signed by Morton D. Ballard"?

A Yes I did, I cashed it.

Q Who did you cash that for?

A For Richard A. Loeb.

Q Do you see Richard A. Loeb now?

A I do.

Q Where is he?

A Sitting over there now, sitting over there, he is standing up now.

MR. BACHRACH: Indicating the defendant Richard A. Loeb.

MR. CROWE: What?

MR. BACHRACH: Indicating the defendant, Richard A. Loeb.

THE COURT: The record may so show.

MR. CROWE: That is all; Mr. Doherty.

MR. BACHRACH: One moment, Mr. Doherty, just to save time.

CROSS EXAMINATION

BY MR. BACHRACH.

Q Do you say Richard A. Loeb had an account in that bank?

A Why not in that name? Morton D. Ballard had the account there.

Q Was there an account for Richard A. Loeb in the bank?

A I don't know.

MR. BACHRACH; That is all.

(Witness excused)

C L A R A        V I N N E D G E ,

a witness called on behalf of the prosecution, was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A Clara Vinnedge.

Q Where do you live, please?

THE COURT: I didn't get the name?

A Clara Vinnedge.

THE COURT: Spell that, please?

A V-i-n-n-e-d-g-e.

MR. CROWE: Q Where do you live, please?     A 5338 Wood-  
Lawn.

Q What is your occupation?

A I am statement clerk at the Hyde Park State Bank.

Q I will show you a paper here and ask you what it is?

A It is a statement of Richard A. Loeb for the month  
of April.

MR. BACHRACH: What year?

A 1924.

MR. CROWE: Q Do you know or does that indicate where  
Richard A. Loeb lived?

A The address is 5017 Ellis Avenue, Chicago.

Q I will show you another paper and ask you what that is?

A This is the statement of Richard A. Loeb, 5017 Ellis Avenue, Chicago, for the month of May, 1924.

Q And will you state what that shows in reference to his account in that month, if anything?

A It shows that on the first day of May he had a balance of \$1,189.75, and on the 7th day of May he drew a check for \$400.00 and a check for \$100.00, and on the 15th day of May he drew a check for \$10.00, on the 23rd of May he made another deposit of \$536.51, which gives a balance of \$1,216.26.

Q Now I will show you a check dated April 23rd, 1924, a cancelled check for \$25.00 on your bank and signed by Richard A. Loeb, and another one for \$100.00 to currency, April 19th, signed by Richard A. Loeb, and another one for April 14th for \$5.00 signed by Richard A. Loeb, payable to Ralph Schoolman, and another check dated April 8th, 1924 and numbered 480 signed by Richard A. Loeb for \$250.00, one dated April 6 and numbered 479, signed by Richard A. Loeb for ten dollars, another one for ten dollars dated April 5th and numbered 478 and another one dated April 5th, 1924 and numbered 475 for ten dollars, cash, Richard A. Loeb. Another one for



\$120.00 to ~~the~~ Emanuel Shapiro signed by Richard A. Loeb dated March 28th, 1924 and numbered A.B. and one for five dollars cash April 15th numbered B W L S and signed by Richard A. Loeb. Another one dated May 23rd -- no, I will ask you what those checks are?

A These checks are the checks issued on Richard A. Loeb's account.

Q I will show you a check dated May 7th, 1924 numbered apparently "2" with a line connecting drawn over the ~~top~~ ~~top~~ payable to cash, for four hundred dollars and signed Richard A. Loeb. What is that?

A This is a check, Cash, a check for four hundred dollars that was issued on our bank.

Q Cashed by your bank?

A Cashed by our bank.

Q Another one dated May 7th, 1924 numbered S S or "55"? What is that?

A "55" I guess.

Q "55", "Cash, \$100.00, Richard A. Loeb." What is that?

A That is a check, Cash, a check for \$100.00. That was cashed in our bank.

Q And one May 13th, 1924 number "Bull" -- is that "Bull"?

A I believe it is.

Q Cash, ten dollars, Richard A. Loeb, 5017 Ellis,

and I will ask you what that is?

A It is a check for ten dollars to cash. That was cashed at the South Side Trust and Savings Bank.

Q By Richard A. Loeb on his account?

A Yes.

Q Here is a check of the Foreman National Bank, with the "Foreman National Bank" stricken out, and the "Hyde Park State Bank" written over it, April 19th, 1924, and numbered "X L" or "X W L S", Currency, One hundred dollars, Richard A. Loeb, what is that?

A That is a check, a Currency check, for one hundred dollars that was issued by Richard A. Loeb.

Q I will show you another card and ask you what that is?

A This is a signature card, Richard A. Loeb. He gives his address as 5017 Ellis Avenue, his telephone number as Oakland 4270, on September 28th, 1923, he was registered as a student.

Q And the date?

A September 28th, 1923.

Q What is this?

A This is a statement for Morton D. Ballard, address 302 Elm Street, Peoria, Illinois, for the month of May, 1924.

Q These checks and this signature card which I show you are the checks and signature card of Richard A. Loeb who lived on Ellis Avenue and who gave his occupation as a student?

A Yes sir.

MR. CROWE You may cross examine.

MR. BACHRACH: No cross examination.

THE COURT: That is all, lady.

(Witness excused)

MR. CROWE: I will follow the same procedure with these as I have indicated that I will follow with the others, if that is satisfactory?

MR. BACHRACH That is satisfactory.

MR. CROWE: Just a moment, Miss Vinnedge.

Q Do you know Mr. Loeb?

A Pardon me?

Q Do you know Mr. Loeb if you see him?

A Yes sir.

Q Will you look around the courtroom and see whether you can see him?

A Mr. Loeb is standing there.

Q Indicating the defendant Richard A. Loeb, and that

is the man whose account we have just been talking about?

A Yes sir.

MR. CROWE: All right, thank you.

THE COURT: It is recess time, now, gentlemen. You may have a five minutes recess.

Whereupon a short recess was here taken by Court and Counsel.

- - - -

1  
Harvey  
rels.  
Snyder  
at 3:15  
7-23-24

D A V I D L. B A R I S H,

called as a witness on behalf of the People, having been  
first duly sworn, was examined, and testified as follows:

DIRECT EXAMINATION

By  
Mr. Smith.

Q Will you state your name?

A David L. Barish.

MR. SMITH: Put your hat on the table.

Q Where do you live?

A1352 South Wabash Avenue.

THE CLERK: Spell your last name.

A B-a-r-i-s-h.

MR. SMITH: Q What is your business?

A Cigar store and lunch room.

Q Where is your business located?

A 1352 Wabash.

Q Drawing your attention to the 9th day of May, 1924,  
were you in your place of business that day?

A Yes, sir.

Q Do you know the defendant in this case, Richard  
Loeb?

A Yes, sir.

Q Was he in your store on the 9th day of May, 1924?

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A Yes, sir.

Q About what time of day?

A Oh, noon time I guess, somewhere around that time.

Q Around noon time?

A Yes.

Q Will you tell his Honor, Judge Caverly, what you saw him do when he was in your store at that time?

A He came in and bought a slug and wanted to use the telephone. He walked up and bought some candy, a box of raisins, and said, "Can I wait here for a telephone call, I expect to be called back." I said, "Yes, sir," and he stayed around eating his raisins and waiting for his call.

Q Was there a telephone call came in that day?

A Yes.

Q What did he do with reference to that call?

A He answered the call.

Q Did he go to the telephone booth and answer that after it rang?

A Yes, sir.

Q Then what did he do?

A He went out after he got through talking.

Q How long would you say he stayed in your store waiting

3 A Half or three quarters of an hour, something like that.

Q Who was in the store with you?

A My wife.

Q Who else?

A My brother's brother in law.

Q Your brother's brother in law? What is his name?

A Tuckerman.

Q Tuckerman?

A He was telling us he went to a Masonic stag, and he was telling me what went on there, you see, and we were joking around there.

Q When was the next time you saw Mr. Loeb?

A The next time I seen him was on Saturday when they brought down to the State's Attorney Crowe and the whole bunch.

MR. SMITH: That is all. Cross examine.

MR. DARROW: No cross examination.

MR. SMITH: Just a minute, Mr. Barish. Point out Richard Loeb to the Court.

A There.

MR. SMITH: Indicating Richard Loeb, the defendant.

A Yes, sir.

(Witness excused)

M A X T U C K E R M A N,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Smith.

Q -Will you state your name?

A Max Tuckerman.

Q Where do you live?

A 3034 West Roosevelt Road.

MR. SMITH: Keep your voice up.

Q What is your business?

A Furrier.

Q Do you know David Barish?

A Yes, sir.

Q Do you know where his place of business is located?

A Yes, sir.

Q What relation is David Barish to you, if any?

A No relation at all.

Q Is he in the family in any way?

A No, sir.

Q Is he any relation to your brother in law?

A His brother is my brother in law.

Q His brother is your brother in law?



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A Yes, sir.

Q Were you in his place of business on the 9th day of May, 1924?

A Yes, sir.

Q And what time of the day were you there?

A About half past ten.

Q How long did you stay there?

A A couple of hours.

Q Do you know the defendant, Richard Loeb?

A Not until I saw him a couple of weeks ago.

Q Where did you see him?

A In the State's Attorney's office.

Q And who was present when you saw him there?

A The State's Attorney, and two other men there.

Q Now, will you state the conversation you had or that was had in your presence in the State's Attorney's office while Richard Loeb was there at the time you stated?

A Word for word?

Q Well, as near as you can remember it.

A Well, I walked in, I came from south and walked in to the store to have a bite to eat, and when I walked in here I asked Dave Barish was Sam here, that was my brother in law, and he says, "No". I says, well,

6 I says, I told him where I was May 8th, in the evening. I said, at the Auditorium Hotel at a Masonic Smoker, and I also mentioned of a certain building on Washington Street between Wabash and Michigan where they thought I was canvassing. I don't know what it was. They told me there I was not allowed to canvass so I told them I was not canvassing there, I was soliciting my business that I was supposed to do.

Q You are telling the Court now what you told your brother in law on May 9th at his store?

A My brother in law's brother.

Q Mr. Barish?

A Yes.

Q That was around noon time of May 9th, 1924?

A Yes.

Q Now, when you were in the State's Attorney's office what happened there in the presence of Richard A. Loeb?

A I was asked if I remembered him and I said no.

Q Yes.

A If I am not mistaken the State's Attorney asked Richard Loeb to question me, and he --

THE COURT: What do you want to find out from this witness?

7

MR. SMITH: I want him to testify that Richard Loeb told him in his presence in the State's Attorney's office what he told his brother in law May 9th in the restaurant, for the purpose of showing Richard Loeb was in that restaurant at that time. In other words, Richard Loeb reiterated this conversation. Richard Loeb told this man in the presence of the State's Attorney and others what this man recited to his brother in law in his brother in law's restaurant, about the stag.

MR. CROWE: What I want is to detail --

THE COURT: Let him ask the direct questions if counsel don't object.

MR. SMITH: Q Did Richard Loeb tell you in the State's Attorney's office what you and your brother in law were talking about in your brother in law's restaurant on May 9th, 1924?

A Yes, sir.

Q And was anything said about your personal appearance?

A Yes.

Q Moustache or no moustache?

A Yes, sir.

Q What was said?

A They asked me if I had a moustache and I said yes.

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ten days ago.

Q Who asked you whether you took your moustache off?

A The State's Attorney.

Q What did Loeb say with reference to your moustache?

A I don't remember if he said anything at all. What I heard him ask me was if I had a brother that looked like me, and I said no, I have a brother in law that looks like me. And they sent for me --

Q State to Judge Caverly what Richard Loeb said about your whereabouts on May 8th, 1924?

A He told me I was at Dave Barish's store and repeated the conversation I had word for word, and I was asked if I remembered him, and I said, "No, but he must be the man if he can come out with the conversation I had word for word."

Q That was on May 9th, 1924?

A Yes.

MR. SMITH: Cross examine.

MR. DEARROW: No cross examination. That is all.

(Witness excused.)

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W A L T E R L. J A C O B S,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By  
Mr. Crowe.

Q Your name is what, sir?

A Walter L. Jacobs.

Q And where do you live, Mr. Jacobs?

A 5240 Hyde Park Boulevard.

Q What is your business or occupation?

A President of the Rent-A-Car Company and general manager.

THE COURT:

Q What company?

A Rent-A-Car Company.

MR. CROWE: And were you connected with that company in that capacity during the month of May, 1924, and particularly on the 7th, 8th, 9th, 21st and 22nd?

A Yes, sir.

Q Now, the business of your company generally is to rent cars to people who drive them themselves?

A Yes, sir.

Q You have Willys-Knights, have you?

10

A Yes, sir.

Q And what other kinds, Fords?

A Fords.

Q Now, if a person wishes to make an application, wishes to rent a car, what do you require them to do as a condition precedent?

A It is necessary to fill out an application in which they state their name and address.

Q You call that a lease agreement?

A One side is a lease agreement, and the other an application.

Q And on the other side is an application?

A Yes.

Q I will show you a document here which on the one side is number 4629, entitled A lease agreement, dated the 9th day of May, 1924, and signed by the Rent-A-Car people by J. McBurney, and Morton D. Ballard, and I ask you what that is?

A It is a lease agreement and application.

Q Now, on the lease side state who signed that lease, if you know?

A The name reads Morton D. Ballard.

Q Were you present at the time that was signed?

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A No, sir, that is, I did not see him sign it.

Q Well, did you see the person who signed it?

A Yes.

Q When?

A At that time.

Q And how did you happen to see him?

A Mr. Herndon, the clerk who accepted the application did not feel satisfied to pass on it himself and referred the man and application to me.

Q Now, do you see the man in court who gave the name Morton D. Ballard, and who was in your office on the 9th day of May, with reference to the lease agreement?

A Yes, sir.

Q Will you point him out?

A Right there (Indicating).

MR. CROWE: Indicating the defendant Leopold — Nathan Leopold, Jr.

Q On the other side is the application they have to fill out?

A Yes, sir.

Q And that was filled out at the time it came up to you?

A It had been filled out probably a few moments before that.

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Q By Leopold, he at that time was going under the name of Morton D. Ballard?

A Yes, sir.

MR. CROWE: I am reading some of the answers here at this time, your Honor.

"First, name, Morton D. Ballard; age 23, occupation salesman, married or single, single; home address 203 Elm Street, Peoria, Illinois; home phone 802 J; business phone 15 W, name of firm, person or firm by whom or with whom I am connected, I am employed by the Chick Manufacturing Company; how long, seven months; address of person or firm by whom I was employed or with whom I am connected, 203 Illinois Avenue; I have lived at the above address twelve years; I bank at the Hyde Park State Bank, three references: One, Louis Mason, 1358 Wabash Avenue; Calumet 4658;" --

MR. CROWE: Will you call that fellow back, we did not get him to testify what his telephone number was.

"Second, Carroll F. Williams, 298 Elm Street, Peoria; 536 J; third, Thomas Cutter, 893 Washington Avenue, 753 J, telephone. Name of good friend, Carl Johnson, address 1258 Lawrence, Peoria, phone number 512 JR, signed Morton D. Ballard."

Q Well, what if anything did you say to Morton D. Ballard

when the application was put up to you and he came in?



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A I looked over the application and --

Q That is, to the defendant, Nathan Leopold, Jr?

A I asked him the phone number, or we tried to get Calumet 4568 originally and were unable to obtain the number, and then he told me he thought it might be 4658 and I called Calumet 4658 and asked for Louis Mason, spoke to Louis Mason and asked as to Morton D. Ballard's responsibility and integrity, and whether he was a fit person to rent an automobile to and he assured me that he was.

Q Now, when you say you talked to Louis Mason had you ever known Louis Mason at that address?

A No, sir.

Q You talked to somebody who said his name was Louis Mason?

A Yes, sir.

Q And what else did you say?

A He merely answered the questions I asked him about Morton D. Ballard, to the effect that Morton D. Ballard was a responsible party.

Q And then what did you do?

A I instructed Mr. Herndon, the clerk, it would be all right to let Mr. Ballard have a car.

14 Q Now, in pencil on this application on the top is written "Morrison Hotel", who wrote that if you know?

A I don't know.

Q Do you know whether or not Leopold under the name of Ballard got a car from your concern after this application had been signed?

A That day, I was there when the man made out our little sales ticket, Exhibit A.

Q Have you got one of the sales tickets there?

A Yes, this is the one.

Q This one?

A Yes, that he made out on May 9th.

Q What time of the day was that?

A Well, our record would show that it was at twelve p.m.

Q And you were present at the time Nathan Leopold, Jr., got this car, a record of which is on the slip I hold in my hand, marked Exhibit A, and numbered 2458?

A Yes, sir.

Q Well, now, tell what that record shows to his Honor in reference to that car?

A It shows that the lease number of the man renting the car was 4629, and we rented him a Willys-Knightb--

15

Q That is, that was the number of the lease agreement between your concern and Nathan Leopold, under the name of Ballard, 4629?

A Yes, sir. He rented a Willys-Knight touring car, our number of it being 18. The car was taken out on May 9th, 1924, at 12 P.M.

THE COURT: At noon?

THE WITNESS: Yes, sir, and was returned May 9th, 1924, 4:37 P.M. The meter reading going out was 8.34, and the meter reading coming in was 8:43, showing a total mileage driven nine miles, which at fifteen cents per mile, making the mileage charge a dollar and thirty five cents and when he returned the car as he agreed to return it that night or before, he made a fifty dollar cash deposit, of which forty eight dollars and sixty five cents was returned to him. The exhibit A lessee is signed by Morton D. Ballard and for the Rent-A-Car Company by Herndon.

MR. CROWE: Now, after that day did you see Nathan Leopold, Jr. again?

A I did.

Q When?

A It was on, I believe, the 31st day of May, in your company.

Q Were you in your place on the 21st of May?

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A I was there, yes, sir.

Q Did you see Nathan Leopold at that time?

A I did not.

Q What is this paper I hand you?

A Exhibit A, or sales ticket.

Q What does it show?

A It shows that on May 21st, 1934, at eleven A.M., the car was rented to our customer whose lease number was 4629.

Q That is Morton D. Ballard or as we now know him Nathan Leopold, Jr?

A Yes, sir. Willys-Knight touring car, which our order number was 17. The mileage at that time was 10:38 and mileage in was 1159. It was returned on the 22nd as agreed, the exact time of day not noted here, and driven a hundred and eighteen miles. The charge was , total charge was \$24.35. A cash refund was made of ten dollars and seventy five cents. He had made a thirty five dollar cash deposit. FExhibit A was signed by Morton D. Ballard as lessee, and J. McBurney as representing the company.

MR. CROWE: All right; cross examine.

MR. DARROW: No cross examination.

(Witness excused.)

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W I L L I A M C. H E R N D O N,

called as a witness on behalf of the people, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By

Mr. Crowe.

Q What is your name?

A William C. Herndon?

Q And where do you live, Mr. Herndon?

A 1910 Sunnyside Avenue.

Q What is your occupation?

A Why, at that time I was the assistant manager of the Rent-A-Car Company?

Q By that time you mean the month of May, 1924?

A Yes, that is right.

Q Who are you working for now?

A Schalk Chemical Company.

Q I will hand you an exhibit which reads, "lease agreement Number 4629 between the Rent-A-Car people and a person purporting to be Morton D. Ballard, and ask you whether -- and on the other side is an application of Morton D. Ballard, Peoria, Illinois, and signed by Morton D. Ballard, and ask you if you ever saw that before?

MR. B. BACHRACH: If the Court please, if this is the

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same corroborative testimony of the witness who has just testified, I suggest there is no use repeating it. There will be no denial of the testimony from the Rent-A-Car people. There will be no dispute about that.

MR. CROWE: I prefer, if your Honor please, to present my case. Of course, the plea of guilty admits everything. Your Honor is going to be asked to fix the punishment here, and the State is going to ask -- I want to show by the mountain of evidence we have piled up that when they pleaded guilty there was not anything else they could do but plead guilty. I want to show their guilt clearly and conclusively, and the details of it and ask that they be hanged. I don't think I ought to be limited.

THE COURT: You are permitted to go into every detail.

MR. CROWE: We are not doing that --

THE COURT: I say you may go into every detail of it, but if one witness testifies they saw him, Nathan Leopold, go into a certain doorway of a certain building and it is not denied, there is no necessity of putting on three witnesses for the same corroboration.

MR. CROWE: If your Honor please, I think I have made considerable progress in the presentation of the evidence and I don't think I ought to be limited. Mr. Bachrach would

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like to try this case on my statement and his argument.

THE COURT: You may go into every detail of it, every phase of it, but there is no need to corroborate a witness when it is admitted by the other side. You may proceed with this witness.

MR. DARROW: I hope Mr. Crowe does not think we want to carry the impression that the plea of guilty was the best thing we could do in this case. We will admit that. We are not doing it to help the State out, we are doing it because we think it is the best.

MR. CROWE: To help the defendants out.

MR. DARROW: Certainly.

MR. CROWE: There is no misunderstanding between you and I, Mr. Darrow, but I insist I ought to be permitted in a case of this importance to proceed in the manner I am proceeding.

THE COURT: Ask him a direct question, then.

MR. CROWE: All right.

AI will direct your attention to a lead pencil notation, "O'K Herndon", is that your handwriting?

A That is my handwriting.

Q Well, now, tell the Court whether or not Morton D. Ballard

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or the man who represented himself as Morton D. Ballard applied to you for this car?

A He applied to me under the name of Morton B. Ballard, represented himself as a salesman for the Chick Manufacturing Company of Peoria, Illinois. He gave me his bank as the Hyde Park Bank, he gave me his references which I tried to call and was unable to call. At the time he did not have enough identification to satisfy myself to give him a car, which he later brought identification, and the number he gave me to call, was Louis Mason, which I put down and corrected with pencil afterwards. You can see that it has been changed.

Q Now, did you refer that to anybody higher in authority?

A I referred it to Mr. Jacobs, Walter Jacobs.

Q That is the man who just left the stand?

A He was here on the stand before me. On the account I was too busy when he came in in the afternoon, with his identification, to look it up

Q Now, do you know the -- have you seen the man who gave his name as Morton D. Ballard, since that time?

THE COURT: Is he here now?

THE WITNESS: I have.

MR. CROWE: Point him out.

THE COURT: Yes, point him out.



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THE WITNESS: There (Indicating).

THE COURT: Which one?

THE WITNESS: Nathan Leopold.

MR. CROWE: Nathan Leopold, Jr.? Now, were you with the concern on the 21st?

A I was.

Q Did you see Nathan Leopold, Jr., on the 21st of May, 1924?

A I did.

Q Well, tell under what circumstances and what was done?

A He came in the Rent-A-Car Company, 1426 South Michigan, and rented a car, asked for a Willys-Knight. His application had been O'KD, and he received a Willys-Knight. He ran it with very little mileage that day, and the condition was O'K. The next time he came in --

Q That was on the ninth?

A Ninth of May.

Q Now, on the 21st?

A On the 21st he came in about, sometime between eleven and 12 o'clock to get a car. I happened to step out --

THE COURT: Did he get one?

THE WITNESS: He got a car.

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A Willys-Knight touring.

Q What was the number of it?

A Number seventeen.

Q Was 17 your number?

A Yes, the Rent-A-Car's number.

Q And do you know the license number or any of your numbers on it?

A I don't know, only the 17 is the last two numbers of the license plate.

Q And that is your number?

A Yes, sir.

Q All right. And when did he bring that car back?

A He rented it May 23rd.

Q And how far had it gone while he had it?

A A hundred and eighteen miles.

Q And when was the next time you saw him?

A The next time I saw him was when you called me in your office.

THE COURT: The office of the State's Attorney?

THE WITNESS: The State's Attorney's office.

MR. CROWE: Q Now, have you got the boss out there -- what is the name? I will show you a license plate here, and ask you whether you have seen that before?

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A I have, that was on car 17.

Q That was the car Nathan Leopold, Jr. took out on the 21st of May, 1924?

A Yes.

Q Following the same procedure, your Honor, we will introduce this when we get through. The license plate is 701917, Illinois '24?

A Yes, sir.

MR. CROWE: All right, cross examine.

MR. DARROW: No cross examination.

(Witness excused.)

M I S S M A R G A R E T F I T Z P A T R I C K,  
called as a witness on behalf of the People, having been  
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q What is your name please?

A Margaret Fitzpatrick.

Q And where do you live, Miss Fitzpatrick?

A 4907 West End Avenue.

Q What is your occupation?

A Stenographer.

Q You are employed by whom?

A Rent-A-Car Company.

Q And in addition to acting as stenographer how many  
other duties have you got there?

A Everything. Answer the telephone, general office  
work.

Q I will show you a card number 4629, and ask you to  
state to the Judge what that is?

A Identification card. Every man that takes out a car  
fills out a lease, and there is one of these cards attached  
to it.

Q And that is the identification card that was attached

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A Yes, sir.

MR. CROWE: The identification reads: "Morrison Hotel", and then there is a line drawn through it. Morton D. Ballard, 302 Elm Street, Peoria, then in pencil Trenier Hotel, phone 802-J, business address 303 Illinois Street, phone 15 W, occupation salesman, age 23; height five foot six and a half inches; weight a hundred and forty pounds. Eyes, gray, hair black; customer's signature, Morton B. Ballard, O'Kd for Rent-A-Car Service J. McB."

Q Do you know how the words Morrison Hotel happened to get a line drawn through it?

A Yes, I drew that through.

Q And under what circumstances did you do that?

A Mr. Ballard called u p over the telephone, stating that he wished his address changed to the Trenier Hotel.

Q And you scratched out the Morrison Hotel and wrote Trenier Hotel there?

A Yes.

Q Now, have you seen this Morton B. Ballard since this time?

A Yes, I have.

Q Do you see him now in the court room?

A Yes, I do.

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Q Is that the man standing up?

A Yes, sir.

Q You now know him as Nathan Leopold, Jr?

A Yes, sir.

Q Have you got those two identification cards I mailed to the hotels? I will show you an envelope, yellow envelope, yellow drive it yourself system, 1426 South Michigan Avenue, Chicago, Illinois. Mr. Morton D. Ballard, Trenier Hotel, Chicago, Illinois, and postmarked on it Chicago, May 29th, 8 P.M., 1924, Illinois, a four cent stamp and cancelled. Did you ever see that before?

A Yes, I did, I sent it to him.

Q You addressed it and mailed it to the Trenier Hotel?

A Yes.

Q What did you put in that?

A Identification card, two rate cards and a letter.

Q And this little leather book card known as Yellow Drive it yourself System, 1426 South Michigan Avenue, Calumet 2200, Chicago, Illinois; identification card A, number 4629, that is the number, is it not, of the lease?

A Yes, sir, it is.

Q Lease agreement.

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A Yes, sir.

Q Name Morton D. Ballard, residence address 203 Elm Street, Peoria, Illinois, business address 203 Illinois, occupation salesman; age 23; height five feet six and a half inches; weight a hundred and forty; eyes gray, hair black, signed by Morton B. Ballard, and O'Kd by Mr. McBurney of your concern. You filled that out with the exception of the signatures and mailed it to Morton B. Ballard at the Trenier Hotel according to his direction. Now, is that the original one you mailed out?

A No, it is not; this is the original.

Q How come that you made a duplicate of it?

A Mr. Ballard came in on the 21st and said he had not received the other identification card yet so I had him sign --

Q And you had sent one, the first one to Mr. Morton B. Ballard, Morrison Hotel, Chicago, Illinois, had you.

A Yes, sir, I had.

Q This envelope I show you addressed to him at the Morrison Hotel was written by you on the typewriter?

A Yes, sir.

Q And in that envelope you had mailed him the original identification card which I now show you in this leather

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A Yes, sir.

Q And it reads, "Morrison Hotel, identification card No. 4629", Morton B. Ballard, 203 Elm Street, Peoria, 203 Illinois Street, Peoria, occupation, salesman; age 23; height five feet six and a half inches, weight a hundred and forty; eyes gray, hair black, customer's signature Morton D. Ballard?"

A Yes, sir.

Q Both of those were mailed out by you to him?

A Yes, sir.

Q You saw him sign both of these, did you?

A I saw him sign the duplicate, not the original.

Q The duplicate, not the original?

A No, sir.

Q Now, when did you next see him?

A I saw him on Saturday.

Q That was Saturday, May 31st, or June 1st of this year?

A Yes, sir.

Q Did you have a talk with him then?

A As soon as he came in he came over to the switchboard--  
no, I beg your pardon.

Q Well, did you have a talk with him in your office in



reference to these identification cards?

A He came in on the 21st and I did.

Q And what was that talk?

A He asked me what had happened to him.

Q That is, the one you sent to the Morrison?

A Yes.

Q What did he tell you?

A That was when he signed the next one.

Q And told you to send it where?

A To the Trenier Hotel.

Q To the Trenier Hotel?

A Yes.

Q Now, on that Saturday morning he came in with me, either the 31st of May or 1st of June, did you have a talk with him about these identification cards?

A No.

Q Do you remember anything being said as to how you got the information about his changing hotels?

A I stated that he came in instead of telephoning and he said, I beg your pardon, Miss Fitzpatrick, it was over the phone I gave you that information.

Q You said that he came in and told you he had moved to the Trenier, and he said, "No, I beg your pardon, Miss

30 Fitzpatrick, I telephoned you that information?"

A Yes.

MR. CROWE: I think that is all. Cross examine.

MR. DARROW: No cross examination.

(Witness excused.)

THE COURT: Counsel for both sides have asked me to adjourn at four o'clock. It is now four o'clock and we will suspend until tomorrow morning at ten o'clock.

MR. CROWE: Wait a minute. Have all the witnesses that are out there come in so that the Court can instruct them to be here promptly tomorrow.

THE COURT: Please take seats then, until the witnesses come in. Are the witnesses here in this case, are they here now?

THE BAILIFF: Yes, your Honor.

THE COURT: All the witnesses in this case return tomorrow morning at ten o'clock please, and be sure and be here promptly at ten. You better try and make it nine forty five because the elevators will be crowded about ten o'clock tomorrow. Be here at ten o'clock sharp.

(Whereupon an adjournment was taken until ten o'clock A. M., Thursday, July 24th, A. D. 1924.)

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July 24, 1924.

10:00 o'clock A.M.

Court convened at ten o'clock A.M. July 24,  
1924 pursuant to adjournment heretofore taken.

PRESENT: Same counsel as before.

MR. CROWE: If your Honor please, I am going to divert  
a little from the regular order here by calling a witness  
from New York, to let him get back.

THE COURT: Very well.

MR. CROWE: Calvin Andrew Russo.

A N D R E W R U S S O,

a witness called on behalf of the prosecution was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name please?

A Andy Russo.

Q Talk so the Judge can hear you there. Where do you  
live, Mr. Russo?

A 231 East 151st Street, New York.

Q And in the months of May and June of this year what was your business or occupation?

A I was an electrician for the Pullman Company at the Mott Haven Yards in New York.

MR. CROWE: What was the number of that car, Joe?

MR. SAVAGE: 507, car Borian.

MR. CROWE: Q Do you remember the car numbered 507, a Pullman car, the name of it being Borian?

A yes sir.

Q Did you see that car in the month of June?

A Yes sir.

Q Did you find anything in the rack that held the telegraph blanks?

A Yes sir.

Q What did you find? A I found that letter addressed to Jacob Franks.

Q And what day was that, Mr. Russo?

A On May 31st.

Q May 31st, 1924?

A Yes sir.

Q And where was the car at the time you found a letter addressed to Jacob Franks, in the rack for telegraph blanks?

A It was in the yard, the Mott Haven Yards, on track number one.

Q And that track is in what city?

A New York City.

Q How did you happen to find it there, that is, what caused you to look in that?

A Well, in the mornings the boss usually gives us so many cars to work, you see, and when we work these cars we have to look them all over for what we call an inspection report, what the conductor makes out after every trip, and he usually puts it in this rack where I found this letter. While hunting for the inspection report I picked up this letter. The letter was closed and on the front of it was written "Jacob Franks".

Q Now I will show you an envelope, a plain envelop, on which is typewritten, "Mr. Jacob Franks", and underneath that, "Should anyone else find this note, please leave it alone, the letter is very important." Is that the envelope that you found at that time?

A Exactly, that is the same envelope I remember. I tore it open.

Q And you tore it open? A I tore it open, yes sir.

Q It was sealed, was it?

A Yes sir.

Q Now, I will call your attention to a piece of note paper upon which the following appears in typewriting:

"Dear Sir: Proceed immediately to the back platform of the train, watch the east side of the track, have your package ready, look for the first LARGE red brick factory situated immediately adjoining the tracks on the east. On top of this factory is a large black water tower with the word CHAMPION written on it. Wait until you have completely passed the south end of the factory, count five very rapidly and then immediately throw the package as far east as you can.

Remember, this is the only chance to recover your son.

Yours truly,

George Johnson."

Q Did you ever see that letter before?

A Yes sir.

Q Was that letter in the envelope that you have just

identified?                   A Yes sir.

Q And you turned the letter and the envelop over to  
the State's Attorney's Office?

A Yes sir.

MR. CROWE: I can mark these without any difficulty,  
so I will offer it in evidence now and have them mark it.

THE COURT: Very well.

MR. CROWE: Mark it on the back there "People's  
Exhibit A." I will give it a letter instead of a number  
on account of the other exhibits.

MR. DARROW: Letter of a certain date will be all right.

MR. CROWE: What?

MR. DARROW: Letter of a certain date, if it is  
dated.

MR. CROWE: People's Exhibit A of this date, and  
people's Exhibit B of this date , the envelope.

(Whereupon the letter and envelope were  
marked as above requested).

MR. CROWE: You may cross examine, Mr. Darrow or  
Mr. Bachrach.

MR. BACHRACH: No cross examination.

(Witness excused)

D A V I D            B A R I S H,

a witness called on behalf of the prosecution, was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q     What is your name? I think he was sworn yesterday?

MR. SAVAGE:    Yes.

THE WITNESS:   Yes, I was sworn yesterday.

MR. CROWE:     What is your name?

A David Barish.

Q And you are the same David Barish that testified  
heretofore in this cause?

A Yes sir.

Q Have you a telephone in your place of business?

A Yes sir.

Q Did you have one there on May 9th?

A Yes sir, I have got one there for eight years.

Q What was the teleph<sup>one</sup> number?

A Calumet 4658.

Q Calumet 4658, and that was the telephone number  
given to your phone on May 9th, 1924?

A yes sir.

MR. CROWE:     That is all.



MR. BACHRACH: No cross examination.

(Witness excused)

F R A N K        B.        T U T T L E,

a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A Frank B. Tuttle.

Q Speak so his Honor can hear you?

A Frank B. Tuttle.

Q And you spell your name T-u-t-t-l-e.

A Frank B. Tuttle.

Q What is your occupation, Mr. Tuttle?

A Hotel clerk.

Q And you work for what hotel?                    A Hotel

Trenier.

Q Where is that located, please?                    A 409 Oak-

wood Boulevard.

MR. DABROW: Will you please speak a little louder?

THE COURT: Hotel what?

MR. CROWE: Hotel Trenier.

THE COURT: Spell it?

A T-r-e-n-i-e-r.

MR. CROWE: Q And that is located where?

A 409 Oakwood Boulevard.

Q I will direct your attention, Mr. Tuttle, to a yellow envelope upon which appears in the corner, printed, "Yellow, DRIVE-IT-YOURSELF-SYSTEM, 1426 South Michigan Avenue, Chicago, Illinois", and has the post stamp "Chicago, May 29th, 8:00 P.M. 1924, Illinois", a cancelled four cent stamp, and typewritten on it is "Mr. Morton D. Ballard, Trenier Hotel, Chicago, Illinois," and I will ask you whether you have ever seen that before?

A Yes sir.

Q And when you had it it was sealed? A It was sealed, yes sir.

Q I will direct your attention to a little card, leather card case, in which is an identification card which reads, "Yellow, Drive-it-yourself-system, 1426 South Michigan Avenue, Chicago, Illinois, identification card A, 4629, " and in red, and marked out is "5353, Name,

Morton D. Ballard, Resident address 303 Elm Street, Peoria, Business address: 203 Illinois Street, occupation salesman, Age 23, height 5 feet 6-1/2 inches, weight 140 pounds, eyes gray, hair black, Customer's signature : Morton D. Ballard, O.K. for Yellow, drive-it-yourself-system service," By K. McBurney, and I will ask you whether that was in the envelope when you first saw it?

A As far as I know. The envelope was sealed and there was something about the size of that in it, about that thickness.

Q And where did you see this envelope first?

A It was in the mail rack at the hotel.

Q At the Trenier Hotel?

A At the Hotel

Trenier, yes.

Q And you turned it over to the State's Attorney, did you?

A Yes sir.

MR. CROWE: Cross examine.

#### CROSS EXAMINATION

BY MR. BACHRACH.

Q When you first saw the little card case it was in

that yellow envelop?

A Yes sir, just now.

Q You never saw it before at all?  
saw it.

A I never

Q You don't know whether it was in that envelope when  
you first saw the envelope or not?

A I do not.

MR. BACHRACH: That is all.

MR. CROWE: Now wait a minute.

REDIRECT EXAMINATION

BY MR. CROWE.

Q Who in the State's Attorney's office did you turn  
this over to?

A To the two officers that came out there looking for  
information.

Q Do you remember the names -- Murphy and Homer?

A Yes, Homer is the tall fellow.

Q Homer is the tall, thin fellow, and Murphy is the  
shorter and stouter one?

A Yes sir.

Q And you turned it over to them?

A Yes sir.

MR. CROWE: All right. Is Murphy and Homer around?

CAPTAIN O'MALLEY: Homer is here now.

MR. CROWE: Bring in George Homer. That is all, Mr. Tuttle.

(Witness excused)

- - - - -

G E O R G E S. H O M E R,

a witness called on behalf of the prosecution, was first duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name, sir?

A George S. Homer.

Q And your occupation is what, Mr. Homer?

A Police officer attached to the State's Attorney's office.

Q I will show you a yellow envelope upon which appears, "Yellow, Drive-it-yourself-System, 1426 South Michigan Avenue, Chicago, Illinois", printed in the corner, and typewritten "Mr. Morton D. Ballard, Trenier Hotel, Chicago, Illinois," and the post Office stamp "Chicago, May 29th, 8:00 P.M. 1924, Illinois", and a four cent cancelled stamp, and written in ink on the bottom of it, June 1st, 1924, 5:15 P.M., J.F.Murphy and G.S.Homer," and I will ask you whether you ever saw that before?

A Yes sir.

Q Where is the first place you saw it?

A Why at the Trenier Hotel at Oakwood Boulevard and

Grand Boulevard Chicago.

Q Who gave it to you?                   A Mr. Tuttle, the  
clerk out there.

Q The man who just testified here?

A Yes sir.

Q Did you sign your name there?

A Yes sir.

Q Now what was in it at that time?                   A Why,  
this folder here, a leather folder, with an identifica-  
tion card, addressed or made out to Morton D. Ballard,  
302 Elm Street, Chicago, 203 Illinois Street, and his  
occupation was Salesman, and an identification --

MR. BACHRACH: We cannot hear a word here?

THE COURT: Talk louder, please.

MR. CROWE: Talk up so that everybody can hear you.

THE WITNESS: A leather folder with an identifica-  
tion card in it addressed to Morton D. Ballard, with  
his residence as 302 Elm Street, Peoria, Business address  
203 Illinois Street, his occupation salesman, he also  
gives his age as twenty-three, height 5 feet 6-1/2  
inches, weight 140 pounds, eyes gray, hair black,

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the customer's signature on here is "Morton D. Ballard, O.K. for Yellow Drive-it-yourself-system service by K. McBurney", the card is signed by him.

Q I will direct your attention to the back of this card case and ask you whether or not the name of "G.S.Homer" was written by you?

A yes sir.

Q And when did you write your name on there?

A June 1st, 1924.

Q And what did you do with this envelope and card case after you got it?

A I turned it over to Assistant State's Attorney Milton Smith.

MR. CROWE: I will ask that the envelope be marked as Exhibit B, People's Exhibit B of this date.

MR. BACHRACH: No objection.

MR. CROWE: And that the folder card case be marked People's Exhibit C of this date, and I introduce them in evidence.

MR. BACHRACH: No objection.

THE COURT: Let them be marked.

(Whereupon the documents were marked as requested by counsel).



MR. CROWE: Q Did you make any of the arrests in this case?

A Yes sir.

Q Which one of the defendants did you arrest?

A Richard Loeb.

Q And on what day was that?

A June 24th,

I can't just recall it now.

Q Well it was --

A Friday.

THE COURT: When?

MR. CROWE: Q Well, it was the day you brought him into the LaSalle Hotel?

A Yes sir.

Q Whatever day that was?

A Yes sir.

Q Do you recollect what day that was?

A On Friday.

Q Let me direct your attention to the fact that Friday was Decoration Day?

A Well, it was Thursday then, the day before Decoration Day.

Q The Day before Decoration Day?

A Yes.

MR. CROWE: That is all, you may cross examine.

MR. BACHRACH: No cross examination.

(No cross examination and witness excused)

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E M I L D E U T S C H,

a witness called on behalf of the prosecution, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please? A Emil Deutsch.

THE COURT: Oh, talk louder, please!

THE WITNESS: Emil Deutsch.

THE COURT: Spell your last name?

A D-e-u-t-s-c-h.

MR. CROWE: Q And what is your address, please?

A 30 North Michigan.

Q What is your occupation or profession?

A Physician.

THE COURT: Physician?

THE WITNESS: Physician.

MR. CROWE: Have you any specialty?

A Yes, I specialize in eye diseases.

Q Do you know the defendant Nathan Leopold, Jr.?

A I do.

Q Was he a patient of yours at any time?

A He was.

Q Did you prescribe for him?

A I did.

Q I will show you a prescription which has printed on it, "Dr. Emil Deutsch, Dr. L. B. Bernheimer, Eye, Ear, Nose & Throat, 30 North Michigan Boulevard," dated -- what date is that?

A October -- 10/1-- 11/1.

Q "11/1 1923", that is the date, Hours 9:30 to 2:00, Telephones, Dearborn 9475, Central 1414, Prescription, Mr. Nathan Leopold, 4754 Greenwood, R E" -- what does that stand for?

A For right eye.

Q "Plus 50 axis 90"?

A 90 left eye.

Q "L E" that stands for left eye?

A Left eye.

Q "50 plus 50 axis, 105 in ink marked out and 90 axis ordered changed by Dr. Deutsch over phone and signed by "A. Deutsch", and I will ask you whether you ever saw that before?

A Yes, I did.

Q What is that?

A This is the original prescription that I gave to Mr.

Nathan Leopold, Jr. to have the prescription filled for glasses at the opticians'.

Q Now you made a change over the phone?

A Yes.

Q How did that happen?

A After the prescription was presented to the patient I found it advisable, in order to get better results, to change the axis so that both eyes would be uniform.

Q What was the matter with Nathan Leopold's eyes at that time?

A I found he was afflicted with a minor degree of astigmatism.

Q And did anything result from that?

A He complained of eye-strain and headaches,

Q Who did you telephone to make this change, if you know?

A I telephoned to the optician who filled the prescription, Almer, Coe & Company.

Q Almer, Coe & Company?

A Yes.

MR. CROWE: I will now offer in evidence the prescription which I just read, and ask that it be marked as People's Exhibit D of today. Any objection?

MR. BACHRACH: No objection.

(Whereupon the prescription was, marked  
as requested by counsel).

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

(Witness excused)

- - - - -

T H O M A S   M c W I L L I A M S,  
a witness called on behalf of the prosecution, was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A Thomas McWilliams.

Q Where do you live, Mr. McWilliams?

A 3808

Pine Grove Avenue.

Q What is your occupation?

A Manager of the

Hotel Morrison.

Q And you were manager during the month of May, 1924?

A Yes sir.

Q Of the Hotel Morrison?

A Yes sir.

Q And that is located in the City of Chicago?

A Yes.

Q I will direct your attention to a yellow envelope  
which has in the lefthand corner printed, "Yellow, Drive-  
it-yourself-system, Incorporated, 1426 South Michigan  
Avenue, Chicago, Illinois", and then a stamp on it,  
May 24th, 1924, typewritten on it, "Mr. Morton D. Ballard,  
Morrison Hotel, Chicago, Illinois", and the post office

stamp, "Chicago, May 13th, 11:00 P.M. Illinois", and a cancelled four cent stamp, written in pencil, "Charles McWilliams, Manager," --

A Thomas McWilliams.

Q -- "Thomas McWilliams", and I will ask you whether you ever saw that before?

A Yes sir, I did.

Q Where did you see it?  
desk at the hotel.

A I saw it on my

Q At the Morrison Hotel?

A Yes sir.

Q Was there anything in it?

A Well, I presume there was. I turned it over intact.

THE COURT: Talk up so that we can all hear you?

A Yes sir.

MR. CROWE: Q There was something in it?

A Yes sir.

Q And you turned it over to the Superintendent of Police?

A To Superintendent of Police Collins, yes sir.

Q It was sealed at the time?

A Yes sir.

Q And you didn't open it?

A No sir.



MR. CROWE: All right, that is all. You may cross  
examine if you wish.

MR. BACHRACH: That is all.

(Witness excused)

- - - - -

E L I Z A B E T H     S A T T L E R ,

a witness called on behalf of the prosecution, being  
first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you sit down there, madam. What is your name  
please?

A Elizabeth Sattler.

THE COURT: What is it?

THE WITNESS: Elizabeth Sattler.

MR. CROWE: Q Where do you live, Miss Sattler?

A 4754 Greenwood Avenue.

Q 4754 Greenwood Avenue?

A Yes.

Q Is that correct?                    A Yes.

Q What is your occupation?                    A. I don't under-  
stand?

Q What is your occupation, what do you do, what is your  
business?

A Maid.

Q Maid for what family?

A Mr. Leopold.

Q That is Mr. --                    A N. F. Leopold.

Q Nathan Leopold? A Yes.

Q And how long have you been maid there? A Over three years, the fourth year.

Q More than three years. Now the Leopold family live at the address that you gave as your residence?

A Yes.

Q Do you know Nathan Leopold, Junior?

A Yes.

Q Do you see him in the courtroom?

A Yes sir.

Q Will you indicate where he is? A There (indicating).

MR. CROWE: Indicating the Defendant Nathan Leopold, Junior.

Q During the winter of this year did you see any typewriters in the Leopold home?

A Yes.

Q How many? A Two.

Q Will you describe them? A There was one big Hammond.

Q One big Hammond machine? A And a small Underwood typewriter.

Q A small Underwood typewriter?

A Yes sir.

Q When did you first see the Underwood typewriter in the Leopold home?

A It was many months in the house.

Q Well when is the first time you saw it?

A That was before Christmas time.

Q Before Christmas, 1923? A Yes.

Q And when is the last time you saw it in the house?

A It was about two weeks before I was asked about it.

Q Two weeks before you were asked about it?

A Yes.

Q Asked about it where?

A In the house, by Captain Shoemaker, he asked me about it.

Q Captain Shoemaker asked you about it in the house, and you had seen it about two weeks before that time?

A Yes.

Q Do you remember when Shoemaker talked to you about it, do you remember the date?

A Yes, it was about a week after the murder, on a Friday.

Q It was the Friday forenoon following -- the week

following the murder of the Franks boy?

A Yes.

Q That would be decoration day?

A Yes.

Q Now I will direct your attention to -- at that time where was Nathan Leopold, Jr., if you know, on that Friday?

A On the Friday he was held.

Q He was being held by the Authorities?

A Yes.

Q I will direct your attention to an Underwood portable typewriter and a box?

A Yes.

Q I will ask you to look at them and state whether or not that resembles the typewriter you saw in the house?

A Yes, it does.

Q It was in a little better condition at that time?

A Yes. The case was black.

MR. CROWE: Mark that for identification, and later on we will connect it up. Mark it for identification "People's Exhibit 1 for identification" as of today.

(Marked as requested by counsel)

MR. CROWE: Is the case separate there?

MR. SAVEGE: The lower portion is attached. Mark

the case.

MR. CROWE: Mark the case and the lower portion also. Mark the lower portion Exhibit 2 for identification as of today.

(Marked as requested by counsel)

MR. CROWE: Q Now, did you ever see Nathan Leopold, Jr. use this machine?

A Yes.

Q On what occasions and when?

A Many times.

Q Many times? A. Many times, sometimes

alone and sometimes with friends.

Q Sometimes alone and sometimes with friends?

A Yes.

Q Did you ever see any things that were written on this, any papers?

A Yes, I saw them.

Q What did you see? A I didn't look at the papers what was on it, but I saw many, he translated something and studied.

Q Speak up so that the Judge can hear you, and the defendants and their counsel. He translated many things?

A Yes, and studied it.

THE COURT: Did the Reporters get that? Will you repeat, lady, so they can get it, please?

A He wrote many times on it, he used it.

MR. CROWE: Q Both alone and with friends?

A Both alone and with friends.

Q Did the Leopold family have any automobiles?

A Yes.

Q How many? A Five.

Q Five automobiles?

A Yes.

Q Where used they to keep the automobile robes, if you know?

A They had some in the garage and some in the house.

Q Some in the house and some in the garage?

A Yes.

Q I will direct your attention -- I think we had better take it down there. Can we switch this light? That will interfere with you. You had better take it down there. I will direct your attention to a charred robe, a greenish color?

A Yes, that is Nathan Leopold's.

Q You can describe that better than I can, what kind of material is that, what would you call that?

A (No answer by the witness).

Q Well, it is a fuzzy green robe?

A Yes.

Q Did you ever see a robe similar to that in the Leopold home?

A Yes, I saw it.

Q When did you see it? A Oh, it was weeks before that happened.

Q Weeks before? A But I didn't know it.

Q Before it happened, and when you saw it you are referring to what?

A I noticed it was in the house afterwards, but I didn't notice it before.

THE COURT: Face this man, lady, will you, and tell it all to him, and if you can make him hear it the Court reporters can hear it.

MR. CROWE: Q Well, you have noticed a robe like that in the Leopold home?

A Yes.

MR. CROWE: You might pin a little piece of paper

on it and mark that "People's Exhibit 2 for identification",



as of today.

MR. SAVAGE: Three, Judge.

MR. CROWE: All right, mark it People's Exhibit 3  
for identification as of today.

(Marked as requested by counsel)

MR. CROWE: You may cross examine.

CROSS EXAMINATION

BY MR. BACHRACH.

Q What is your name?

A Elizabeth Sattler.

Q I didn't hear the last name?

A Elizabeth  
Sattler.

Q You are employed in the Leopold house?

A Yes.

Q And how long have you been employed there? A Over  
three years. On the 19th of May it was three years.

Q And what position do you occupy there?

A Maid.

Q Maid?

A Yes.

Q Second maid?

A Yes.

Q Did you testify before the Grand Jury in this case?

Q Yes sir.

Q And were you asked the same questions that you have testified about here?

A Yes.

Q And where are you employed now?

A By Mr. Leopold.

Q And have been all the time?  
time, yes sir.

A All the

MR. BACHRACH: That is all.

THE COURT: That is all, lady.

(Witness excused)

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ARNOLD MAREMONT,

a witness called on behalf of the prosecution, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A Arnold Maremont.

Q Where do you live, Mr. Maremont?

A 5216 Ingle-  
side.

Q And what is your occupation or business?

A Student.

Q Where do you study?  
city of Chicago.

A At the Univer-

Q And for how long a time have you been a student there?

A Two years.

Q What are you studying now?

A Law.

Q Do you know the defendant Nathan Leopold, Jr.?

A Yes sir.

Q How long have you known him?

A I have known him for a period of about four years.

Q Will you state whether or not he was studying law

at the University with you?

A He was.

Q During the winter of 1924, did you have any occasion to visit the home of Nathan Leopold, Jr.?

A Yes sir.

Q When and what was the occasion?

A At various times. The occasions were mostly to study law.

Q Well, do you know what "dope sheeting" is?

A Yes sir.

Q Will you tell the Court and the rest of us so that we may know what it is also?

A Well, in studying law, in preparing for examination, in preparing for comprehensive study, one must go over the lectures, after all the subject of law is taught primarily by studying cases and collaborating --

MR. CROWE: One moment. I would suggest that Mr. Darrow listen to this.

MR. DARROW: I thought it was about the races, Bob, I thought probably the Court needed to have it explained to him.

MR. CROWE: All right.

THE WITNESS. By attempting to take the meeting points and the basis of law upon which the cases were decided, and then after going through a complete number of cases, on any particular subject, one simply has to take the points of law out of each case and collect them, and he has a more or less fair idea of what the case amounts to, and dope sheeting is simply picking out these major points, in any particular course, contracts or torts, and studying them to get an idea upon what ground that subject of law is decided.

Q Now during the winter of 1934 did you do any "dope sheeting" at the home of Nathan Leopold, Junior, the defendant in this case?

A Yes sir.

Q Who else was present on any of these occasions with you?

A Howard Oberndorf, Lester Abelson, Maurice Shamberg, and later on, not in the winter or the spring, a fellow by the name of Nathan Kaplan.

Q Now did you notice at that time any typewriter in the home of Nathan Leopold, Jr.?

A At which time?

Q At any of these times that you were "dope sheeting" there during the winter of 1924?

A Yes sir.

Q What month was this in?

A The first time

I noticed a typewriter?

Q Yes.

A It was in November.

Q In November, 1923?

A Yes sir.

Q About how many times were you in his home from November, 1923 until April, 1924?

A Do you mean to "dope sheet"?

Q Yes.

A Oh, perhaps half a

dozen.

Q Were you in there at any time during January?

A No.

Q February?

A Yes sir.

Q How many times during February, about?

A Once, exactly.

Q Did you see a typewriter at that time?

A Yes sir.

Q What kind of a typewriter?

A I couldn't tell you.

Q Well, describe it? A It was some sort of portable typewriter.

Q That is the same one that you saw in November?

A No sir.

Q What one did you see in November?

A A Hammond.

Q A Hammond? A Yes.

Q And the one you saw in February was a portable typewriter?

A Yes sir.

MR. CROWE: Will you open that, Joe?

Q I will direct your attention to a typewriter here and ask you to look at it and state whether or not you have ever seen that before? It has a tag with the number "17" on it?

A I recall seeing a typewriter similar to that.

Q Similar to that? A Similar to that, of the same make.

Q That is the one you saw in the fall of 1933 at the Leopold home?

A Yes sir.

MR. CROWE: Now, will you open up that other one?

Q I will direct your attention to an Underwood Typewriter, somewhat the worse for wear, and I will ask you to state whether or not you ever saw a machine similar to that in the Leopold home?

A I couldn't tell you.

Q Will you describe the portable machine you saw there?

A I actually couldn't describe it in any way, except to attempt to recall the incident of why I remember it was a portable. As you see, looking at the Hammond, it is a very distinctive typewriter, the circular form of letters distinguishes it completely from any other type of typewriter that I had ever seen, and on that particular occasion in February, the early part of February, instead of working in the attic, Nathan Leopold's study, where we usually worked, we worked in the Library on the main floor of the home, and the Hammond was always upstairs, and on that occasion there was some sort of a typewriter sitting on the desk near the window in one corner where we came in, and when we came in Nathan took the typewriter and put it on the card table that we were working at, and having never seen a typewriter of that particular kind before, in fact the only



kind of portable I ever had occasion to see was a Corona, and I remarked that it was a different typewriter than I had ever seen. What sort of typewriter it was or the name of it I couldn't say, because when I was first called in to testify I thought it was a Remington, and not being particularly interested in typewriters I didn't take occasion to recall the name.

Q I will show you three yellow sheets here, which are apparently carbon copies, and ask you to look them over?

A Those are mine. (indicating).

Q And I will ask you to state whether you ever saw them before?

A Yes sir.

Q Where did you see them?

A This is a carbon copy of a typical dope sheet that was prepared by us on that occasion in February that you are talking about.

Q And who prepared it, I mean who typed it?

A It was typed mainly by Nathan Leopold,, I think I typed about two lines of it.

Q Here are four more sheets, what are those?

A That is my carbon copy of the same thing.

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Q of the same thing? A Yes.

Q In other words, a carbon copy of this dope sheet would be made for each of you boys?

A Yes sir.

Q And the last one I hand you here consists of four sheets, is the carbon copy that you got at that time?

A Yes sir.

MR. CROWE: I will ask to have these four sheets fastened together, and let them be marked as one exhibit and introduce them in evidence.

MR. BACHRACH: No objection.

MR. CROWE: What are the first three sheets I showed you?

A That is four also.

Q That is four also, that is another carbon copy?

A Yes sir.

Q Made at that time? A Yes sir.

MR. CROWE: Mark that also. What is the last exhibit?

MR. SAVAGE: Three.

MR. CROWE: Mark one exhibit 4 and the other exhibit 5. I will introduce them in evidence, your Honor.

THE COURT: They may go in.

(Which said documents were marked as  
requested by counsel)

MR. CROWE: Q Now these copies were made on the portable machine that you have heretofore described?

A Yes sir.

Q Directing your attention to Decoration Day of this year, Friday, along in the evening, did you see Nathan Leopold, Jr., the defendant in this case?

A Yes sir.

Q Where did you see him? A At the State's Attorneys office.

Q Did you have a talk with him or did he talk with you with reference to the portable typewriter?

A Yes sir.

Q Will you state what was said and by whom, or the substance of it?

A Well I was asked some questions by one of the State's Attorneys, Assistant State's Attorneys, at the time, in the presence of Nathan Leopold, following which he asked to have the permission of the State's Attorney to ask me a few questions. His questions, when permission was granted, his first question, if I recall accurately

was, "Where was the typewriter when I came into the house that evening", and I think I answered that the typewriter was sitting on a desk in the corner of the library. I think then he asked me whether I was sure it was there, and I said yes. Then I think he asked me was he in the room, and I said I didn't think he was, I thought he came down after I came in the house, he was upstairs phoning or doing something. I think that was all that he asked me at the time.

Q Did he at that time discuss the ownership of this typewriter with you or with anybody else in the room?

A No sir.

Q There was no discussion about the ownership of the typewriter at that time?

A Not at that particular instant. During the evening there was a discussion.

Q Well, all right. Later on, or before that?

A Before that.

Q Before that, and what was the discussion about the ownership of the typewriter, earlier in the evening?

A This was not in his presence. He was in the State's Attorneys Office, in a different room.

Q Then if he was not present don't state it.  
You may cross examine.

MR. BACHRACH: No cross examination.

(No cross examination and witness  
excused.)

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H O W A R D O B E R N D O R F,  
called as a witness on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name, please?

A Howard Oberndorf.

Q And what is your occupation?

A Student.

Q Where do you live, Mr. Oberndorf?

A At 4920 Blackstone.

Q You are a law student at the Chicago University,  
are you?

A Yes sir.

Q Were you studying law last winter and last fall?

A I was.

Q Do you know the defendant Nathan Leopold, Jr.?

A I do.

Q Have you ever had any occasion to visit his home?

A I have.

Q For what purpose?

A To study.

MR. CROWE: Well I might shorten this a little, by

asking, if there is no objection --

MR. DARROW: I didn't get that?

MR. CROWE: I might shorten this by asking him a leading question?

MR. DARROW: Oh yes, lead him.

MR. CROWE: Q You are one of the students that used to go up ~~xxxx~~ there and dope sheet?

A That is right.

Q Did you see a portable typewriter at any time during the months of February or March or April of this year at the Nathan Leopold, Jr., home?

A Yes sir.

Q Do you know what kind of a machine it was?

A I do not.

Q I will direct your attention to People's Exhibit 1 for identification, and 2, and I will ask you to look at it and state whether you ever saw a machine of that general type in the Leopold home during February or March or April of this year?

A I couldn't say that that machine is any more like the one that I ever saw, than any other portable typewriter that I have ever seen.

Q Well, get the question again. Directing your atten-

tion to People's Exhibit, is the machine that you saw in the Lebpold home of the same general type?

A I believe the answer I gave holds. All portables look alike to me.

Q Well that is a portable -- would you call that a portable?

A I would.

Q And they all look alike?

A Yes sir.

Q Did you have any talk with Nathan Leopold Jr. on decoration day of this year, in the State's Attorney's office, in reference to a portable typewriter?

A Yes sir.

Q Will you state what the conversation was between you and he or between any other person and he in your presence, in reference to a portable typewriter?

A Mr. Savage asked me questions similar to those that I have been asked now, and the answers were practically the same as I have given now, namely, that I didn't know exactly what kind of a machine it was. Nathan Leopold asked a few questions on that occasion, first, where was the machine when I entered the room, and to the best of my knowledge I said it was



on the table or desk by the window. The second question was in reference to when Maremont asked a question regarding the machine, saying he hadn't noticed it before, and Nathan wanted to know whether that was made when he was in the room or not, and I said I wasn't sure, it was probably made on one of two occasions, when we came in in the beginning, or when Arnold took the machine to use it for writing a few lines while Nathan went to the telephone, and I wasn't sure of these two facts, if the statement was made or the question was asked.

Q Was there any question about the ownership of the machine at that time?

A There was not.

Q There had been a discussion prior to that between you and Savage?

A No sir.

MR. CROWE: All right, you may cross examine.

MR. DARROW: That is all.

(No cross examination and witness excused).

- - - -

M A U R I C E S H A M B E R G,  
 called as a witness on behalf of the Prosecution, having  
 been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A Maurice Shamberg.

THE COURT: Talk louder please? A Maurice  
 Shamberg.

THE COURT: Spell your name?

A M-a-u-r-i-c-e S-h-a-m-b-e-r-g.

MR. CROWE: Q And you live where? A 843 La-  
 fayette Parkway.

Q You are a student at the Chicago University? A Yes  
 sir.

Q Studying law, are you? A Yes sir.

Q And were during the winter of 1924, is that cor-  
 rect?

A Yes sir.

Q Do you know the defendant Nathan Leopold, Jr.?

A Yes sir.

Q Did you study law with him?

A Yes sir.

MR. CROWE: Now if there is no objection, I will lead him along?

MR. DARROW: That is all right.

MR. CROWE: because I think this is merely corroboration of the other.

MR. DARROW: That is all right.

MR. CROWE: Q You have "dope sheeted" at the Leopold home during the winter, have you?

A Yes sir.

Q And worked on Equity?

A Yes sir.

Q There would be carbon copies made and distributed among you boys?

A Yes sir.

Q What kind of a machine would this typewriting be done on?

A A Hammond.

Q Did you see any other kind of a machine there?

A I did later on.

Q When? A I think it was about the second to the last time I was there, I don't remember exactly the date.

Q Well about when, what month?

A The latter

part of February.

Q And in February you saw what kind of a machine, beside the Hammond?

A A portable.

Q Do you know what the make of it was?

A No sir.

Q Did you have a discussion with Nathan Leopold in the State's Attorney's office on Decoration Day of this year in reference to a portable typewriter?

A Yes sir.

Q What was the discussion?

A Well, I was confronted with the question that Nathan Leopold said that was my typewriter, and of course I denied that statement. Then I believe Nathan Leopold asked me these questions, one whether I knew whether there was a portable typewriter in his home prior to the time we had used it the first time, and the answer was no. The second question was, when was the first time we used it -- I think it was, I don't exactly recall, and the answer I gave was, "I think it was the first time we 'doped' Equity."

Q Now what else, if anything, was said at that time?

A That was all.

Q I will direct your attention to a Hammond typewriter here, it has been offered for identification, and I will ask you whether that is the same general make as the one you saw in the Leopold home?

A Yes sir.

Q I will direct your attention to another typewriter, an Underwood portable, and ask you whether or not that is the same general type of machine that you saw in February in the Leopold home?

A I really don't know. All I know is that it was a portable typewriter.

Q That it was a portable typewriter?

A Yes sir.

MR. CROWE: All right, you may cross examine.

MR. DARROW: Nothing.

(No cross examination and witness excused).

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L E S T E R A B E L S O N ,

a witness called on behalf of the prosecution having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name? A Lester

Abelson.

Q And where do you live?

THE COURT: What is the name?

MR. CROWE: Abelson.

Q Where do you live, Mr. Abelson? A 937 Mar-

gate Terrace.

Q And you are a law student at the University of  
Chicago?

A I am.

MR. CROWE: Now in order to save time, his testimony  
will be -- your testimony about the portable typewriter  
will be substantially as the other three boys who  
preceded you, wont it?

A I believe it will be.

MR. DARROW : All right, we will admit it.

MR. CROWE: And unless there is --

(Harvey follows Snyder 11:15 A.M. 7/24/24).

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MR. DARROW: We will admit it would be substantially the same as the other two boys.

MR. CROWE: All right.

Q You were in the State's Attorney's Office on Decoration night?

A I was.

Q And saw Nathan Leopold, Senior there and talked to him about the portable typewriter?

A Yes sir.

THE COURT: You may have a recess now, gentlemen.

MR. CROWE: About ten minutes, your Honor?

THE COURT: All right.

Whereupon a short recess was here  
taken by Court and Counsel.

1  
Harvey  
rels  
Snyder  
11:15  
A M  
7-24-24.

(Whereupon pursuant to a short recess heretofore  
taken the following proceedings were had.)  
MR. CROWE: Call in one of the Smith girls. Take the  
stand, Madam.

L U C I L L E        S M I T H ,

called as a witness on behalf of the People, having been  
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By  
Mr. Crowe.

MR. CROWE: Now talk up loud so that the Court and counsel  
and the defendants can hear you.

Q What is your name please?

A Lucille Smith.

Q Where do you live?

MR. DARROW: Louder.

MR. CROWE: Lucille Smith.

THE WITNESS: 9542 Aveue L.

MR. CROWE: And what station is that?

A South Chicago.

Q South Chicago?

A Yes, sir.

Q Where did you live on May 21st, 1924?



- 2 A At 118th Street and the Pennsylvania Railroad.
- Q And what station do you call that?
- A Agers.
- Q Agers Station?
- A Agers Station.
- Q Have you a daughter?
- A Yes, sir.
- Q What is her name?
- A I have several, Jeannette --
- Q Well, have you one that is here today?
- A Yes, sir, Jeannette Smith.
- Q Jeannette?
- A Yes, sir.
- Q Now, directing your attention to the night of May 21 t,  
1924, where did you and your daughter go that evening?
- A We went to a show at 106th Street.
- Q That is a moving picture show?
- A Moving picture show, yes, sir.
- Q And what time did you get out, about what time?
- A I suppose about nine o'clock or thereabouts.
- Q And what did you and your daughter do then? That is,  
how did you go home?

A We stopped -- walked across the street, went into the Candy store and then went direct home.

Q Along what road?

A Along Ewing Avenue until we got to 108th Street, and then 108th Street until we came to the dirt road that goes across the prairie, and then went on the dirt road.

Q Now, was your attention or your daughter's attention when you were walking across the road attracted to an automobile?

A We met an automobile on the dirt road.

Q And describe the automobile as best you can and anything that happened in connection with it?

A Well, it was a large dark touring car we met and had side curtains on. As we met it, we simply stepped to the right to let them go past. They had bright lights and they blinded us, and we stepped into the grass and waited until they drove past us.

Q The bright lights blinded you?

A Yes, sir.

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

MR. CROWE: Oh, yes, which way was the car headed, to Chicago or from Chicago?

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A To Chicago.

Q You stated they had had side curtains?

A Yes, sir, the side curtains were on.

MR. CROWE: All right. That is all. Now, will you step out and tell your daughter to come in.

(Witness excused.)

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J E A N N E T T E S M I T H,

called as a witness on behalf of the people, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By  
Mr. Crowe.

MR. CROWE: Sit down please.

Q Your name is what?

A Jeannette Smith.

Q And where do you live?

THE COURT: A little louder.

MR. CROWE: Jeannette Smith. Just speak so everybody can hear you.

Q Where do you live?

A 9542 Avenue L.

Q You are the daughter of the lady who just got off the stand?

A Yes, sir.

Q Directing your attention to the night of May 21st, 1924, about shortly after nine o'clock, you were with your mother, were you?

A Yes, sir.

Q Returning from a moving picture show?

A Yes, sir.

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Q Do you remember walking up a dirt road?

A Yes, sir.

Q Did you see an automobile at that time?

A Yes, sir.

Q Will you describe it?

A It was a large dark touring car and had side curtains on and bright lights.

Q And you and your mother stepped aside to let it go by?

A Yes, sir.

Q That was coming toward or from Chicago?

A From Chicago.

Q Coming to Chicago or from Chicago?

A From it.

Q Which way were you walking?

A We were walking that way (Indicating), south.

MR. SMITH: They were coming from Chicago.

THE WITNESS: I mean we were coming from Chicago.

MR. CROWE: Q And which direction was the machine going?

A To Chicago.

Q To Chicago?

A Yes, sir.

MR. CROWE: You may cross examine.

MR. B. BACHRACH: No cross examination.

8 MR. CROWE: Do you know where the culvert is out there at 118th?

A Yes, sir.

Q How far was this spot you were on from that culvert?

A Well, it was about -- it would be about eleven blocks, I imagine.

Q About eleven blocks?

A Yes, sir.

Q Was the machine going to or coming from the culvert?

A Coming from the culvert.

MR. CROWE: All right. You may go, thank you. Mr. Bernard Hunt.

(Witness excused)

B E R N A R D H U N T,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By  
Mr. Crowe.

THE COURT: Take your seat up there, please. We will suspend just a minute. The Grand Jury are coming in.

(After the Grand Jury retired, the following proceedings were had.)

MR. CROWE: Will you state your name, please?

A Bernard Hunt.

THE COURT: The last name?

THE WITNESS: Hunt.

MR. CROWE: Q Where do you live, Mr. Hunt?

A 6233 Aberdeen Street.

Q And what is your occupation?

A Night watchman.

Q Directing your attention to May 21st, or the early morning of May 22nd, 1924, will you state to the Court where you were?

A I was at 49th and Greenwood Avenue.

Q Did you see an automobile go by from which anything was thrown?

10

A Yes.

Q About what time of the evening was that?

A About one thirty in the morning.

MR. DARROW: What time did he say?

MR. CROWE: One thirty in the morning.

Q Of what morning?

A The morning of the 22nd.

Q The morning of the 22nd?

A Yes, sir.

Q What kind of a car did you see at that time?

A It was a maroon car.

Q Well, describe it?

A The car was -- it had a round top and round curtains and red wheels.

Q What kind of wheels?

A Disc wheels, and bright metal headlights.

Q Are you familiar with the various makes of cars?

A No, sir, I am not.

Q You don't know what make this was?

A No, I do not.

Q Now, did you see that car afterwards?

A Yes, I seen it afterwards.

Q Where?



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A I seen it over here at the Municipal Pier.

MR. SMITH: Talk up louder.

MR. CROWE: Q And is the car you saw at the Municipal Pier the same car you saw pass you this night or morning?

A Well, I believe it is the same car. It just answers the description. I did not see the number that night, but otherwise it answers the description in every way.

Q Now, where was the car on the morning of the 22nd when you saw it, on what street?

A On Greenwood Avenue.

Q Going in what direction?

A Going south. It was westbound on 48th Street, and swung south on Greenwood.

Q Did anything happen?

A Well, the only thing that happened was before they threw the chisel out, they slowed down --

Q Then what?

A -- near 49th Street and the man that was sitting in the rear seat of the car he raised up like that (Indicating), part ways and leaned ahead and threw this chisel out, or the object, such as it was.

Q And did they stop or keep on going then?

A No, they never come to a stop. They slowed down so a

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a man could easily step out of the car without any trouble, and after they threw the chisel out they started up again and I was on 48th Street at the time, and I --

Q What did you do?

A I stayed there until they passed me by on 49th.

Q Then what did you do?

A It was on my road to where the chisel lay, I was on my road to the Greenebaum house --

MR. GROWE: Talk so everybody can hear you.

A -- I walked down and seen the chisel laying on the sidewalk, went over and picked it up and examined it.

Q Describe the chisel.

A The chisel was a cold chisel.

Q Yes.

A Wrapped with tape and blood was on the chisel at the time, fresh, or it was dried.

Q I will show you a chisel bound with tape and with a paper on here, and state whether you ever saw that chisel before?

A Yes, sir, I saw that chisel before, that is the chisel I picked up.

Q Is that the one that was thrown out of the car?

A That is the one that was thrown out of the car.

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Q And you turned it over to the authorities, did you?

A Turned it over to the authorities.

Q When did you turn it over to the authorities?

A About 12:30.

Q The same morning?

A That was the first opportunity I had of turning it over.

MR. CROWE: I will offer in evidence the chisel bound with tape and blood soaked and ask that it be marked People's Exhibit, whatever number it is. Mark it on the tape.

(Document marked as requested by counsel,

People's Exhibit 6-J.)

Q Who do you work for?

A Well, I got my own route there.

Q Well, you work for the neighbors, watching their places?

A For the different property owners.

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

MR. CROWE: This paper, if your Honor please, has some initials on it. That paper is just put on for purposes of the police. The tape is on the other end. All right, that is all, Mr. Hunt.

(Witness excused.)

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MR. CROWE: Leon Mandel, II.

MR. SMITH: The Chief of Police is here.

MR. CROWE: Just wait a minute, Mr. Mandel. Step out.  
Chief Collins.

MR. SMITH: The Chief stepped down stairs.

MR. CROWE: All right, Mr. Mandel. Here the Chief is.

M O R G A N     A.     C O L L I N S,

called as a witness on behalf of the People, having been  
first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q Will you state your name, please?

A Morgan A. Collins.

Q And what is your occupation?

A I am a police officer, at present Superintendent of  
Police.

Q Of the City of Chicago?

A City of Chicago.

Q I will direct your attention, Chief, to a yellow  
envelope on which is printed "Yellow Drive It Yourself System,  
Inc." Will you read that, I have not my glasses.

A "Yellow Drive It Yourself System, Inc., 1426 South  
Michigan Avenue."

15

Q That is printed in the left hand corner, and then there is a stamp made, 24, May 24th, '24, typewritten, Morton D. Ballard, Morrison Hotel, Chicago, Illinois. The post office mark is Chicago, May 13th, 11 P M, Illinois, and four cents cancelled stamp, and on the extreme end is written in pencil, Thomas McWilliams, Manager. Did you ever see that before?

A Yes, sir.

Q Who gave it to you, and when?

A Mr. McWilliams on May 31st, to the best of my recollection.

Q Was there anything in the envelope?

A Yes, there was a communication to a man named Ballard.

Q And what else?

A Some advertising matter and a card of membership of some kind issued to Ballard.

Q And what was that card in?

A The card was in a case which accompanied --

Q I will show you that card case with the identification card issued by the Rent-A-Car People to Morton D. Ballard, and ask you whether that is it?

A Yes, sir, that is the case and that is the card.

Q And the letter addressed to him on the "Yellow Drive It Yourself System", to Morton D. Ballard, Morrison Hotel?

16

A And this is the letter.

Q These two letters are advertisements?

A That is the ad material they had in there.

Q And you turned this over to the State's Attorney's office?

A I turned it over to Captain Schumacher, and he turned it over to the State's Attorney.

MR. CROWE: I will introduce the envelope and ask that it be marked People's Exhibit 7.

(Marked as requested by counsel.)

MR. CROWE: The letter has People's Exhibit 8.

(Marked as requested by counsel.)

MR. CROWE: The identification card, People's Exhibit 9.

(Marked as requested by counsel.)

MR. CROWE: And the two ads marked 10 and 11.

(Marked as requested by counsel.)

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

MR. CROWE: Call the next witness.

MR. SMITH: Mr. Mandel.

(Witness excused.)

L E O N M A N D E L, II,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By  
Mr. Crowe.

Q What is your name please?

A Leon Mandel, II.

Q And where do you live, Mr. Mandel?

A Lake Shore Country Club, Glencoe, Illinois.

Q What is your occupation?

A Merchant.

Q And your place of business is on State and Madison?

A Yes, sir.

Q Do you know the defendant, Nathan Leopold, Jr.

A Yes, sir.

Q Do you know the defendant, Richard Loeb?

A Yes, sir.

Q How long have you known these two defendants?

A I have known their names for as long as I can remember. I have known them personally since November, 1923.

Q At any time in the fall or early winter of this year, did you and Nathan Leopold, Jr., contemplate the translation of any works?

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A Yes, sir.

Q Will you state to the Court what it was that you and he intended to translate?

A The work of an Italian satirist, by the name of Aretino.

Q Aretino?

A Yes.

Q And had you made a study of Aretino's works?

A No, sir. I came across references to him in the study of English literature, and translation made from the Italian into German of his works while studying at the University, and became interested.

Q Had your study -- what particular work of Aretino were you going to translate?

A The Ragion Anenti, or Dialogues.

Q Had you read that?

A Yes, sir.

Q And do you know whether Nathan Leopold, Jr., had made any study of Aretino's works or this particular book?

A Why, he had not, no, sir.

Q What?

A He had not.

Q You were better informed on it in your judgment than he was?

A Yes, sir.



19 Q Now, was there anything done towards the translation, did you do any work, either he or you, any typewritten work?

A Yes, sir, the first few pages were translated. He did the typewriting.

Q And where and when did he do the typewriting?

A At his home some time in the winter.

Q Some time this last winter?

A Yes, sir.

Q What kind of a machine, if you know, did he work on?

A I don't know, sir.

Q Do you know whether it was a stationary or portable machine?

A Why, it was a portable machine.

Q The make of it you don't know?

A No, sir.

Q You knew these defendants socially, did you?

A Yes, sir.

Q Did you ever gamble with them?

A Yes, sir.

Q How frequently?

A Probably five or six times.

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Q And what would you play?

A Bridge.

Q What stakes would Leopold and Mandel play for, if you know? Leopold and Loeb, what stakes would they play for, if you know?

A Their stakes varied.

Q Well, what was the highest and the lowest?

A I should say between five and ten cents a point.

Q A point, in bridge?

A Yes, sir.

Q That is equivalent to what limit in poker, do you know?

A No, sir.

Q What is that?

A No, sir, I don't know.

MR. DARROW: Don't you know?

MR. CROWE: I asked that question for your comfort and mine also, Mr. Darrow.

Q Well, did you consider that a high stake to play for?

MR. DARROW: I object to that.

THE WITNESS: I did not play for that stake.

MR. CROWE: What is the highest stake you played for?

MR. DARROW: I object.

MR. CROWE: With them?

MR. DARROW: I object.

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THE COURT: Oh, yes, I don't think he ought to be required to say that, what he has done. He said they played for five and ten cents a point, bridge.

MR. CROWE: I don't know whether your Honor knows whether that is a high stake or not.

THE COURT: I do.

MR. CROWE: All right. You may cross examine.

CROSS EXAMINATION

By

Mr. B. Bachrach.

Q Mr. Mandel, how often did you play at the rate of five and ten cents a point with these two defendants?

A I did not play with them for that stake.

MR. CROWE: Why not? I beg your pardon.

MR. B. BACHRACH: You did not play with them you say?

A I played in the game with them but did not play for the same stake.

Q Did they have any big losses when you played with them at all?

A Yes, sir.

Q How big?

A I think the largest was about ninety dollars, I believe.

Q That is the largest loss?

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A Yes, sir, that is the largest I saw.

Q And who won it?

A I really don't know, they would play against each other.

Q If one lost that, the other won?

A Yes, sir.

Q They were playing a little higher than the rest in the game?

A Yes, sir.

Q Did either of them win that much other times?

A I don't know, because that was the only way we played with them.

Q Yes. And how often did you play with them?

A About five or six times, sir, possibly.

Q Altogether?

A Altogether.

Q And how much money changed hands during that five or six times, altogether?

A I am unable to state that, sir.

Q Give an outside figure.

A Altogether in the game, you mean, between all the four players or five players?

Q Yes?

- 23           A   Three or four hundred dollars, I presume.
- Q   Somebody was out three or four hundred dollars altogether on all those games?
- A   No, sir, you see they were playing against each other which would mean if one won, the other would lose that amount.
- Q   Yes.
- A   The other players in the game might only lose five or ten dollars, so it is hard to estimate the entire amount won or lost.
- MR. B. BACHRACH: That is all.

RE DIRECT EXAMINATION  
By  
Mr. Crowe.

- Q   You say they were playing against one another and their limit was five or ten cents?
- A   Yes.
- Q   And what was the other players' limit?
- A   Between one and three cents.
- Q   Now, did you ever loan a portable typewriter to Nathan Leopold?
- A   No, sir.
- Q   Or ever give him one?
- A   No, sir.

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MR. CROWE: That is all. Just one further question.

Q You have just returned from Europe recently?

A Yes, sir.

(Witness excused.)

25

H. C. STROMBERG,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By

Mr. Crowe.

Q Will you state your name please?

A H. C. Stromberg.

Q And where do you live, Mr. Stromberg?

A 1054 East 47th.

Q What is your occupation or business?

A Stationery, book store.

Q You run a stationery and book store?

A Yes, sir.

Q Do you know the defendant, Nathan Leopold, Jr?

A Yes, sir.

Q For how long a time have you known Nathan Leopold, Jr.?

A About seven or eight years.

Q And he has frequently bought things in your store, has he?

A Yes, sir, off and on.

Q Do you remember selling him anything in the spring of this year?

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A I sold him paper and envelopes.

Q When?

A About the middle of May.

Q Of this year?

A Yes, sir.

Q Do you recollect the kind of envelopes and paper you sold him?

A Yes, sir, pretty near. Plain envelopes and plain paper.

MR. CROWE: Will your Honor pardon me just a moment. We are getting the exhibits out. And I want the ransom letter.

Q Did you see Nathan Leopold around the first of June of this year, at your place of business?

A No, sir, I think about the middle of May.

Q I know, but did Nathan Leopold and some officers and anybody from the State's Attorney's office come out to see you?

A Yes, sir.

Q About the first of June?

A Yes, sir.

Q What, if anything, did Nathan Leopold say at that time, to you? Did you show him any paper?

A No, sir, I did not. He said he bought paper and envelopes



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and also candy, chocolate candy.

Q When did ~~she~~ say he bought that?

A Well, he did not state the time. He said he bought it.

Q Now, I will show you three pads,

A It looks like that one.

MR. CROWE: Indicating the one which reads "Our Leader",  
"white satin finish." It looks like that paper?

A Yes, sir.

Q That is the paper you sold him in the middle of May?

A He picked it himself and said, "That will do."

Q He picked it when? The day he was down there with  
the State's Attorney's man?

A No, before, in the middle of May; so I did not take  
no notice. He said, "They will do". He picked the paper  
and envelopes.

Q And this came from your store, didn't it?

A Yes, sir.

Q I will show you an envelope?

A That is mine.

Q Will you state whether or not the envelope I am showing  
you resembles or not the envelopes you sold Nathan Leopold  
on the -- in the middle of May?

A It looks like that one.

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Q It looks like that one?

A Yes, sir.

Q Now, I will show you an envelope addressed to Mr. Jacob Franks, marked People's Exhibit B of this date, and ask you whether or notb—

A That is about the size of that paper, isn't it?

Q — it resembles the envelope you sold him at that time?

A Yes, that is right.

Q I will show you a piece of paper which has been marked People's Exhibit A of this date, being a letter, typewritten letter on it, purporting to be signed by George Johnson, and ask you whether that resembles the paper you sold him?

A Yes, sir, it does.

Q I will also show you another envelope addressed to Jacob Franks --

A That is about the same.

MR. CROWE: -- which I do not believe has been introduced, Judge, your Honor, but the envelope that was mailed to Jacob Franks containing the ransom letter, and ask you to look at that, and also the other two pieces of paper there that contain the ransom letter and state whether they resemble the paper you sold —

29 A Yes, that looks like it.

Q -- Leopold in May?

A Yes, sir, the same size.

Q Do you know how much he paid for these?

A Five and ten cents for the envelopes.

Q Five cents for what?

A For the tablet, and ten for the envelopes.

MR. CROWE: Now, we offer in evidence a pad of paper marked "Our Leader, White Satin Finish", which the witness has just seen, and ask that it be marked People's Exhibit 12.

(Marked as requested by counsel.)

MR. CROWE: And the plain white envelope with, in pencil on the right hand corner, "6-1/2", that the witness has just seen and ask that be marked People's Exhibit 13.

(Marked as requested by counsel.)

MR. CROWE: You may cross examine.

MR. B. BACHRACH: No cross examination.

MR. CROWE: That is all.

(Witness excused.)

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A L B E R T     H U B I N G E R,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By  
Mr. Crowe.

Q What is your name, please?

A Albert Hubinger.

THE COURT: What?

THE WITNESS: Albert Hubinger.

MR. CROWE: Q And where do you live?

A 517 East 34th Street.

Q And what is your business?

A Hardware clerk.

Q And where is the hardware store located that you work in?

A 4236 Cottage Grove Avenue.

Q And you were working there during the month of May, 1924?

A I was.

Q And you worked there on the 21st day of May?

A Yes, sir.

Q I will ask you to state whether or not at any time around the first of June you saw Nathan Leopold, Jr., in

31 your place of business? Look at the gentleman with his arm on the table there, in the middle. Did you see him at your place of business with me?

A I can not state positively that I did.

Q Somebody was out to your place of business about the first of June with myself?

A Yes, sir.

Q Do you remember selling a cold chisel during the month of May?

A Yes, sir.

Q I will ask you to look at the cold chisel heretofore introduced in evidence by the State, and state whether or not that resembles the cold chisel you sold in May?

A Yes, sir, it is similar.

Q The same general pattern?

A Yes, sir.

Q Did you sell any rope at the same time?

A Yes, sir.

Q I will show you a piece of rope here, and ask you does that resemble the rope that you sold at the same time?

A It does.

Q How much of the rope did you sell, do you know?

A Between twenty five and fifty feet.

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MR. CROWE: I will introduce this strand of rope in evidence and ask it be marked People's Exhibit 14.

(Marked as requested by counsel.)

MR. CROWE: Q Now, do you remember the gentleman sitting alongside of Leopold being in your store, indicating Richard Loeb?

A I can not make a positive identification.

Q Well, do either one of those men resemble the man that was in there?

A The latter one you addressed as Richard Loeb resembles the gentleman.

Q The latter one, Richard Loeb, resembles the man?

A Yes, sir.

Q That is the man who bought the chisel and the rope?

A Yes, sir.

MR. CROWE: All right. Thank you. Cross examine.

MR. DARROW: No cross examination.

MR. CROWE: What is your address?

A 517 East 34th Street.

Q 517 East 34th Street?

A Yes.

MR. SMITH: All right.

(Witness excused.)

A A R O N   A D L E R,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q What is your name?

A Aaron Adler.

MR. CROWE: You will have to talk louder.

THE COURT: What? Adler, A-d-l-e-r?

THE WITNESS: Yes, sir, A-d-l-e-r.

MR. CROWE: Aaron What?

THE WITNESS: Adler, A-d-l-e-r.

MR. CROWE: Q Where do you live, Mr. Adler?

A 4458 Cottage Grove Avenue.

Q What is your business or occupation?

A Drug store.

Q Where is your drug store?

A 4458 Cottage Grove Avenue.

Q And were you located there in the drug business on the 21st day of May, 1924?

A Yes, sir.

Q Do you remember selling a bottle of hydrochloric acid

34 on that date?

A Yes, sir.

Q How big a bottle was it?

A Pint bottle.

Q What?

A Pint bottle, a pound they call it.

Q A pound?

A Yes, sir.

Q And what kind of hydrochloric acid was it?

A C P they call it, chemically pure.

Q Chemically pure?

A Yes, sir.

Q Now, do you recollect the man that you sold it to?

A Yes, sir.

Q Who?

A The gentleman was Nathan Leopold.

Q Nathan Leopold resembles him?

A Yes, sir.

Q Had you sold any hydrochloric acid, that is a bottle of it, before that?

A No, sir.

Q For how long a time had you gone without making a sale?

A About three or four years.



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Q Had not sold any for three or four years?

A That particular brand, no.

Q How many different grades are there of hydrochloric acid, chemically pure and what else?

A Commercial grade.

Q What is the difference between the chemically pure and commercial grade?

A One is for soldering and the other for laboratory use.

Q Which is the strongest?

A Chemically pure.

MR. CROWE: You may cross examine.

MR. B. BACHRACH: No cross examination.

MR. CROWE: That is all.

THE COURT: Call your next.

(Witness excused.)

v

S V E N    E N G L U N D,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY  
Mr. Crowe.

Q What is your name please?

A Sven Englund.

Q And where do you live?

A 4754 Greenwood Avenue.

Q You are a chauffeur for Nathan Leopold, Sr?

A Yes, sir.

Q You are still employed there?

A Yes, sir, still working there.

Q And have been a chauffeur for how long a time?

A Oh, I have been working for him altogether since 1906 and '08.

Q How many cars are there?

A There is four cars.

Q Describe the various cars that the Leopolds have?

A There is a Packard twin six, a Lincoln first serial, a Lincoln of the second serial, and Willys-Knight, and Wills St. Claire.

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Q Will you describe the Willys-Knight car?

A The Willys-Knight is -- it is a sport model, maroon with red disc wheels and nickel plated bumpers and lamps and it has a tan top and reflectors.

Q Whose car was that?

A Nathan Leopold, Jr. used to drive that, that was his car.

Q Directing your attention, Mr. Englund, to the 21st day of May, 1924, I will ask you what if anything you did with reference to the Willys-Knight sport model that belongs to Nathan Leopold, Jr.? What time did you take it out in the morning?

A I took it out between seven thirty and seven forty five in the morning, and left it at the side door on the drive

Q That was your custom?

A Yes, sir, that was the standing order.

Q When did you next see the car that day, May 21st?

A About one o'clock.

Q Describe who brought it in and the circumstances?

A I was up in the room, upstairs in the garage, and I saw the car coming toward the garage on the driveway and I went down to meet them and Nathan was driving in toward the garage, and he said he had some stuff in the car he

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wanted to put into Dick's car.

Q Now, who was Dick?

A That was Richard Loeb.

Q Was Dick Loeb there at the time?

A No, he was about fifteen seconds behind, about fifteen seconds back of him.

Q What did he have?

A He had another car, I didn't take much notice of the car.

Q What was the color, light or dark?

A It was kind of a dark green.

Q And Dick Loeb was in that car and Nathan was driving the --

A He was driving his own car.

Q What else did you see?

A Nathan said he had some stuff he wanted to put into Dick's car and he took that stuff and folded it up so I did not see what he had. I saw him put it into Dick's car, in the back of the car, and then he asked me if I could not do anything for the squeaky brakes, and I told him I read in the motor magazine I could oil the brake bands and stop the squaking I believed, and for him to be careful and use his emergency brake so he won't run into something and break his neck. So, I oiled the brake bands and I said I would do it right away, and I went and pulled the Packard car, I pulled

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that in the garage, and then I took the Willys-Knight right after and pulled it in the garage and took the disc wheels off and oiled up the brakes.

Q You worked on the Willys-Knight that belonged to Nathan Leopold, Jr. commencing what time that afternoon?

A About ten minutes to two.

Q And it was in the garage from ten minutes of two until what time?

A I went out driving at ten minutes to two and when I got back at half past five it was in the garage.

Q And was it taken out of the garage at any time after that, do you know?

A Not up to nine thirty, I was up to nine thirty and the car was in the garage when I went to bed at nine thirty.

Q Was it taken out after that?

A My wife says it was taken out --

MR. CROWE: No, no, not what your wife says?

Q Well, do you know whether it was taken out yourself?

A No, I did not see it taken out.

Q You did not see it?

A No.

Q Now, the next day did you see Dick Loeb and Nathan Leopold?

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A Yes, they come in, Richard with another car. That was not Nathan's car.

Q Was it the same car that Dick Loeb had the day before?

A Yes, as near as I can tell. I did not take such an awful close look at it, but --

Q And what if anything did these defendants do? That is with this car that they brought in on the 22nd?

A I heard somebody downstairs, and then I was looking out through the window and the car was in the driveway and I went down to see what they was doing, Dick Loeb had a pail of water and a cake of Bon Ami and ~~xxx~~ a scrubbing brush and he was standing and rubbing the scrubbing brush against the Bon Ami, and he had water on the brush, so there was kind of a soap lather, and was putting it on the outside of the car, on the paint on the rear door, ~~between~~ the rear and the front door, on the outside of the car.

Q Well, what else happened? What was said?

A And then he said, Dick Loeb said they had some wine and they spilled some in the car and he did not want his folks to know it.

Q Did he tell you the color of the wine?

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A No, he did not say the color of the wine.

Q Now, did you say anything to them?

A I -- yes, I said that I had no soap in the garage, I had Gold Dust there, but it would take the varnish off the car if you use the Gold Dust on the paint. And then Nathan was on the other side of the car, and he had the gasoline can. The gasoline they used, they poured gasoline and he said "Here is your can", and he come around the back of the car to me, and said, "Here is your can." I took the can to see if there was any dirt in it, but there was a quart and a half of gasoline in the bottom of the can and there was no dirt in it, it was clean.

Q Now, did you offer to clean the car?

A I don't remember if I really did the offer, but they did not want me. Dick Loeb said it was all right, he was just about through he said.

Q Now, was the door of the car open?

A About four to six inches, and was open from the back toward the front, and I was standing at the right front of the car.

Q Did you look into the car or did they do anything in reference to the open door while you were there?

A No, I could not see through the open door. He had

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the door open about four to six inches and I was standing in the opposite direction.

Q Now, had you ever seen either Richard Loeb or Nathan Leopold clean an automobile around your place before?

A No, they never had cleaned one there.

Q Was there anything the matter with your young daughter that day?

A Yes, she was ailing, she was sick, had a cold, and my wife took her to a doctor.

Q She went to what doctor?

A To Doctor Wright, in the Mallers Building.

Q And that was on the 21st --

A 21st of May.

Q -- of May?

A Yes, sir.

Q How many robes did the Leopold family have for their automobiles?

A Oh, there is quite a number of robes there, maybe six or eight, or something.

Q And where were those robes kept, that is, as a general rule?

A I had one in the Packard car that was kept in the car steady. All the spare robes was kept in what we call the



43 telephone room at the outside drive.

Q I will ask you to look at pieces of a green robe that are partially burnt --

A That looks like one of the robes, the robe was a little dark on one side and a little bit green on the other.

Q That resembles one of the robes Leopolds have?

A Yes.

Q Has that robe been missing?

A I have not seen the robe since May 21st.

Q You have not seen the robe since May 21st at the Leopold house?

A Yes.

MR. CROWE: The remainder of the robe we are now showing the witness are those pieces that were identified this morning, and have a pin in them and have been marked People's Exhibit 3 for identification of this date. You may cross examine.

CROSS EXAMINATION

By

Mr. B. Bachrach.

Q You were down in the State's Attorney's office on Decoration Day?

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A Yes, sir, I was.

Q And the State's Attorney asked you about the car in the garage?

A Yes, sir, he asked me about the car in the garage, yes.

Q And about all of these questions?

A Yes, about the same.

Q And you were also before the Grand Jury?

A Yes, sir.

Q Your wife too?

A Yes, sir.

Q You are still employed by the Leopolds at the Leopold house?

A Still employed by Leopolds, yes.

MR. B. BACHRACH: That is all.

MR. CROWE: That is all. Send your wife in now.

(Witness excused.)

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M R S. A L M A E N G L U N D,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By

Mr. Crowe.

Q What is your name?

A Alma Englund.

MR. CROWE: You will have to talk louder than that.

THE COURT: Talk so all can hear you.

THE WITNESS: Alma Englund.

THE COURT: Alma Englund.

THE WITNESS: Yes.

MR. CROWE: Q And you are the wife of Sven Englund who just left the stand here?

A Yes, sir.

Q You live in the garage of the Nathan Leopold family?

A Yes, sir, I do.

Q Your husband was employed there and you lived there on the 21st and 22nd of May, 1934?

A Yes, sir.

Q Have you a daughter?

A Yes, sir.

Q How old is she?

A She will be ten in November.

Q Do you remember the day you took her to the doctor in the Mallers Building?

A Yes, sir.

Q And you had a prescription filled for her?

A Yes, sir.

Q At Kidder & Lewis?

A Yes.

Q What day was that?

A The 21st of May.

Q And this box is the box that contained the medicine that you got at that time?

A Yes, sir.

MR. CROWE: I will introduce that in evidence merely for the purpose of fixing the date. Mark that People's Exhibit 15.

(Marked as requested by counsel.)

MR. CROWE: Q Now, Mrs. Englund, do you know the red Willys-Knight car that was owned by the defendant, Nathan Leopold, Jr.?

A Yes, sir, I do.

Q Was that in the garage on the evening of May 21st?

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A Yes, it was in there at five o'clock.

Q Was it taken out at any time after five o'clock that night?

A Yes, they took out the car about half past ten, but I don't know if it was the car or not.

Q You did not see the people that took it out?

A No, and I did not see them take the car out either.

Q And it was back in the garage the next morning?

A Well, that I don't know.

Q Did you see it after the 21st?

A Yes, I saw it after.

Q It was around the garage after the 21st?

A Yes.

Q Now, when the car was taken out what were you doing?

A I was undressing, going to bed.

Q And you started downstairs did you?

A Yes, sir.

Q In your night clothes, and you went back on that account?

A Yes, sir.

MR. CROWE: That is all. Cross examine.

MR. B. BACHRACH: No cross examination.

(Witness excused)

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MR. CROWE: May we suspend now, Judge?

THE COURT: All right, if there is no objection.

MR. B. BACHRACH: No objection.

MR. DARROW: No.

THE COURT: We will suspend now until two o'clock. All the witnesses be back at two o'clock sharp.

(Whereupon an adjournment was taken until two o'clock P.M., Thursday, July 24th, A. D. 1924.)

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July 24th, 1924.

2:00 o'clock P.M.

Court convened at two o'clock P.M. same day, July 24th, 1924, pursuant to recess heretofore taken.

Present: Same counsel as before.

J. T. SEASS,

called as a witness on behalf of the prosecution, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

THE COURT: I want to warn you, you camera men, that I will send a man to prison who attempts to use one. The first thing you know, all of you will go out if you don't behave yourselves. Proceed, Mr. Crowe.

MR. CROWE: Q Will you kindly state your name?

A J. T. Seass.

THE COURT: Talk louder please?

A J. T. Seass.

MR. CROWE: Will you spell that?

A S-e-a-s-s.

Q And where do you live, Mr. Seass?

A St. Charles, Illinois.

Q What is your occupation?

A I am with

Halsey, Stewart & Company, a bond house.

Q In May, 1924, were you connected in any manner with the Harvard School in Chicago?

A Not directly connected.

Q Well what was your connection?

A I organ-

ized a group of boys that I took charge of in the afternoons, that I got from the Harvard School.

Q Well, you were in the Harvard School on May 21st, 1924?

A Yes sir.

Q Did you know Robert Franks in his lifetime?

A Yes sir.

Q He was a student at the Harvard School wasn't he?

A Yes sir.

Q Where is this Harvard School located?

A 4713 Ellis Avenue.

Q Chicago, Cook County, Illinois?

A Yes sir.



Q Did you see Robert Franke at the Harvard School on May 21st, 1924?

A yes sir.

Q What is the last time you saw him on that day, what hour?

A Well it was shortly after two o'clock?

Q Do you know the defendant in this case, Richard Loeb?

A Yes sir.

Q Did you see Richard Loeb on May 21st, 1924, in the Harvard School?

A yes sir.

Q Did you talk to him?

A

Yes sir.

Q About what time of day was it when you saw Richard Loeb in the Harvard School?

A About two thirty in the afternoon.

Q What conversation, if any, did you have with him?

A Very short, I don't remember what it was.

Q Just passed the time of day? A And shook hands with him.

MR. CROWE: You may cross examine.

MR. HACHRACH: No cross.

MR. CROWE: Just a moment.

Q Do you know Johnnie Levinson?

A Yes sir.

Q He is a student at the University?

AAt

the Harvard School.

Q Or at the Harvard School, rather?

A yes sir.

Q Was he there that day, on May 21st, 1924?

A Yes sir.

Q Was he with you at the time you spoke to Loeb?

A Yes sir.

Q Where did you go with Levinson that day?

A To a lot at the corner of Drexel Boulevard and  
48th Street.

Q And what did you do?

A Played base-

ball.

Q Until what time in the afternoon?

A Four thirty.

Q And then where did you or Levinson go?

A I went home and Levinson went another way home, he  
lived in a different direction.

Q And which way?

A He went north.

Q North on what street?

A I didn't see him leave.

MR. CROWE: All right, that is all.

MR. BACHRACH: Nocross.

(Witness excused).

- - -

C A R L J. U L V I G H, a  
witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name, please?

A Carl J. Ulvigh.

Q Where do you live?                    "A" 4605 Drexel  
Boulevard.

Q And what is your occupation?

A Chauffeur.

Q For whom?                    A Mrs. Arthur Spiegel.

Q And what was your occupation on May 21st, 1924?

A I was a chauffeur.

Q Do you know the defendant in this case, Richard  
Loeb?

A Yes sir.

Q How long have you known Richard Loeb?

A I know him since he was a little boy.

Q Do you know the defendant Nathan Leopold, Jr.?

A Yes sir.

Q How long have you known him?                    A About

three or four years.

Q I will ask you whether or not you saw Richard Loeb on the afternoon of May 21st, 1924?

A Yes sir.

Q Where did you see him? A On Ellis Avenue.

Q Near what other street?

A 49th Street.

Q And what was he doing at the time? A He was driving a car going south.

Q What kind of a car was he in? A I don't know, it was a dark colored car.

Q What was the color of it?

A It was a dark color, a real dark blue, or dark green, I don't know which it was, but it was a dark color.

Q A dark colored car, and what was it, a touring car or a limousine or what?

A It was a touring car.

Q And what about the curtains? A There were curtains all around it.

Q Was there anybody with Richard Loeb at that time?

A Yes sir.

Q Who was with him? A I don't know.

Q Where was Richard Loeb sitting in the car?

A He was sitting behind the wheel.

Q Driving? A Yes.

Q And where was the other man?

A On the side of him.

Q About what time of day was this? A Four  
thirty, it was near four thirty.

Q Where were you going at that time?

A I was going down to the Michael Reese hospital.

Q To call for whom?

A Mrs. Spiegel.

Q And had you been in the habit of going there Wednes-  
days at that hour, four thirty?

A Yes, I came from school as Wednesday is my school  
day for the last two years for two families, we take  
the car to school, and my day happened to be Wednesday.

Q Well, were you able to see the features of the  
other man?

A No, I could not.

Q Did you speak to Loeb or did he speak to you at  
this time?

A No sir.

Q I mean by speaking, did you salute one another?

A I waved at him.

Q And did he wave back at you?

A Yes, he lifted his hand.

MR. CROWE: Cross examine.

CROSS EXAMINATION

BY MR. BACHRACH.

Q When was your attention first called to seeing Richard Loeb driving th t car on that day?

A I think it was on a Monday morning when I took Arthur Spiegel to school.

Q What? A I think it was on a Monday morning after the boys confessed the murder I took Arthur Spiegel to school.

Q Well those confessions were reported in the newspaper on the day after Decoration?

AI think that is right.

Q That is correct, isn't it?

A Yes.

Q Decoration Day was on Friday, the 30th of May, and this was the next day, the 31st of May?

A Yes.

Q This year? A Yes sir.

Q Is that correct?

A Yes sir.

Q And the time you saw Loeb driving was on the 21st day of May?

A Yes sir, on a Wednesday.

Q That would be ten days before?

A Yes sir.

Q Ten days before your attention was first called to it?

A Yes sir.

Q Is that correct? A Yes sir.

Q Between those dates your attention had not been called to it?

A No.

Q And who called your attention to it on the 31st day of May?

A Arthur Spiegel.

Q He called your attention to it?

Yes  
A ~~Yes~~ sir.

Q Did he? A Yes sir.

Q Arthur Spiegel? A Yes sir.

Q The boy? A Yes sir.



Q In a conversation with you?

A He came out that morning all excited and I asked him what he was so excited about --

Q Well, I haven't asked you that. But he called your attention to it in a conversation with himself, did he?

A Yes sir.

Q Now then at the time you saw Loeb, on the 21st day of May, did you look at your watch at the time you saw him?

A No, I didn't.

Q You did not?

A No.

Q Did you make any note of the time at which you saw him on that day?

A No, I did not.

Q Did you regard it, on the 21st day of May, 1924, as though that matter was one of importance?

A No.

Q And ten days later when your attention was called to it by someone you then remembered seeing Loeb drive a car?

Q And you say you didn't notice who was seated alongside of him?

A I didnot.

Q Did you observe very closely who was seated alongside of him?

A No.

Q Now then, do you remember where you were at two o'clock on May 21st, 1924?

A Yes sir.

Q Where were you?

A At school.

Q Atthe school? A At 59th and Kenwood.

Q And did you leave the school shortly after that?

A I think it was somewhere near a quarter to three weleft the school.

Q Who left?

A The children.

Q You remained at the school from two o'clock until about a quarter of three?

A Yes sir.

Q Were you waiting for your charges to take them home?

A I was waiting for the children to take them home,  
yes sir.

Q And at a quarter of three did you take them home?

A yes sir.

Q How long did it take you to get home?

A Oh it took me about twenty minutes, I had five  
different places to go.

Q Then you got home about five minutes after three?

A Yes sir.

Q Where did you go then?                      A I went home, to  
my own home.

Q How long did it take you to get there?

A It took me another five minutes to get home.

Q And then where did you go?

A I went over to 47th Street and done some shopping.

Q Then where did you go?                      A I went over  
to Mrs. Spiegel's house again.

Q And what time did you get there?                      A Around  
about twenty minutes after four.

Q And how long after that was it that you saw Dick  
Loeb, the defendant, driving a car in Ellis Avenue?

A About four thirty.

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Q About four thirty. Was it before four thirty?

A No, I don't think so, it was about four thirty when I left the house.

Q And where was he when you saw him driving?

A He was just north of Ellis Avenue.

Q North?

A North of 49th Street on Ellis Avenue.

Q Going in which direction?

A South.

MR. BACHRACH: That is all.

REDIRECT EXAMINATION

BY MR. CROWE.

Q Now this place that you saw Dick Loeb -- Richard Loeb, the defendant in this case, in an automobile, about 4:30 on May 21st, 1924, on Ellis Avenue, near what other street?

A Near 49th.

Q -- near 49th Street, that is in the City of Chicago, County of Cook and State of Illinois, is it?

A Yes sir.

Q Mr. Bachrach asked who called your attention to this

first, and you said the talk you had with Mr. Spiegel. Will you state what that conversation was?

MR. BACHRACH: I object, if the Court please. I didn't go into it.

MR. CROWE: Well, I understand, but you asked for it, and when you thought it was going to hurt you you dropped it. You having brought it out I am privileged, when you are afraid of it, to bring it to the Court's attention.

MR. BACHRACH: There isn't any use of saying I am afraid of it.

MR. CROWE: Well, you dropped it.

MR. BACHRACH: When you say I brought it out, I brought it out and didn't care to go into it, and I said to him, "was it in a conversation with you," and when he said yes, I didn't care to go into it any further.

MR. CROWE: Well, that opened the door.

MR. BACHRACH: You are mistaken when you say that I was afraid of it.

THE COURT: Has it any bearing on this case?

MR. CROWE: It has a bearing on his testimony as to

how the matter was brought to his attention and how he fixes the time.

THE COURT: The conversation itself, has that any bearing on the case?

MR. CROWE: It will have on the fact. It shows how this man fixes the time and the date and the occurrence.

THE COURT: Very well, he said he had a conversation. Unless the conversation has some bearing on this case, we don't need to hear it. If it has any bearing, we can hear it.

MR. CROWE: Q Well, will you state what you said to Mr. Spiegel or what he said to you in reference to this matter?

MR. BACHRACH: I object.

THE COURT: Oh, let him tell it.

MR. CROWE: Q Go ahead?

THE COURT: Do you remember what the conversation was?

THE WITNESS: Yes sir.

THE COURT: Tell it.

A Arthur Spiegel came out excited that morning and I asked him what is the trouble, and he said, "did you

read the newspaper" and I said "no", and he said, "did you see that Dick Loeb confesses to the murder", and I said, "I don't believe that. I saw Dick Loeb driving a car that Wednesday, but it was no Winton." I said, "I think it is all bunk." That is all I had to say.

MR. CROWE: Q What kind of a car did the newspapers say he had at that time?

MR. BACHRACH: I object.

THE COURT: yes, sustained.

MR. CROWE: All right, that is all.

MR. BACHRACH: That is all.

(Witness excused)

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G E O R G E C . F R Y,

called as a witness on behalf of the prosecution, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A George C. Fry.

Q Where do you live, Mr. Fry?  
ham Place.

A 745 Bucking-

Q What is your occupation?  
Central Station, Chicago.

A Ticket Seller

Q On May 21st and 22nd, 1924, what was your occupation?

A Ticket Seller.

Q Will you state whether or not on the 22nd day of  
May, 1924 you sold any pullman seats in the car Quaron,  
Number 505?

A 507.

Q 507?

A Yes sir.

Q I will show you what purports to be a Pullman duplicate, from Chicago to Michigan City, Indiana, and ask you whether you have ever seen that before?

A Yes sir.



Q Now what is that? A That is the Agent's stub of the Pullman ticket.

Q And what does it indicate?

A It indicates that Seat 4 in Car 507 was sold on the 22nd of May.

Q On that day?

A Yes sir.

Q And you are the man that sold it?

A Yes sir.

Q And this is the stub that you kept?

A Yes sir.

MR. CROWE: I will offer this in evidence, your Honor.

It reads:

"Pullman Company, Agent's Stub, of no value except to the Agent. Chicago to Michigan City, Indiana, Blank, M train, seat Number 4, car 507, 75¢, printed by Kinkaid-Gellespie, Chicago, U.S.A. form 94," and a number 3081, "office 25 and 23 --"

what is that, 25 and 23?

A Every office has a different number.

Q And what is your office number?

A That is our

office number.

Q And on the back is stamped "Central Station,  
May 22nd, 1924, Chicago." Your office is down at  
the Illinois Central Depot?

A Yes sir.

Q On 12th and Michigan?

A Yes sir.

Q And what is that there?

A That is the other man who is to testify here.

THE COURT: Talk loud so we can hear you?

A That is the other man who is to testify here.

MR. CROWE: Q There is a name here, what is that?

A J. F. Ball.

Q J. F. Ball? What do you do with this?

A Those are kept in the records.

Q Kept in the records.

MR. CROWE: I wont offer this until Mr. Ball testifies.

You may cross examine.

MR. BACHRACH: No cross.

MR. CROWE: Q What road was that on?

A Michigan Central.

Q Do you know the defendant in this case, Richard Loeb?

A No sir.

Q You don't recollect who you sold this to?

A No sir.

MR. CROWE All right.

(Witness excused)

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J O H N F. B A L L,

a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q You may state your full name?

A John F. Ball.

Q Where do you live, Mr. Ball?

A 7013 Jeffery  
Avenue.

the court; What did you say your name is?

A Ball.

MR. CROWE: John F. Ball.

THE COURT: All right.

MR. CROWE: 7013 Jeffery Avenue.

A Yes sir.

Q What is your occupation, Mr. Ball?

A Ticket Seller for the Illinois Central Railroad.

Q And on May 22nd, 1924, what was your occupation?

A The same.

Q Do you know George C. Fry?

A Yes sir.

Q Do you and Fry work together?

A In the same office, not together.

Q In the same office?

A Yes sir.

Q I will show you a ticket which reads: "Pullman Agent's Stub. Of no value except to agent. Chicago to Michigan City, Indiana. Seat Number 4. Car 507. Seventy-five cents. Printed by Kinkaid-Gellespie, Chicago, U.S.A. Office 25 and 23" -- is that the number of your office?

A Yes sir.

Q "Number 3081, form 94 ", and on the back thereof is stamped "Central Station, May 22-24, Chicago", and "J. F. Ball", written in lead pencil. Did you ever see that before?

A Yes I did.

Q What is that?

A That is a stub of this particular seat sold on that day to Michigan City.

Q Who did you give that to?

it was Mr. Savage, I am not sure.

A I believe

Q Mr. Savage, the gentleman sitting here?

A Yes sir.

MR. CROWE: Do you want me to call Mr. Savage in order to connect this, Mr. Bachrach?

MR. BACHRACH: No, what is the fact, Mr. Crowe?

MR. CROWE: He said he gave it to Savage.

MR. BACHRACH: I am satisfied with that.

MR. CROWE: I now offer this in evidence and ask it be marked People's Exhibit 15, I think.

MR. SAVAGE: 16.

(Which said document was marked

"People's Exhibit 16").

MR. CROWE Do you know whether the original was ever turned in, of this?

A No, I do not.

Q You don't know that?

the Pullman company downtown.

A That would be at

MR. CROWE: All right. Any cross?

MR. BACHRACH: No.

(No cross examination and  
witness excused).

- - - -

T O N Y M I N K E,

a witness called on behalf of the prosecution, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

MR. CROWE: I don't believe this man understands English. What language do you speak?

THE WITNESS Polish.

THE COURT: Can you speak English at all?

THE WITNESS: I speak a little bit.

THE COURT: A little bit?

The Witness: Yes.

MR. CROWE: Well, maybe we can get along.

THE COURT: Yes.

MR. CROWE: We have an interpreter here, however.

THE COURT: Stand up. Raise your right hand and be sworn. See how far you can go with him.

MR. CROWE: Q What is your name?

A Tony Minke.

Q Where do you live, Mr. Minke?  
at Robey, Indiana.

A I live

Q Robey, Indiana?

A Yes.

Q What is your business? A I work in the American Maize Company.

Q American what? A American Maize Company.

Q On May 22nd, 1924, were you at the culvert near the Panhandle Railroad, at 118th Street?

A I can't understand.

THE COURT: How?

THE WITNESS: I can't understand.

MR. CROWE: I think probably we will get along faster if we interpret it.

THE COURT: All right. Is there somebody here ~~can~~ who can interpret?

MR. CROWE: Yes. Will you swear the interpreter to interpret from English to Polish and the answers of the witness from Polish into English?

(Whereupon the interpreter, Frank Manzak, was here sworn by the Clerk of the Court).

MR. CROWE: Q On May 22nd, 1924, were you near the culvert located near the Panhandle Railroad and 118th Street in Chicago, Cook County, Illinois?

A At that time I was just passing by there, I was



on my way to Hegwich to a watchmaker where I had my watch for repairs. I have the watch with me now.

*Handwritten: R. Crowe*

Q Now, what time of day was this? A About nine o'clock in the morning.

Q Did you see a dead body any place at that time?

A Yes, I did. I saw a boy's body in this pipe.

Q Now go ahead and tell all about it?

THE INTERPRETOR: I am going to give you this in sections.

MR. CROWE: All right.

A As I saw this boy's body in this pipe I then bent down this way, as I have indicated, and looked in further, and after I saw the body in this pipe I then noticed that there was four men coming along on a handcar, a gasoline handcar, and as those four men were coming along with the handcar I hailed them and had them stop and I called their attention to this body in this pipe, it was either a man or some person drowned in this pipe.

*Handwritten: Leopold and Loeb  
trial transcript  
book of material*

Q And what else?

A And then these men ~~th~~ came over to the place where this body was lying and they picked up this body and they took it over onto another handcar, there were two

handcars at this place.

Q Now will you tell the court how the body was laying, whether it was on its face or back when you first saw it in the pipe?

A The body was facing to the ground with its body to the ground.

Q Face down?

A Face down.

Q Was there water in that pipe where the body was laying?

A Yes there was, about a foot of water.

Q When you pulled the body out, describe the body as to whether it was a boy, a girl or a man, or what?

A It was a boy, his body.

Q About how old?

A Well, I don't know the exact age.

Q Well, about how old? A Oh, probably twelve years of age.

Q About how big, how heavy was the boy?

A Oh I don't know the weight, but as to the height, I think the body was very near the same height as myself.

Q And how tall are you? A I am about five feet, over.

Q Now what did you notice about the body in the way of -- describe any unusual things about the body after you got it out?

THE INTERPRETOR. The witness doesn't answer the question.

MR. CROWE: Did the body have any clothes on?

A No.

Q The body was naked, was it?

A It was naked.

Q Now were there any clothes around the culvert, the drainpipe there?

A No, there was no clothing there. Me and the other men made a search near the body there and we found no clothing of any kind, except a pair of glasses, but I didn't see them myself.

Q You didn't see the glasses?

A I saw the glasses later on when the police had it in the patrol wagon.

Q I will show you a pair of glasses now and ask you whether they resemble the glasses that the other fellow gave to the police?

A Yes, about the same kind of glasses the police officers had there.

Q Now what did you do with the body after you got it out, where was the body taken?

A The body was taken to the Lake Shore Depot.

Q And where was it taken from there, do you know?

A I waited there until the patrol wagon came up and then they took the body, and they also <sup>took</sup> ~~put~~ my name and the names of the other men who were there at the time.

Q Well, the body was turned over to the police?

A Yes.

Q Did you find out afterwards whose body this was?

A Yes, I did, after the police had notified me and they brought somekind of a paper over to the office.

Q Well, whose body was it?

A Well I don't know of my own knowledge to whom the body belonged, but only from hearsay.

MR. DABROW: Ask him the direct question.

MR. CROWE: Q Well, was it Robert Franks' body?

A Yes.

MR. CROWE: Now I would like to have those glasses

that I exhibited to the witness a moment ago, marked in some manner for identification and later on we will introduce them in evidence. Will you mark them according to the letter that we were using today?

MR. SAVAGE: Mark the envelop.

(Whereupon the envelop containing the glasses referred to was marked "People's Exhibit E for identification".)

MR. CROWE: Q Now when you pulled the body out of the drain, at nine o'clock in the morning, was there any life in it or was the body dead?

A It was dead.

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

(No cross examination and witness  
excused)

P A U L . K O R F F,

a witness called on behalf of the prosecution, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name, sir?

A Paul Korff.

THE COURT: What?

A Paul Korff.

THE COURT: Spell the last name?

THE WITNESS: K-o-r-f-f.

MR. CROWE: Q Where do you live, Mr. Korff?

A 6453 South Carpenter.

Q And what is your business? A Signal repairman.

Q On May 22nd, 1924, about nine o'clock in the morning where were you?

A I was on my way to work.

Q Well where were you in reference to 118th street and the Panhandle Railroad?

A We was leaving Koleauer about nine o'clock, that is about 108th Street, on a gasoline car going to our work to Wolf Lake, that is a railroad branch between Hegwich

and Hammond.

Q Now tell what happened from that time on?

A When we passed about 120th or 121st street we seen a man standing alongside the railroad track motioning us to stop.

Q Was that the man that just left here, Mr. Minke?

A Yes, Tony Minke.

Q All right, then what happened?

A So we stopped the car and went back again to see what he wants. We got off the car and he pointed; in this drainpipe, this culvert, going underneath the railroad track, we seen a naked body laying in there and we made arrangements to pull this body out. While the fellows that were with me were making the arrangements I looked around. I seen the body was naked and I thought there must be some clothes around and I started looking around for clothes, and I went around and I picked up a pair of eye glasses.

Q I will show you a pair of eye glasses which have been marked "People's Exhibit E for identification" and ask you if those are the eye glasses that you picked up at that time?

A Yes, that is a pair just like it.

Q And what did you do with the glasses?

A I took them over to Hegewich.

Q Who did you give them to?

A To a police officer.

Q Do you know what police officer you gave them to?

A I don't know his name, but I know him when I see him.

Q Do you know Sergeant Anderson?

MR. SAVAGE: It was a wagon man.

MR. CROWE: Q Well, you gave them to a police officer in the police station?

A In Hegewich.

Q In the Hegewich police station?

A Yes.

Q What did you do with the body?

A We turned the body over to the police, too.

Q To the same squad that you turned the glasses over to?

A yes sir.

MR. CROWE: Have you got those three police officers here?

CAPTAIN O'MALLEY: They are here. This is the man.

MR. CROWE: Q Do you know that man here?



A Yes sir.

Q Is he the man you turned the glasses over to?

A Yes sir.

MR. CROWE: That is all. What is your name, officer?

A POLICE OFFICER: Anton Shapino.

MR. CROWE: All right. You can retire for a minute.

Send the other two officers in here.

Q And he was present when the body was turned over also, was he?

A Yes sir.

MR. CROWE: Q What is your name, officer?

THE POLICE OFFICER: Koleczka.

MR. CROWE: What is the other officers name?

THE POLICE OFFICER: Alvis B. Myers.

MR. CROWE: Q Are those the other two police officers?

A I couldn't say.

Q You can't say?

A No.

MR. CROWE: All right. You can retire now.

Q What condition was the body in when you pulled it out of the culvert?

A The body was naked.

Q Was it laying on its back?

A No.

Q Or face down?                   A It was laying down, head  
end first.

Q How old a person was it, the body, about?

A About fourteen years old.

Q A boy or a girl?

A A boy.

Q And what did you notice about the body, if anything?

A We discovered two holes in his head.

Q And what else, how about the face?

A We didn't discover anything on the face. The face  
looked kind of blue and ~~scarred~~<sup>scarred</sup>, I thought it was from the  
Water.

Q Did you afterwards find out whose body this was?

A Yes, we found out the next day.

Q Whose body was it?                   A It was the Body  
of Robert Franks.

Q Now this place where you found the body at 118th  
Street and the Panhandle Tracks, was there any life  
in the body?

A No.

Q Dead?                                   A It was dead.

Q At this place that you found it, at 118th street and

the Panhandle Tracks, is in Chicago, Cook County, Illinois, is it?

A Yes.

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

THE COURT: That is all.

MR. CROWE: Now will you call that officer in that had the glasses? Well, there is just one question, your Honor that I forgot.

Q How far in, from the mouth of the pipe, was the body when you discovered it?

A Do you mean from the end of the drain pipe to his feet,?

Q Yes.

A About twelve ~~xxxxxx~~ inches.

Q Had it been shoved in feet or head first?

A Oh, head first.

Q Head first, and the feet were about twelve inches inside the mouth of the pipe?

A Yes sir.

MR. CROWE: That is all.

MR. BACHRACH: Did the witness say it was in Chicago, Cook County, Illinois?

MR. CROWE: Yes.

MR. BACHRACH: Isn't it in Indiana.

MR. CROWE: No, in Chicago, Illinois. This was in the Hegewich Police district.

MR. BACHRACH: You mean the culvert?

MR. CROWE: Yes. Indiana comes in where they buried the shoes. The body was found in the Hegewick Police District.

MR. BACHRACH: All right.

MR. CROWE: That is all.

(No cross examination and  
witness excused)

- - - - -

A N T O N        S H A P I N O ,

a witness called on behalf of the prosecution, being  
first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name please?

A Anton Shapino.

Q What is your occupation?            A Police officer  
of the City of Chicago.

Q And you are stationed where?

A 10120 South Union Avenue, Eighth District.

Q What is the name of the police station you work  
out of?

A The Eighth District, East Side.

Q Do you call it Hegewich?            A Well they call  
it East side and Hegewich.

Q The East side?

A Yes.

Q Do you know where 118th street and the Panhandle  
Tracks are?

A Yes sir.

Q Do you know the drain where this body was found?

A I have not been at the drain but I know the loca-  
tion.

Q You know 118th street and the Panhandle?

A I do.

Q Is that in your police district?

A Yes sir.

Q And 118th Street and the Panhandle tracks are in the City of Chicago, Cook County, State of Illinois?

A Yes sir.

Q And in your police district?

A Yes sir.

Q Do you remember on the morning of May 22nd, 1924, a man named Paul Korff, the man who just left the witness stand here, do you remember when he and some other men -- did you meet them that morning?

A I did at 133rd and the Panhandle tracks.

Q And what was there when you got there?

A When we got there --

Q When you say "we" who was with you?

A When I got there several men were there and they directed me to the station at that point, 133rd and the Panhandle where we were directed to go to remove the dead body of a boy, and the body, they had it in the station wrapped up in a canvas. I unwrapped it and looked through it and examined it and I saw several

outs, two cuts on the head, and I asked under what conditions they found him and where, and they told me it was about a mile --

Q Now, was the body naked or clothed?

A It was naked. They told me about a mile down the track.

Q How old a boy was it?

A Well I reported

fourteen years.

Q Was Tony Minke there?

A Yes sir.

Q He is the man who testified a little while ago here?

A Yes sir.

Q And you have seen him here?

A Yes sir.

Q Was anything given to you by Paul Korff?

A Yes sir.

Q What did he give you?

A Eye glasses.

Q I will show you a pair of eye glasses that have been marked "People's Exhibit E for identification" and ask you to examine them and state whether or not those are the eye glasses Korff gave you?

A Yes sir.

Q Did you put a mark on them?

A I did.

Q What kind of a mark?

A My initial, "A" on the ~~case~~ or whatever you call it around the glasses. -

Q And it is on there now?

A Yes sir.

Q And these are the glasses that were turned over to you by the witness Korff?

A Yes sir.

Q That "A" here (indicating)?

A That is my initial, yes sir.

MR. CROWE: If your honor please, I desire to introduce these glasses in evidence now and call your attention to the letter "A" that he put on at the time they were given to him.

THE COURT: They may go in.

MR. CROWE: Q What condition were the glasses in, clean or dirty?

A Why, they were clean.

Q What did you do with the body then?

A We moved the body to 13300 South Houston Avenue



morgue.

THE COURT: 13300?

A 13,300.

MR. CROWE: Q Now did you learn afterwards whose body this was?

A The following morning.

Q And who identified it?

A I don't know who identified it only what I read in the paper, I wasn't there at the identification.

Q Well, you were not present when the body was identified?

A No sir.

Q That is all. Well just a minute. Did you do anything with these glasses -- did you put them on the body?

A I put them on the body at the morgue after I marked them.

Q Whose morgue is that?

A Olejniczak's Morgue.

MR. CROWE: Is Olejniczak here?

CAPTAN O'MALLEY: He is here.

MR. CROWE: What is your name?

MR. OLEJNICZAK: Stanley Olejniczak.

MR. CROWE: Q Is that the Undertaker, officer?

A That is the undertaker. He was present when we made the second trip with the Captain. He wasn't there at first, his wife was there.

Q And it was in his place that you put the glasses on the boy?

A Yes sir.

MR. CROWE: That is all.

THE COURT: Any cross examination?

MR. BACHRACH: No cross examination.

(No cross examination and witness  
excused).

— — — —

MR. CROWE: Now will you take the stand -- and Officer,  
just remain a minute, will you?

— — — —

S T A N L E Y O L E J N I C Z A K,  
called as a witness on behalf of the prosecution, having  
been first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A Stanley Olejniczak.

Q Where do you live?

THE COURT: Will you spell your last name?

A O-l-e-j-n-i-c-z-a-k,

MR. CROWE: What is the number of this exhibit, now,  
the glasses? They have been introduced in evidence?

MR. SMITH: You have got that "E".

MR. CROWE: They have been introduced in evidence.  
Now People's Exhibit number what -- what is the last  
exhibit?

MR. SMITH: Fourteen.

MR. CROWE: These are People's Exhibit 15.

Q You are an Undertaker?

A Yes sir.

Q Where is your place of business?

A 13300

Houston.

Q Houston Avenue?

A Yes sir.

MR. SMITH: Make that sixteen.

MR. CROWE What?

MR. SMITH: Make that sixteen.

MR. CROWE: This is People's Exhibit 16.

Q That is in the City of Chicago, isn't it?

A Yes sir.

Q Cook County and State of Illinois?

A Yes sir.

Q Do you remember, on the day of the 22nd of May, 1924, a body being brought into a place?

A Yes sir.

Q About what time of day? A Between ten and ten fifteen.

Q And that was the body of whom?

A Why at that time we didn't know who the body was.

Q Well was it a man or a child?

A Boy.

Q A boy about how old? A I should judge it to be fifteen.

Q Now did any person identify the body after it had

been brought into your place?

A Yes sir.

Q Who? A The Uncle.

Q That is Mr. Gresham?

A Mr. Gresham.

Q He identified it as the body of whom?

A Of Jacob Franks -- or Robert Franks.

Q Robert Franks?

A Yes sir.

Q Did you see a pair of glasses there?

A Yes sir.

Q And wherewere the glasses when you first saw them?

A On the forehead.

Q On the forehead of the boy?

A Yes.

Q I will show you People's Exhibit 16 and ask you whether they resemble the glasses that you saw at that time?

A They lookvery much like them.

Q All right, sir.

MR. CROWE: What was the name of that police officer that just went out, and your name, officer?

THE POLICE OFFICER: Anthony Stepinak.

MR. CROWE: Q You know that police officer, do you?

A Yes sir.

Q Was he there that day?

A Yes sir.

Q Was there any more than one body brought in?

A On that day?

Q Yes.

A No sir.

Q And the body of the boy that was identified by Mr. Gresham as the body of Robert Franks was the body that this police officer and the others brought in to your place that day?

A Yes sir.

MR. CROWE: That is all.

(No cross examination and  
witness excused)

- - - - -

J O H N            K A L E C Z K A,  
a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A John Kaleczka.

THE COURT: Spell it?

A K-a-l-e-c-z-k-a.

MR. CROWE: Q Where do you live?            A 1405  
West 71st Street.

Q On the morning of May 22nd, 1924, shortly after  
nine o'clock where were you?

A Well I was going along the Pennsylvania tracks on  
a motor car.

Q Near what street?

A That will be about 120th, something like that, I  
would judge it to be.

Q Well did you stop at any time?

A Well, I stopped when the man hailed me to stop,  
I didn't know what he was up against, so I stopped  
the car and backed up to see what was the trouble.

Q Who was the man?

A Tony Minke.

Q Minke?

A I know him now.

Q That is the man that was in the courtroom a moment ago?

A Yee sir.

Q Well when you stopped what happened?

A Well I stopped and I got off and the man called me over and he said, " Look, there is something in the pipe , there is a pair of feet sticking out" -- they were in there, they were not sticking out, but all you could see was the feet.

Q Then what happened?

A Well, I got down and pulled him out, He was stuck in the pipe and I pulled him out.

Q Describe now what you pulled out, what kind of a body.

MR. DARROW: Don't you think that has been sufficiently proved?

MR. CROWE: Well all right.

MR. DARROW: It seems so to me.

MR. CROWE: Any cross examination?

MR. DARROW: No.

MR. CROWE: That is all.

MR. DARROW: I don't want to interfere.



MR. CROWE: That is all right. That is all.

(No cross examination and witness  
excused.)

MR. CROWE: Now if your Honor please, and Mr. Darrow, the next testimony that I am coming to is the chemists. I have some chemists here, and I would like to get rid of them, and I will promise that while some of the exhibits have not been introduced, I will promise to absolutely, later on, connect them up and make them admissible, is that is satisfactory.

MR. DARROW: Well, mark them when they come up?

MR. CROWE: Mark them for identification.

MR. DARROW: They are the ones that you have been referring to?

MR. CROWE: The car, the parts of the car, boots and clothes, I want to get rid of them. Now, if we take a recess, if we take about ten minutes it will take us a little while to assemble them, we have got them all here.

THE COURT: All right.

MR. CROWE: We have got quite a few exhibits and it will take some little time to assemble them.

THE COURT: All right. The chemists want to look over some exhibits now and it will take them about fifteen minutes to do that. We will suspend now until a quarter after three.

Whereupon a short recess was here taken by court and counsel.

- - - - -

1  
Harvey  
relieves  
Snyder  
at 3:15  
P M  
7-24-24.

(Whereupon pursuant to a short recess heretofore

taken the following proceedings were had)

D R W I L L I A M B. M'c N A L L Y,

called as a witness on behalf of the People, having  
been first duly sworn, was examined, and testified as  
follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q Will you state your name please?

A William B. McNally.

Q What is your occupation or profession?

A I am a physician and surgeon; also a toxicological  
chemist with the Coroner of Cook County.

Q For how long a time have you been a physician and  
chemist?

A I have been a chemist for 19 years; I have been a  
physician for the last four years. I have been connected  
with the Coroner's office eleven years, and connected  
with the Rush Medical College for 12 years as assistant  
professor of medicine, at Rush Medical College.

Q Now you go ahead and give your qualifications to  
the Court.

MR. DARROW: There is no request on our part

*No interest or  
How best may paid  
the attention -*

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as to the Doctor's competency. You don't need to go into that fully unless you want to.

MR. CROWE: Well, you might put it in the record, it will only take a minute.

MR. DARROW: All right.

MR. CROWE: Go ahead and give the balance of your qualifications.

THE WITNESS: A As a chemist to the Coroner of Cook County I have made the examinations of the organs of over ten thousand people; I have examined several thousand weapons, articles of clothing, for blood stains.

Q Now, Doctor, did you examine the stomach and organs of the body of Robert Franks?

A I did.

Q Will you describe what you examined and the conclusions you came to?

A On May 23rd, Coroner's physician Benson submitted to me organs said to have been removed from the body of Robert Franks. There were two kidneys, stomach and content, a lung, a portion of the liver, and bowel. These organs were first examined grossly and the lung was suctioned and I came to an opinion that findings were that of suffocation. There was no --

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Q That is before you had -- did you ever see the body itself?

A I had never seen the body, no, sir, at any time.

Q And don't know whether there was any signs of violence on the body when you came to that conclusion?

A No, sir.

Q All right, go ahead, Doctor.

A The lung was suctioned to show evidence, if there were evidence of drowning. There was no water found, no sand, no diatoms. The microscopical examination of the lung showed a state similar to that of red hepatization that we find in pneumonia. There was hemorrhages throughout the lung; hemorrhages into the alveolar cells. The stomach came intact, weight 278 grams, contained undigested food, starch and fat. From the presence of these two, I came to the conclusion that death had occurred between five and six hours after a meal. All of the organs were weighed up and subjected to a toxicological examination. I examined for alkaloid poisons, such as morphine, strichnine, cocaine, nicotine; examined for heavy metal poisons as arsenic, mercury, antimony; for volatile poisons such as grain alcohol, wood alcohol, formaldehyde, acetone, phenol

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cyanide, and nitro-benzol. From this examination I came to the conclusion that there was no poison present.

On June 3rd, Lieutenant Loftis of the State's Attorney's office submitted to a group of experts of which I was one, three pieces of board from an automobile, a charred robe, trousers said to belong to Richard Loeb, a coat, vest and trousers, said to belong to Nathan Leopold, and on the 5th I received from Mr. Savage a chisel from which I cut a small piece of tape which had a red stain. I examined a pair of hip boots said to belong to Nathan Leopold, also removed from a Willys-Knight car at the Municipal Pier material from the left door and material from the back of the front seat where there was a large amount of red stain, the length of which was approximately 22 inches long. These stains --

Q Now, just a moment, Doctor. In your examination was there any other doctors or chemists present?

A Yes, sir.

Q Will you state who those chemists or doctors were?

A There was Doctor John Wesner, of the Columbus Laboratories.

THE COURT: Wesner?

5

THE WITNESS: Wesner. Doctor Ralph Webster, of the Chicago Laboratory; and Doctor Ludwig Hectone of the McCormick Institute for Infectious Diseases.

MR. CROWE: Doctor Hectone is now in Sweden, is he?

A Yes.

Q And Doctor Wesner and Doctor Webster are both here in Chicago?

A Yes, sir.

Q Are they present in the court room now?

A They are in the ante room.

MR. DARROW: We will admit they will testify the same way, all of them.

MR. CROWE: I will now show you a cold chisel, the sharp end of which is wrapped in tape, with blood or dark spots on the tape and which has been introduced in evidence as plaintiff's Exhibit what? I think it is marked on there, Doctor.

A I had my mark on here, however, and the date.

MR. CROWE: May I supply the exhibit number later? Will you get that, Mr. Sheeder? Will that be satisfactory, Gentlemen, and the Court? There are several marks here. People's Exhibit 16, I think.

Q Was that the chisel that you took the piece of

6 tape from and caused a chemical analysis to be made of?

A It is.

Q Now, state what you did and what was the result of your finding?

A Doctor Webster and I were present when Mr. Savage gave this chisel to me and I placed my initial on there and the date. Doctor Webster also placed his initial on there. A small piece, approximately half an inch long by a quarter of an inch wide was removed for examination. This examination consisted of a chemical, optical, and biological examination. A portion of this was dissolved in physiological salt solution to put the blood in solution. One or two drops were placed in a small test tube of a half cubic centimeter capacity and shaken, and it responded to the foam test to protein albuminous material. A drop of nitric acid was added to it and a ring test obtained. To another portion of this --

MR. DARROW: You need not go through the process here.

MR. CROWE: I prefer to get it into the record, if your



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your Honor please.

MR. DARROW: I object.

THE COURT: Oh, let him tell it. Go ahead.

THE WITNESS: A To another portion was added a freshly prepared tincture of gualacum, and in a half C C test tube, that is cubic centimeter. This is known as the Van Dean's test. A drop of ascetic acid was added, one drop of peroxide and a blue color was obtained indicating the presence of blood.

MR. CROWE: What kind of blood?

A Just blood. We could not say at this stage what the nature of the blood was. This was just a chemical test.

To another portion of this same solution was added a fragment of benzodine, one drop of ascetic acid and one drop of peroxide was added. A dark blue color was obtained indicating the presence of blood.

Q Pardon me just a minute. Did you mark this this morning?

MR. ALLEN: (Reporter) Yes, sir, that is Exhibit 6-J.

MR. CROWE: 6-J. Just make that correction. This is Exhibit 6-J, instead of Exhibit 16.

THE WITNESS: To another few drops in a small test

8 tube half a cubic centimeter capacity was added one drop of a phenolphthalein solution and a leuco base of phenolphthalein containing one drop of hydrogen peroxide for five C C of solution of an intense sodium peroxide making up to 100 c c. It must be freshly prepared for tests of this kind. With this test a dark pink red color was obtained indicating the presence of blood.

To a small thread taken from this tape placed on a microscopical slide was added a drop of physiological salt solution and glacial acetic acid. It was covered with a covered slip and allowed to boil on the electric hot plate. Then it was taken off and examined microscopically for the presence of Heman's crystals. This test is known as the Tiechman's test. The crystals were obtained showing the presence of blood.

Another small portion of this stain was placed on a slide and allowed to soak with a physiological salt solution and examined microscopically for the presence of red blood cells or erythrocytes, showing a bi-concave disc, which were measured with a

9 filer's micrometer, the average diameter about seven and a half micrones.

Another portion of this solution previously made was subjected to spectroscopic examination, using a Zice microspectroscope obtaining the bands of oxyhemoglobin . This also showed the presence of blood.

Having determined that blood was present it was next to determine the nature of this blood, its source. For this purpose anti-human serum, anti-dog serum and anti-sheep serum was used. These serums are prepared as follows:

Rabbits are injected intraperitoneal with whole human blood, Every five to six days. At the expiration, five or six weeks, seven days after the last injection the rabbit is bled from the marginal vein of the ear, the blood centrifuge and a clear serum obtained. We now tested this up against a known human blood, having dilutions made from one to 500, ~~xxx~~ to one to ten thousand, in this way we get the titre of the anti-serum.

The same was used, the anti-dog, the same

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method of preparation, and the anti-sheep.

The red stains in this case of the various articles mentioned, the chisel, dissolution of the same was placed in small half centimeter cast tubes, one tenth of a cc of the anti-human serum was added to one tube, one tenth of a cc of anti-dog and one tenth of a cc of anti-sheep. Anti human serum gave a precipitate called precipitin. In three minutes a ring was perceptible, in two minutes. A negative results were obtained with the anti-dog and anti-sheep. We also used an anti-hemoglobin precipitant. This is prepared by washing the human red cells with physiological salt solution until all of the plasma is removed. The red cells are measured and dissolved in sterile water, and injected into a rabbit in the same manner as for the anti-human precipitant serum described above. This was applied to the stain on the chisel and the other articles and it was found that a ring was obtained showing the presence of human erythrocytes or red cells.

From the 'chemical, biological and optical' methods of examination of the stains, I came to the conclusion that the stains were of blood of human origin.

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Q Now, Doctor, I direct your attention to a robe, green automobile robe, the remains of it charred, and introduced in evidence this morning and marked as People's Exhibit 3 for identification as of this date. State whether or not you took a piece of that robe and made a chemical analysis similar to the analysis that you have just described that you made of the piece of tape?

A I did.

Q Along with the other doctors you have named?

A Yes, sir, and found that the stain was blood of human origin.

MR. CROWE: I don't believe, your Honor, I have exhibited this to you yet.

THE COURT: I saw it this morning when you were showing it there.

MR. CROWE: Later on when we get through I will hand it up to your Honor.

THE COURT: I just noticed it.

MR. CROWE: Did you mark it, Doctor?

A It is difficult to mark. Yes, sir. We marked it with a safety pin. Yes, there is the safety pin.

Q That is the mark you put on it at the time you

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took the piece off.

A Yes, sir, showing the location where we took the piece off.

Q And you went through the same process as you did with the piece of tape and your conclusion is that it was stained with human blood?

A Yes, sir.

MR. CROWE: Now, give me the boots.

Q I will show you a pair of rubber boots, hip boots, and I will later, if your Honor please, connect them up and make them competent evidence. I understand it is satisfactory to the defense and their clients that we can proceed now?

THE COURT: Yes, the attorneys for the defense agreed you may.

MR. CROWE: And ask you to state whether you have ever seen those boots before, they being the boots of the defendant Nathan Leopold, Jr., and worn by him on the night of May 21st, 1934, when he placed the body dead body of Robert Franks in the culvert at 118th Street and the Panhandle tracks. Did you ever see those before?

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A I have.

Q Did you ever take off anything from those boots, cut anything out?

A I did.

Q And how many pieces did you take out?

A I took two pieces from the inside and one from the outside of this left boot, and one piece from the inside and this boot was marked by myself and Doctor Webster. We are the only two --

Q Is your mark on it?

A Yes, sir, identifying the marks, my initials M C 9/24 and R W, standing for Doctor Webster.

Q Now, did you go through the same analysis of the pieces of that left boot of Nathan Leopold as you did with the pieces of tape taken from the chisel?

A Yes, sir.

Q And what conclusion did you come to as a result thereof?

A The conclusion was that it was blood of human origin.

Q I will show you the right boot and ask you whether or not you took any pieces off that?

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A I took two pieces from the right boot, one on the outside and one to the rear. This is also marked with my initial the date and R W standing for Ralph Webster, and other identification marks of officers.

Q What did you do with the pieces you took off the right boot of Nathan Leopold, Jr., the boot that he wore on the night of May 21st, 1924, when he was disposing of the body of Robert Franks?

A I exhibited -- I subjected this to a chemical, optical and biological examination.

Q The same as you did --

A With the piece of tape from the chisel.

Q -- with the piece of tape from the chisel and the piece of blanket from a robe?

A Yes, and came to the conclusion that it was blood of human origin.

Q Does your Honor want to examine those boots now?

THE COURT: We can later when we examine the rest.

MR. CROWE: Let them all go together.

THE COURT: Yes.

MR. CROWE: Now, will you give me -- I will now show you what will be proven later to be the carpet that



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was on the back of the Rent-A-Car No. 17, the Willys-Knight car that the defendants, Richard Loeb and Nathan Leopold, Jr., abducted Robert Franks in and murdered him and ask you -- on the night of May 21st, 1934 -- and ask you whether you took any pieces off of that?

A I did, I removed a piece about three quarters of an inch long, by half an inch wide , from a clot which was examined for blood.

Q From a clot?

A Yes, sir.

MR. CROWE: I would like to call your Honor's attention to that particular clot. You might hand it closer. It extends quite a ways.

THE COURT: Yes.

MR. CROWE: Q And what else did you do? Did you get any other piece at that time or just that piece?

A That is the only piece we cut out of that--

Q Did you mark it?

A Yes, sir, I have it marked with our initials. We call that our exhibit 6, it is Mc.

Q And what did you do with the piece you took out of this carpet?

A Applied the optical, chemical and biological

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tests as previously described, and came to the conclusion that it was blood of human origin.

Q I show you a pair of trousers which the state will later prove to be the pair of trousers worn by Richard Loeb on the night of May 21st, 1924, when he and his co-defendant murdered Robert Franks, and buried his body in the culvert and ask you whether you had seen those before, and if so when? Whether you took any part of them and analyzed them?

A I saw this on June 3rd and placed my mark and initial in it, and removed a small piece for examination. I removed two pieces from the right leg below the knee --

Q Show it to his Honor.

A Half to three quarters of an inch, irregular in outline, and subjected it to the same examination, optical, microscopical, and biological, and found these red stains to be blood of human origin.

Q Now, did you mark the trousers?

A I did. This is my exhibit, number 1, and my initial Mc.

Q Now, I will show you a pair of trousers which the State will later prove to be the trousers worn by the

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defendant Nathan Leopold upon the night of May 21st, 1924, when he and his codefendant Richard Loeb murdered Robert Franks and secreted his body in the drain at 118th and the Panhandle tracks?

MR. DARROW: I object to the form of the question.

THE COURT: What.

MR. DARROW: I say I object to the form of the question. He can identify the marks and so forth.

MR. CROWE: I will withdraw it from now on, and withdraw the Doctor and put on the witnesses to prove that these were the trousers of Nathan Leopold.

MR. DARROW: I don't object to that, but I do to you assuming something.

THE COURT: It is the form of the question, saying each time they murdered --

MR. CROWE: Well, they wore them on the night of May 21st, 1924, when they had the Franks boy's body with them.

MR. DARROW: Well, all of that is unnecessary, and we will object to it.

THE COURT: Go ahead.

MR. CROWE: All right.

Q Now, what did you do with reference to those trousers?

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A Removed four pieces from the left side of these trousers to be examined chemically and biologically for blood. Two of the spots did not show blood. The spot below the one with the ring/~~was~~ <sup>here</sup> faintly responded to tests for blood of human origin. The blood where the blue ring is placed around it, responded to all of the chemical tests and the biological tests for blood of human origin.

Q Did you mark the trousers so that --

A Yes, sir, this is my exhibit 4, Mo, and marked by Doctor Wesner.

Q I will show you the coat of that trousers being the coat of the defendant Nathan Leopold, and ask you what you did -- worn on the night in question by him -- and ask you what you did if anything in reference to that?

A Removed a spot at the edge of the lapel about an inch and a half from the pocket where a stain was visible and examined that chemically, optically, and biologically for blood. There are some other stains in the neighborhood from where I removed this piece.

Q And what was your conclusion after that analysis?

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A That the red stains found on the coat were of blood of human origin.

Q You marked the coat with your initials did you?

A Yes, sir. It is marked here, same place. Here it is, right here.

Q There is your mark?

A Yes, sir.

MR. CROWE: I would like to offer this coat and trousers of Leopold that the Doctor just testified in reference to as People's Exhibit for identification -- what is the last one for identification? Make it M, the trousers People's Exhibit M for identification of this date and the coat N. The trousers of the defendant Leopold that was just examined by the Doctor I will offer as People's Exhibit O for identification of this date. I would like to have the reporter mark that on the edge there. Mark this People's Exhibit O of this date.

(Document marked as requested by counsel)

MR. CROWE: Give me the other two. That was the trousers of -- mark the trousers People's Exhibit M of this date for identification, and the coat N. The last two are Leopold's.

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(Marked as requested by counsel)

MR. CROWE: Give me the boots and we will mark those. I will offer the right boot of Leopold which has been testified to by the Doctor, as People's Exhibit P of this date for identification.

(Marked as requested by counsel)

MR. CROWE: And the left boot People's Exhibit Q for identification of this date.

(Marked as requested by counsel)

MR. CROWE: And the carpet taken from the Willys-Knight automobile belonging to the Rent-A-Car people that was used by the defendants on May 21st and 22nd, and which has been testified -- concerning which the Doctor has testified, I will offer as People's Exhibit R for identification of this date. Mark it on the paper and then you can pin that paper on, Joe. Put the date on it.

(Marked as requested by counsel)

MR. CROWE: Now, hand me up the boards. I show you some boards taken from the floor, Doctor, of the car, of the Rent-A-Car people, Willys-Knight Number 17, that was used by the defendants on May 21st, and I will show you

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that piece with the paper pasted on it marked 31, and ask you whether you have seen that before?

A I have.

Q And when did you first see it and what if anything did you do in reference to it?

A I saw that on June 3rd, put my initial and number 7 on this board.

MR. CROWE: I have several boards here. Is that Number 7?

A That is 7, belongs to the same board. Seven with my initial on it.

Q Well, what did you do in reference to these two boards that I show you being part of the floor of the car that I have just described?

A Removed a small splinter and examined it optically, microscopically and biologically for the presence --

MR. CROWE: I call your Honor's attention to that.

THE WITNESS: -- and found it to be blood of human origin.

MR. CROWE: I would like to direct the Court's attention also to this.

THE COURT: Yes.

MR. CROWE: I will ask that these two boards be marked

People's Exhibit T 1 and T 2 for identification as of this date.

(Marked as requested by counsel.)

MR. CROWE: Has counsel for the defense desire to examine these exhibits now or later?

MR. DARROW: Later.

MR. CROWE: I will show you another piece of flooring, Doctor, taken from the Willys-Knight car of the Rent-A-Car Company, Number 17, that the defendants had on the 21st and 22nd of May, containing the foot rest and ask you whether you had seen that before, and if so, when, and if you did anything in reference to it what did you do?

A I saw this on June 3rd, 1924.

Q And did you take a part of it off?

A I removed a splinter from this board and examined it by the methods previously described, the optical and biological methods.

MR. CROWE: I would like to direct your Honor's attention to the blood on it there.

THE WITNESS: And found it to be blood of human origin.

MR. CROWE: I will ask to have that marked People's Exhibit S of this date for identification.



(Marked as requested by counsel)

Q Now, Doctor, you took some other pieces off the car, did you?

A I did.

Q What pieces did you take off the car that we have been talking about, the Rent-A-Car Number 17 that the defendants had?

A I took some pieces off the left rear door of shiny glazy appearance which were noted, and examined those pieces for blood and found by the methods previously described that the stains were due to blood of human origin.

Q How many pieces did you take off?

A I took off one piece from the door and one piece from the back of the front seat that would adjoin this foot rest and that contained a clot of blood, which extended for 22 inches along the board.

Q Now, those pieces that are in this envelope, these three pieces, —

A Yes, sir.

Q And your analysis showed human blood on all of them, all three of them?

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A Yes, sir. The little piece cut out here, I used for the analysis.

MR. CROWE: Will you mark this People's Exhibit for identification W 1, W 2 and W 3?

(Marked as requested by counsel)

MR. CROWE: Now, Doctor, were there any other things that you examined in this connection?

A Yes, sir.

Q What else?

A I examined a stocking and a pair of shoes said to have belonged to Robert Franks.

Q Well, but you found no blood on them?

A Grossly, there was no appearance of blood.

Q Did you examine anything else you found with human blood on?

A No, sir.

MR. CROWE: You may cross examine.

MR. B. BACHRACH: No cross examination.

MR. CROWE: If the Court please, I think I will call in Doctor Wesner and put him on the stand, give his name and address, and the other Doctor the same way. We will only take a minute with each one.

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THE COURT: All right.

MR. CROWE: Thank you, Doctor. Tell the other Doctor,  
Doctor Wesner, to come in.

(Witness excused)

D R. J O H N A. W E S N E R,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q Will you state your name, Doctor?

A John A. Wesner.

Q What is your profession?

A I am a chemist and physician.

Q Of how many years standing?

A Well, I have been a chemist since 1888 and Doctor of Medicine since '94.

Q And you live where, Doctor?

A Chicago, Illinois.

Q The house address?

A 819 Lafayette Parkway.

Q And are you connected with any institution here?

A I am president of the Columbus Laboratories, Chicago, 31 North State Street.

MR. CROWE: Will it be necessary to prove the Doctor's qualifications?

MR. DARROW: No, your Honor, we admit his thorough qualifications in this line, and let me suggest to you --

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MR. CROWE: I will just ask one question which I think will cover it all.

MR. DARROW: All right.

MR. CROWE: Q Now, Doctor, on Sunday, the Sunday following Decoration Day, that was June 1st, I believe.

A Yes, sir.

Q You and Doctor Webster and Doctor Hectone were in the State's Attorney's office on that afternoon?

A We were.

Q And you left there with the State's Attorney, and the two defendants, Leopold and Loeb and went into the jail yard?

A That is right.

Q And there was a Willys -Knight car belonging to the Rent-A-Car people in the yard?

A There was a car there.

Q And did the boys say anything in reference to that car, the two defendants?

A Well, I don't think in my presence, I don't think they did in my presence.

Q The boys were there and there were pieces, samples taken from the car for the purpose of allowing you three gentlemen, the chemists and experts, to make an analysis

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of them?

A That is true.

Q Later on, Doctor McNally joined you?

A He did.

Q And you four gentlemen then made a chemical analysis of the pieces taken from that car?

A Of spots on this car, different pieces, that is true

Q And what conclusion did you come to as to what caused the spots?

A Well, the first test we made --

MR. DARROW: I object to that.

MR. CROWE: Well, without going into it.

THE WITNESS: These spots were due to blood, and human blood.

Q And then were you present with Doctor McNally when an examination was made of a piece, several pieces taken from rubber boots belonging to Nathan Leopold, these boots?

A Yes, I did not see the boots until now but I saw these pieces Doctor McNally took from the boots.

Q And the result of your analysis showed what?

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A Human blood.

Q And did you work with Doctor McNally in examining the pieces taken from the coat of Leopold, the defendant Leopold, and his trousers?

A I was present, yes.

Q And what was the result of that analysis?

A Those tests showed it was human blood.

Q And were you present when a test was made of a piece of the carpet taken from the Rent-A-Car , Willys-Knight car, 17, the car in question here?

A I was.

Q And what was the result of that?

A Those tests showed human blood.

Q And were you present when the analysis was made of the pieces taken from the pants belonging to Richard Loeb?

A I was.

Q And what was the result of that test?

A Those tests showed human blood.

Q Were you present when an analysis was made of the pieces taken from the charred automobile robe, was made?

A I was.

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Q And what was the result of that?

A It showed human blood.

Q And were you present when the piece of tape taken from the chisel thrown from the red Willys-Knight car on the morning of the 22nd of May, 1924, was examined?

A I was.

Q And the result of that analysis disclosed what?

A It showed human blood.

Q The morning of the 22nd, instead of the 21st?

MR. CROWE: I think that is all. Well, did you examine along with the other Doctors mentioned the pieces taken from the floor boards of the car?

A I was present, yes.

Q And what was the result of that analysis?

A It showed human blood.

MR. CROWE: Any cross examination.

MR. SAVAGE: The pieces from the car.

MR. CROWE: He testified to that.

MR. DARROW: No cross examination.

MR. CROWE: All right. Thank you, Doctor.

(Witness excused)



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D R. R A L P H W. W E B S T E R,  
called as a witness on behalf of the People, having  
been first duly sworn, was examined and testified as  
follows:

## DIRECT EXAMINATION

By  
Mr. Crowe.

Q What is your name, Doctor?

A Ralph W. Webster.

Q And your profession?

A Physician and chemist.

Q Where do you live?

A Chicago, 5624 Dorchester Avenue.

Q Are you connected with any institution here or  
institutions?

A Yes, I am. I am professor of medical jurisprudence  
in the University of Chicago, also director of the  
Chicago Laboratory, 25 East Washington Street.

Q For how long a time have you been a practicing  
physician here?

A 26 years.

Q And a chemist?

A The same length of time.

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MR. CROWE: There is no question about his qualifications?

MR. B. BACHRACH: None whatever.

MR. DARROW: No.

MR. CROWE: Q Now, Doctor, you were in the State's Attorney's office, Sunday afternoon, June 1st, were you?

A I was.

Q Along with Doctor Wesner and Doctor --

A Not at that time, I was there a little bit later.

Q And following that you and Doctor Wesner and Doctor McNally and Doctor Hectone made a chemical analysis of samples taken from a Rent-A-Car automobile, Number 17, that has been spoken of here, pieces taken from a pair of rubber boots owned by Nathan Leopold and worn on the night of May 21st, 1924; pieces taken from his trousers and coat worn on the same day and night, and the trousers of Richard Loeb worn on the same day, and samples of pieces taken from a charred green automobile robe and a piece of tape taken from the chisel that has been introduced in evidence here, and the floor boards of the car in question, and a part

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of — and pieces taken from the carpet that was on the floor of the automobile. That is true, isn't it?

A It is true, yes.

Q And as a result of the analysis made by you gentlemen, you came to what conclusion?

A That these spots that we examined on these articles enumerated were human blood.

MR. CROWE: You may cross examine.

MR. DARROW: That is all.

MR. CROWE: Much obliged to you, Doctor.

(Witness excused)

MR. CROWE: Can we adjourn now, your Honor?

THE COURT: All right.

MR. CROWE: We made pretty fair progress today.

THE COURT: Yes, you did. We will suspend now until tomorrow morning at ten o'clock. All the witnesses return tomorrow at ten o'clock sharp.

(Whereupon an adjournment was taken until Friday, July 25th, A. D. 1924, at ten o'clock A. M.)

July 25th, 1924.

10:00 o'clock A.M.

Court convened at 10:00 o'clock A.M. July 25th, 1924, pursuant to adjournment heretofore taken.

Present: Same as before.

F R A N K P. B L A I R,

a witness called on behalf of the prosecution, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name please?

A Frank P. Blair.

Q And where do you live, Mr. Blair?

A I live

at 51st and Sacramento.

Q And what is your occupation?

A Marine Salvage

and Diving.

Q I will direct your attention to a portable Underwood Typewriter and the case, and ask you to state whether or not you ever saw that before, will you look at it?

2r

A Yes sir.

Q And where is the first place you saw that?

A On the bottom of the Jackson Park lagoon.

Q That is Jackson Park in the City of Chicago?

A Yes sir.

Q And on what day did you see it? A Well,

I don't know the exact date, Mr. Crowe.

Q Well about when?

A It was on a Saturday in June, but I don't know the exact date.

Q In June of this year?

A Yes sir.

Q And after seeing it, what if anything did you do with it?

A Well first I saw the case, I didn't see the typewriter, and I brought it up to the surface and put it on diving blocks while the gear was being taken off, then I brought it up to your office, and it was never out of my hands or sight.

Q And you turned it over to me?

A Yes sir.

Q Did you make a mark on it at the time, so that

you could identify it later?

A Yes sir.

Q What mark did you make?

A I ~~mark~~ cut the letter "B" on the rubber roller.

MR. CROWE: Cross examine.

MR. BACHRACH: No cross examination.

MR. CROWE: I desire to offer in evidence, if your Honor please, the typewriter, portable Underwood typewriter, and the case just identified by the witness, and I ask that they be marked "People's Exhibit -- the case be marked "People's Exhibit" -- what is the number?

MR. SMITH: 17.

MR. CROWE: People's Exhibit 17 and the typewriter itself 18.

MR. BACHRACH: I presume you will connect it up later on by showing --

MR. CROWE: Oh yes.

MR. BACHRACH: All right.

MR. CROWE: Well, I will offer it now for identification.

MR. BACHRACH: All right. We don't object to its going in evidence.

MR. CROWE: Well, I will connect it up later anyhow.

THE COURT: It may go in subject to connecting it up later.

MR. CROWE: Q Is it in the same condition now as when you first had it?

A Practically. The tape is torn a little more.

Q And how about the keys?

A Yes, the type were gone.

Q The type were gone when you first had it?

A Yes sir.

Q Now prior to going out there did you have a talk with anybody with reference to the particular spot you were going to?

A I didn't know where I was going to.

Q I don't mean the exact spot?

A No.

Q But I mean the lagoon? A Why, you told me where the lagoon was, is all I know.

MR. CROWE: That is all.

THE WITNESS: Thank you.

(No cross examination and witness excused)

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PERCY VAN DE BOGERT,  
a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name please?

A Percy Van de Bogert.

Q Where do you live?

A I live at 1140  
East 64th Street.

THE COURT: Spell your last name please?

A Van de Bogert.

THE COURT: All right.

MR. CROWE: Q Where do you live?

A 1140  
East 64th Street.

Q And what is your occupation?

A Pharmacist.

Q In May, 1924, where were you employed?

A At 1465 East 63rd Street.

Q And who runs that drug store?

A C. M. Ross.

Q ~~By~~ Directing your attention to the afternoon of  
May 22nd, 1924, will you state whether or not you

had occasion to answer the telephone in that drug store?



A I did.

Q About what time in the afternoon was it?

A Around three or three thirty.

Q Well now will you state what conversation, if any, you had over the telephone?

A I answered the phone in the usual way and the party asked for Franks. I answered over again to make sure what it was and he said "Mr. Franks" and I said he wasn't there.

Q You said he wasn't there, then what happened?

A I went out to see if anyone was waiting in the store by that name.

Q Yes.

A And announced the same and there was not anybody waiting there, so I told the party on the phone that there was no one there by that name and he said all right.

Q Was it a man or a woman who was talking on the other end, if you know?

A I took it for a young man's voice.

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

(Witness excused)

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*Chase*

J A M E S C. K E M P,

a witness called on behalf of the prosecution was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name please?

A James C. Kemp.

Q Where do you live?

A I live at 448 East  
45th Place.

Q What is your occupation?

A Porter.

Q And where were you employed in the month of May of  
this year?

A At the drug store known at that time as Van de Bogert  
& Ross, which is now C. M. Ross.

Q Where is that store located?

A 465 East 63rd Street.

Q Directing your attention to the afternoon of May  
22nd, 1924, will you state whether or not during the  
afternoon you had occasion to answer the telephone  
in that drug store?

A Yes sir, I did.

Q And what time was it?  
of three and four.

A Between the hours

Q What conversation if any did you have on the phone?

A Well, being sweeping near the telephone booth the phone rang, all the clerks were busy, and therefore it came to my hands to answer the telephone. The answer and the voice responded to me "Is Mr. Franks there" and I answered and said "No, there is no Mr. Franks here," and then the voice said, "Probably I have the wrong number" and they hung up.

Q Could you tell whether it was a man or a woman talking?

A Well it was a man's voice.

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

THE COURT: That is all.

(No cross examination and  
witness excused)

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G E O R G E P O R T E R L E W I S,  
a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION BY

MR. CROWE.

Q Will you state your name please?

A George Porter Lewis.

Q Where do you live, Mr. Lewis?

A 4559

Forrestville Avenue.

Q And what is your occupation?

A Sales Correspondent.

Q Do you attend the Chicago University?

A I do not.

Q Have you been a student there?

A I have

not.

Q Have you made a study of ornithology?

A I have.

Q Do you know the defendant in this case, Nathan Leo-  
pold, Junior?

A I do.

Q I will ask you to state whether or not you had  
a conversation with him prior to May 23rd of this year

in reference to taking his ornithology class out?

A Yes.

Q Now will you state when that conversation was?

A I do not remember what date it was, prior to that date that we spoke of here. We merely referred to it in more or less of an offhand way.

Q Well now go ahead and tell what he said and what you did?

A I can't remember anything exact mentioned before that date.

Q Well, in substance?

A But he said that he might want me to take the class out at some time or other.

Q And then what was said after that and what was done?

A On the morning of May 22nd I answered the telephone between 8:30 and nine o'clock, it was Nathan Leopold, Junior, he asked me if I was to be busy that day and I told him I thought I would be. He then asked if I would be able to take his class in ornithology to Jackson Park that afternoon. I said I thought it might be arranged. He gave me directions then for finding

the class, to be a class of small girls.

Q Let me interrupt for just a moment. Now he asked you, you say, would you take his class that day to Jackson Park?

A Yes.

Q Had you been out with Nathan Leopold Junior the Sunday previous?

A Yes.

Q Studying birds?

A Yes.

Q And where did you and he go on the Sunday previous to this?

A We went first to Jackson Park early in the morning after breakfast, which we had on 63rd street, we went to Riverside, we spent a good deal of time there and ate our lunch there, then went south to Willow Springs or in that neighborhood in the Forest Preserve. We then went across 95th Street to Hegewich, and we there dropped the fellow who had been with us.

Q Who was he?

A Sidney Stein, Junior.

Q And then what happened?

A We went north to the track at 108th Street and

went down into the vacant territory which we have known as the Calumet region there, and through the Forest Preserve to about 118th or 120th Street.

Q Do you know where 118th and the Panhandle meet, where the culvert is?

A Just about, yes.

Q What is the answer?

A I say yes.

Q Well did you pass over or near the culvert on that Sunday with Nathan Leopold, Junior?

A We passed near it.

Q What was he doing at that time?

A Studying birds.

Q Did he have a gun?

A I believe that was the day that he borrowed one in order to take a shot at a rare bird which was down there.

Q Well did he take a shot at it?

A He did.

Q How many shots, do you know?

A Two or three.

Q Did he hit them?

A No.

Q Well now go ahead with your other story. Had you been out in that particular section prior to that Sunday, with Nathan Leopold, Junior?

A I had.

Q How many times?

A I couldn't very well estimate, perhaps twenty times, probably more.

Q Go ahead now with your story?

A What do you wish me to take up?

Q On the 22nd?

A On that afternoon I followed out -- oh, possibly I had better resume with --

Q Yes, you were telephoning in the afternoon?

A -- with therest of our call, yes. I believe that he told me that I would be paid twelve dollars as he expected eight girls to be in the class. He mentioned a dollar and a half for each girl present. Itold him that I would be glad to take his class for him and I believe that was the end of our convereation at that time.

Q Now do you know what his fee was?

A I do not.



Q All right, then what did you do?

A I resumed with my natural affairs until the afternoon. The time set I think was about three o'clock or a little after, and I went to the University Elementary School to take the class, to meet the girls there, and I think there were thirteen present, the full class I believe.

Q Well, did you have a conversation after that with Nathan Leopold, Junior?

A I did.

Q And when was that next conversation?

A I telephoned him that evening, possibly at seven or seven thirty.

Q All right. Now what was the conversation?

A I immediately told him that I had taken the class out to the park that day and all had gone successfully.

Q Did you have another conversation after that with him?

A I did.

Q When?

A The Sunday after that I believe.

Q Well, what was that conversation?

A I telephoned him in response to a call that he had made while I was at Church, and when I returned I had been asked by my mother to telephone him. He told me that he had been questioned by the police in regards to the Franks case and he said his name had been given to them by the Game Warden at the Forest Preserve. He also stated that he had been asked to give the names of other ornithologists who were in the habit of going to that district, and of other people he might know who were acquainted with that district.

Q What else?

A He then asked if by any chance I had lost my glasses while I was out there on the Sunday previous.

Q Did you wear glasses?

A I did.

Q What kind of glasses?

A Tortoise rim glasses.

Q Have you got them with you?

A I have. Would you like to see them?

Q Will you show the Court what kind they are?

A Yes.

Q All right, continue?

A I felt my breast pocket and I told him they were there, that I hadn't lost them. He said there was some possibility that the glasses that had been found in that vicinity had something to do with the Franks case, but he didn't think it was certain that they did.

Q Did he ask you whether you had two pair of glasses?

A I believe he did.

Q What did you tell him?

A I told him I had only owned one pair.

Q Was there anything further said?

A He suggested that I should not tell my father and mother, that there was a possibility of my being questioned by the police, as he thought it might worry them.

Q Was there anything further?

A I believe not.

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross.

(Witness excused and no cross examination)

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T H O M A S   C .   W O L F ,  
called as a witness on behalf of the prosecution, being  
first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. CROWE.

Q Will you kindly state your name, Captain?

A Thomas C. Wolf.

Q And where do you reside?                   A 115 East 57th

Street.

Q What is your occupation?

A A police officer.

Q And what rank do you hold?

A Captain.

Q Where is your command or district?                   A 8th

Police District.

Q And where is that located?                   A At 10120  
Ewing Avenue.Q I will ask you to state whether or not 118th  
Street and the Panhandle track is in that district?

A Yes sir.

Q That is in the City of Chicago, County of Cook and  
State of Illinois, is it?

A Yes.

Q Do you remember the finding of the body of Robert Franks?

A I do.

Q And did you question people in reference to the Franks matter?

AI did.

Q I will ask you to state whether or not you know the defendant Nathan Leopold, Junior?

A I do.

Q When did you first see Nathan Leopold, Jr.?

A In the forenoon of May 25th, 1924.

Q That was the Sunday following the Wednesday upon which the Franks boy had disappeared?

A Yes.

Q And how did you happen to get in touch with Nathan Leopold, Jr.?

A In making our investigations we learned that a man answering his name used to go out there what they called birding, around Wolf Lake and Hyde Lake, that is in the general locality where the body was found.

Q So you sent for him?

A Yes.

Q Did you have a conversation with him?

A I did.

Q State what the conversation was, if you will please?

A I asked him if he was familiar with the neighborhood of 121st and the Panhandle Railroad track and he said he was, that he used to go out there frequently birding, that he had been visiting the place about that season of the year for the past six years, and that he was out there this year previous to May 18th, about six times, that ~~that~~ he was out there on May 17th and on May 18th, birding, that a gentleman named Sidney Stein was with him, a gentleman named Lewis was with him on those dates, and that he met a Dr. Link and his wife as he was going through that neighborhood, that the last time that he was there was on Sunday, May 18th, that he was out as far as May's Shack which would be 121st about a block east of the Panhandle Railroad track, that he borrowed a gun from him one of those days to shoot a bird, that classes from the Harvard School used to go out there birding, that he knew of young Franks' father, that he didn't know whether young Franks used to go out there

birding or not, but that glasses from the Harvard School used to go out there, and that he himself was a student at the Harvard School --

Q Was, or had been?

A Had been.

Q Yes.

A That he was a law student at the time at the University of Chicago, that he was nineteen years of age, that he lived, I forget the address where he lived, that everybody was speaking about the Franks case, they were talking about it at home, that he didn't know who would commit the crime; words to that effect.

Q Now, did you have the glasses at that time, Captain?

A No sir.

Q Afterwards you got the glasses, did you?

A I had them previous to that.

Q Oh, you had them previous?

A I had the glasses on the night, the day the body was found, on the 22nd of May.

Q You had the glasses on Thursday before this Sunday?

A Yes sir.

Q Then what did you do with them?

A At the morgue Chief of Detectives, Michael Hughes,

and Captain Shoemaker and I got talking about glasses being found there, and that Mr. Franks said that his boy did not wear glasses, and Chief Hughes and I decided to turn the glasses over to Chief Hughes and have them checked up.

Q Well, you gave them to Hughes?

A I gave them to Chief Hughes.

Q I will show you a pair of glasses which were introduced in evidence yesterday -- do you know the number? People's Exhibit E for identification -- or People's Exhibit 16, and I will ask you to look at them and state whether those are the glasses that you have been talking about and that were turned over to Chief Hughes?

A They are.

Q Did you make a mark on them at the time?

A Chief Hughes made a mark on them in my presence, the mark is here.

Q You find the mark there, do you?

A Yes sir.

Q What was the mark?

A He marked it with a knife, there are three cuts on the glasses.



MR. CROWE: Do you want to see that?

THE COURT: I saw it.

MR. CROWE: You saw the "A"?

THE COURT: Yes.

MR. CROWE: There are three cuts on it also.

Q Now did you get a written statement from Leopold at that time?

A I did.

Q I will show you a brown piece of paper and ask you to look at that and state whether or not that is a statement that Nathan Leopold, Junior gave you on the Sunday following the murder?

A Do you want me to read it?

Q Well, look at it and see whether that is the same statement?

A Yes, that is the same statement.

Q In whose handwriting is that, if you know?

A Nathan Leopold, Junior.

Q He wrote it himself?

A He did.

Q Now after he gave you this statement he went home, did he, or he left?

Q You had him in custody at no time?

A No sir.

MR. CROWE: If your Honor please I desire to read into the record --

MR. BACHRACH: May I see it first, Mr. Crowe?

MR. CROWE: Yes.

MR. BACHRACH Very well.

THE COURT: You may read it.

MR. CROWE: Q I will direct your attention again, Captain, to the signature and address, and ask you to state whether or not you know whether the address is in the handwriting of Nathan Leopold, Junior, or whether somebody else wrote it on afterward?

A I think somebody else wrote that on.

Q A little louder?

A Somebody else wrote that on.

Q After --

A I think after he wrote the statement.

Q Now what is this at the top: "Given to Anderson and Burns, 8th District, 11:30 A.M. May 25th"?

A Those were the ~~xxx~~ officers who were present at the time he wrote the statement.

Q Well who wrote that on?

A I think Anderson wrote that.

Q So that the statement "Given to Anderson and Burns, 8th District, 11:30 A.M. May 25th, 1924" and also "4754 Greenwood Avenue, Chicago, Illinois" is not in the handwriting of Nathan Leopold, Junior?

A To the best of my knowledge it is not.

Q But the balance of the statement is?

A Yes.

Whereupon the statement was here read  
in evidence to the Court by State's  
Attorney Crowe in the words and  
figures as follows, to-wit:

"May 25th, 1924.

I have been going to the general locality of  
~~126th~~ <sup>108th</sup> Street and Avenue F for six years.

I have been in this locality about five or  
six times this year. The last times were  
Saturday, May 17th and Sunday, May 18th.

On May 17th, George P. Lewis and I drove  
out through the Forest Preserve and down south  
along the west shore of Wolf Lake to about 126th  
Street. We then returned, arrived about 2:30  
P.M. and left about 5:00 P.M.

Sunday, May 18th, at the conclusion  
of a day's birding, Mr. Sidney Stein, Junior,  
George Lewis and I drove along the west shore  
of Hyde Lake to Hegewich, arrived at 4:30 or  
5:00 P.M., then met Dr. and Mrs. Link ~~of~~ <sup>1931</sup>  
the University of Chicago, also looking for  
birds.

We returned by the same road, dropped  
Mr. Stein at 106th Street, and then Mr. Lewis  
and I drove along the road to Forest Preserve  
and out to May's Shack between Wolf and Hyde

Lakes, arrived about 6:30 or 6:45, walked east to the ice house and back to the R.R. track, left by same road about 7:20 or 7:30.

The purpose of all these trips were the observation of birds.

Nathan F. Leopold, Jr."

MR. CROWE: If your Honor please, I desire to offer this in evidence now and have it marked "People's Exhibit 19".

MR. BACHRACH: No objection.

THE COURT: It may go in.

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

(No cross examination and  
witness excused)

H O W A R D M A Y E R,

a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you kindly state your name?

A Howard Mayer.

THE COURT: Talk a little louder will you please?

A Howard Mayer.

MR. CROWE: Q And your address? A 2312 East  
68th Street.

Q And what is your occupation or business, if any?

A Newspaper reporter.

Q And by what newspaper are you employed?

A The Chicago Evening American.

Q And for how long a time have you been with them?

A Well, over a year.

Q Now then, in addition to that have you been a  
student during the past year at the Chicago University?

A I have.

Q What are you studying out there?

A I am in the College of Arts, Literature and Science.

Q Do you know the defendant Richard Loeb in this case,

A I do.

Q For how long a time have you known him?

A Ten months to a year.

Q You met him out at the University did you?

A Yes sir.

Q Now, were you assigned by your newspaper to do any work on the Franks case?

A I was told to pick up whatever I could on it.

Q When was that?

A That was on the morning of May 23rd.

Q That is the Friday following the disappearance and murder of the boy?

A Yes sir.

Q Did you meet Richard Loeb that day?

A I did.

Q Did you have a talk with him?

A I did.

Q Who else was present, if anybody?

A Well our conversation, when we started our conversation we were alone.

Q Well go ahead and tell it in your own way, where you met him and what followed?

A I met him on the campus of the University of Chicago at noon on May 23rd. Our conversation turned to the Franks case, and Loeb suggested that if Mr. Franks were sending ten thousand dollars to a drug store on 63rd Street that he would not be met there by the kidnapers, but that some word would be left at the drug store directing that the money be sent somewhere else. As I recall his words he said, "You know, these kidnapers would not meet a man on a busy street like that, that is common sense." I agreed with him. He said, "why don't you make the rounds of some of these drug stores on East 63rd Street, and see if you can't find the one at which some word was left for Mr. Franks." I hesitated, I had school work to do that afternoon and I didn't want to go along. About that time Alvin Goldstein and James Mulroy of the News came along. ~~XXXX~~ Loeb knew Goldstein and he turned to me and he said, "If you want take my proposition" --

MR. CROWE: Just a moment. Both of these other witnesses are in the room --



MR. BACHRACH: No objection.

MR. CROWE: All right.

Q Go ahead.

A He said, "if you wont take my proposition, why I will put it up to them." I told him that I didn't care, and he talked to the other boys and they seemed anxious to go and suggested that as long as I had a car therethat I go along with them. It was raining and I was hesitant, but I finally agreed to do that for about an hour. We started out, Goldstein, Mulroy, Loeb and myself, and we drove to 63rd and Stoney Island. We started at the drug store on the corner there, and worked our way west on 63rd Street. When we got down as far as Blackstone it was raining pretty hard and Mulroy stayed in the car, Goldstein tried a cigar store across the street, and Loeb and I walked into the drug store of Van de Bogert and Ross and walked up to the colored Porter and asked him if he had been there the day before and he said "Yes". We asked him if any calls had come for Mr. Franks. He said, "Yes," that two calls had been received, but he said the other clerk received the other one, that he is out just now but he will be in

in a few minutes.

Loeb turned to me, "You see, I told you we could find it, now you have got a scoop". And suggested that I keep it for myself, and I told him that I couldn't very well, that we had started out with the boys from the News, and I suggested that he go over and call them. He did. And by the time the boys from the News came in the other clerk had arrived and we questioned him in detail as to exactly what was said over the phone, and we learned that the boys had called for Mr Franks and when told that no Mr. Franks was employed there the voice asked the clerk to look about the drug store and see if there was anyone there by that name.

While we were there -- we waited there for some time for the Bureau Squad to come up, after calling our offices, and when the burewu squad came up we talked with, I believe it was Nick Hughes, and Loeb I believe even mentioned that the white clerk had said that he knew more about it than the colored porter. I don't recall the gist of our conversation, that is anything in particular, but I know it all centered

about this case, and as we walked out of the drug store Loeb remarked to me, "Well, that is what comes from reading detective stories," and I myself honestly believed it.

We then went to the inquest where I spoke to Mr. Franks and Loeb was standing alongside of me. From there we went down to get a newspaper to see if our story had got in and we couldn't get a late edition, but on the way back to Loeb's home, going east on 47th Street, we picked up a police officer who had a late edition of the American and Loeb asked him if he could keep it because it had this story in it. We dropped Loeb off at his home, close to five o'clock.

Q Now did you have any conversation with the defendant, Loeb, after that?

AI did.

Q When was the next conversation?

AI don't recall meeting him on campus again, but on the morning, on Decoration Morning I was sent down to the Loeb home about seven o'clock in the morning. I got there about seven fifteen and one of the Bureau Squads came up and Dick stepped out of a Marmon and

turned to me, shook hands with me and he says,  
"You know, Howie, I have always wanted to ride in  
one of these Marmons, and now I am getting my ride."  
And I don't know, I took the matter rather lightly,  
joked with them about getting in a jamb and about  
the police pulling a boner, and such things as that.

Q That was on the morning of Decoration Day?

A Yes sir.

Q Before any charge had been lodged against Loeb?

A Yes sir.

Q All right. What else was said?

A I didn't see him until later on that day. I learned  
that the boys were telling different stories, and  
I thought that Loeb was lying, because I thought he  
was afraid to say that on that day he had been out --  
he had been drinking, and had picked up a couple of  
girls. So I went to Mr. Ettleson at the Franks home  
and I told him that, and Mr. Ettelson --

Q Not what you told Mr. Ettelson, all that may go out.

A All right.

Q Confine yourself to the conversation you had with  
Loeb.

A I met him then down at the State's Attorney's Office

about five o'clock that evening. I was put in a room alone with him, and I told him that if he were to clear himself that he would have to tell the truth. He said Well, he didn't want to talk at that time, and I tried to persuade him that he had to talk to get out of this thing.

Q You were looking for a newspaper story were you?

A No sir, I was not. I was trying to clear him as a ~~firm~~ friend.

Q All right.

A Mr. Ettelson came down to the office and spoke to you, I believe, Mr. Crowe, about that?

Q Well all right, go ahead?

A The conversation was never used as a newspaper story. Loeb was quite hesitant. Then Mr. Sbarbaro and Mr. Cronson came in, and they finally persuaded him that he should talk. He then told a story substantially the same as Leopold's story, with the exception of the time that Dick said he was under the influence of liquor and he couldn't recall exactly what had happened, but it, in general, followed out Leopold's story very closely.

Q Did you have a conversation with him after that?

A I saw him many times in the County Jail, in the capacity of a newspaper reporter.

Q Now state when the first time was you saw him in the County Jail?

A The first time I saw him in the County Jail, I am not positive, but it was, I believe, the Tuesday after the confession, which would be on June 3rd.

Q What if anything was said then by Loeb?

A Well he greeted me as usual, with a handshake and a smile, and I forget exactly what the substance of the story was at that time. He talked to me in confidence. He inquired about his chum's out at the campus at the University, and asked me to take a word of greeting to them. I don't believe that I used any of that material in a story.

Q Did you have any other conversations with him after that about this case?

A On one occasion I mentioned to him, "Well, Dick, you sure wrecked the headlines". He said to me, "Well, I tried to give you a story." Otherwise we didn't touch very closely on the case.

MR. CROWE: You may cross examine.

MR. BACHRACH: That is all.

(No cross examination and witness excused)

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*Jan.*  
*Franklin D. Roosevelt* *and Mrs. E. A. Tamm* *from office*  
*and Franklin D. Roosevelt* *8-13* *to name*  
*with testimony* *-395-*

ALVIN H. GOLDSTEIN,  
a witness called in behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name please?

A Alvin H. Goldstein.

Q What is your address, Mr. Goldstein?

A 5507 Ever-

ett Avenue.

THE COURT: What aveꝓue?

A Everett.

MR. CROWE: Q What is your occupation?

A Reporter for the Chicago Daily news.

Q And you have been a reporter for how long?

A Approximately a year.

Q Are you a student at the Chicago University also?

A I have been a student at the Chicago University,  
yes sir.

Q And were you last year?

A No sir.

Q When were you a student?

A Two years ago, 1932.



Q Do you know the defendant in this case, Richard Loeb?

A Yes sir.

Q Did you have a conversation with the defendant, Richard Loeb, any time after May 21st, 1924 in reference to the Franks case?

A yes sir.

Q When is the first time you had such a conversation?

A Some time during the evening after five o'clock Thursday, May 23rd.

Q Where were you?

A In front of the Franks residence.

Q Wednesday was the 21st. Was this on the 23rd or was it on Thursday?

A The 23nd, Thursday.

Q On the 23nd?

A Yes.

Q Well now state what the conversation was?

A At that time, the actual words of the conversation are very dim, but I do remember of Richard Loeb coming up to me and asking me something bearing upon what had

happened. I wont say that he pretended ignorance of anything going on because I am not certain, but he asked me something about what happened, and I told him briefly, and that is about all.

Q Now did you have a conversation with him after that?

A Yes sir. The next day, Friday, Mr. Mulroy and I, we were working together on the story, had about two hours between noon and three o'clock in which we had nothing planned to do, and discussing what was the best thing to do, we had started toward the fraternity house and stopped in there ~~again~~ a moment, and as we sat there and rested, Loeb came out and suggested that we hunt the drug store, as Mr. Mayer on the stand said, and to follow the conversation would be almost as Mr. Mayer told it, and it was ended by us, the three of us, accompanying Loeb to the drug store.

Q Did you have a conversation at any time with Loeb as to whether he knew the Franks boy or not?

A Yes sir.

Q State when and where that was?

A I would hardly say that it was a conversation I had.

I overheard it.

Q Did you hear somebody else ask him whether he knew the Franks boy?

A Yes sir.

Q Who?

A I was seated in the front seat with Mr. Mayer and Mr. Mulroy was seated in the rear seat with Richard Loeb on our way from the drug store returning, and the discussion had turned to the newspapers. Richard Loeb had several newspapers, one of which was the Daily News, and we had been arguing who would read it, and we came across a certain passage in it which referred to young Franks, and one of us, I am not certain which, asked Loeb if he knew young Franks and what kind of a fellow he was, to which Richard Loeb replied, "He is just the kind of" -- "I know him" and "he is just the kind of a kid" --using some expletive, which I am not absolutely certain -- ~~xxx~~ "I would have picked to kidnap" -- or murder.

Q What word did he use, if you know or remember?

A Sir?

THE COURT: What word did he use, "Kidnap" or "murder"?

A It seems to me that he used both.

MR. CROWE: Q Well go ahead and tell us?

A I am trying to recollect exactly. I am not certain whether he used "kidnap" or "murder" or both, but I know --

Q But in describing the boy, do you remember the words he used in describing what kind of a boy he was?

A This is the reason that remark stands plainly in my mind --

Q No, no. Do you remember the words that he used in describing the boy?

A I know I am evading, but the reason is I wanted to say this, Mr. Crowe, that the reason I absolutely remembered the remark, which otherwise I would have forgotten, was that when he was taken into custody and I saw him here I said to some reporter, "I don't think he had anything to do with it; he is the kind of a chap who might say when he was questioned, might say circumstantial things which might lead them to believe that he was guilty", and then I repeated this remark and I remembered --

Q Now, what is the remark?

A The way I repeated it was, "he is just the kind of" --

Q No no, what is the remark, how did he describe it?

A "I thought he was just the kind of cocky little  
son of a bitch that I would pick."

MR. CROWE: You may cross examine.

MR. BACHRACH: No ~~cross~~ examination.

(No cross examination and  
witness excused)

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hand . . .  
with hand . . .  
P. paper

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JAMES W. MULROY,

called as a witness on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q You may state your name please?

A James W. Mulroy.

Q Where do you live, Mr. Mulroy?

A 1533 East  
Marquette Road.

Q What is your occupation?

A News paper man.

Q You have been a student at the Chicago University?

A I have been, yes sir.

Q Directing your attention to the Friday following  
-- Friday, May 23rd, did you have a conversation with  
Richard Loeb, the defendant in this case?

A Yes sir.

Q Now go ahead and tell the court when and where  
and what was said and done?

A Well, my partner, Alvin Goldstein and I had just  
left the Hartman home, we were on our way out south,  
further south, trying to pick up what we could on

the story, and we stopped at the fraternity house to which Mr. Goldstein belongs, and while we were sitting there Dick Loeb came out of the dining room, I believe he had been at lunch with Howard Mayer, and at any rate he came out of that room and became up to me and said that he understood I had been working on the case, I had had some luck with Al in getting the body identified, and I said "Yes", and we talked for a while about the terrible crime it was and so on, and then he suggested going down 63rd Street and we said we had had that in mind, but we didn't intend to do it then because it was raining, but we intended to do it that day. So he said he would get Howard Mayer and his car and go down there, which he did, and we set out for 63rd Street, and the first place we hit was this drug store, at the corner of 63rd and Stony Island Avenue, and at that place I questioned the druggist, and Dick took a great interest, as I remember, in what I said to the druggist. If I recollect correctly, I not only asked the druggist if some man had called from there, but if a call had come into that drug store, and Dick couldn't understand why I had asked him that question. In any case, we

ed about it quite a bit, and we started down 63rd Street, stopping at every cigar store and drug store until we got to the corner of 63rd and Blackstone Avenue, then Dick and Howard got out of the car to go in this drug store, and Alvin and I were arguing about some theory of the case as I recollect, and as I started out of the car Loeb came running out the door yelling "this is the place", and we hurried across there, and sure enough it was the place. We talked with the pharmacist and with the Porter, and then I went to the phone booth and tried to get the call traced. I called the chief operator, I believe, something like that, and at that time when I started into the phone booth Dick Loeb said, "for God's sake, don't use my name". We waited then for the bureau car. I didn't have any success in getting the call traced. We waited for the bureau car and when it came we started again, and we stopped at more drug stores, and on the way down Dick had a copy of almost every newspaper, and he was very careful to keep them intact, he didn't want to read them, he said his mother was very, very much interested in the case, and he had promised to bring her all the papers.



Q Just a moment. When you are talking about Dick, you mean the defendant Richard Loeb in this case?

A Yes.

Q All right.

A On the way back to 61st, to Furtch's Chapel, I believe it was, I asked Dick Loeb what kind of a boy Bobbie Franks was, I believe I asked him if he was the kind of boy that would put up a struggle if he was kidnapped by anybody, and in his struggle scare the kidnapers into killing him, and Dick's answer to that was to this effect, "If I was going to murder anybody I would murder just such a cocky, little son-of-a-bitch as Bobbie Franks". I don't remember where we separated, I think it was at Furtch's. Then I saw him several times after that. I don't know whether you are interested in that or not.

MR. CROWE: You may cross examine.

MR. BACHRACH No cross examination.

MR. CROWE: Just a moment.

Q You were out there, Mr. Mulroy, when the body was discovered, were you not?

A No, I was at the Franks home. I had heard all that, and Alvin went out in the car and I stayed to get

the description and check it with the family.

Q You gave the State's Attorney, you and your two partners here, some information on the typewriter, which lead to the discovery of this Underwood portable, didn't you?

A Yes sir.

Q Tell us about that?

MR. DARROW: \_\_\_\_\_

MR. CROWE: I don't want the conversation that you had with any of us, but if you gave anything to us tell us what it was?

A Well, do you want that whole story of how we got it?

MR. CROWE: Well, we will let it go. You may cross examine.

MR. DARROW: That is all.

(No cross examination and  
witness excused)

- - - - -

MR. CROWE: Mr. Goldstein, will you take the stand again?

A L V I N H. G O L D S T E I N,  
was recalled as a witness on behalf of the prosecution, having heretofore been duly sworn, and being further examined in chief by Mr. Crowe, testified as follows:

Q Do you remember having a conversation with the Defendant Richard Loeb at the Franks' home or near the Franks home after the Franks boy disappeared?

A Well, there was some conversation at the Franks home on the night of the finding of the body. At this time he, as I said, inquired --

MR. DARROW: Just a moment. Who is this a conversation with?

MR. CROWE: With Richard Loeb, the defendant in this case.

MR. DARROW: All right.

MR. CROWE: Q Now what was said by either you or he?

A He inquired about the nature of the crime, in some way, and after I had -- I remember I described to him, and to two or three others that were standing

around there, the condition of the body when I was out at the Morgue, as I had seen it, and then he, with several others, shook their heads and said something about it being a terrible crime, and that punishment should certainly be meted out, and I believe the expression they used was that they should be strung up, that whoever committed the crime should be strung up.

MR. CROME: You may cross examine.

MR. DARROW: That is all.

(No cross examination and  
witness excused)

- - -

S I D N E Y   S T E I N ,   J R . ,

a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A Sidney Stein, Jr.?

THE COURT: A little louder.

MR. CROWE: Q And where do you live, Mr. Stein?

A 5136 University Avenue.

MR. DARROW: Will you speak a little louder, please?

THE COURT: Talk up louder.

A 5136 University Avenue.

MR. CROWE: Q And are you a student at the Chicago  
university?

A No, I am not.

Q Have you been?

A Yes, I have.

Q Do you know the defendant Richard Loeb?

A I do.

Q And Nathan Leopold, Jr.?

A I do.

Q Have you at any time taken an interest in the study of birds?

A Yes sir.

Q Have you ever gone out birding with Nathan Leopold, Jr.?

A Many times.

Q Do you know where the culvert is at 118th and the Panhandle railroad?

A I believe I do. It is hard to state just exactly where 118th is, but I think I am acquainted with that culvert.

Q Have you been out there, in that immediate neighborhood, prior to May 31st, 1924?

A I have been there prior to that time, yes sir.

Q With the defendant Nathan Leopold, Jr.?

A Yes sir.

Q How many times would you say that you and he went out to that place prior to that date?

A It is hard to tell. We went out quite a few times during the spring of each year until this last year. I have only been out once this year.

Q Well approximately how many times?

(Harvey follows Snyder 11:15 A.M. 7/25/24).

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A Oh about ten times a year for five years I should say, as much as that.

Q Were you out there on the Sunday prior to, immediately prior to Wednesday, May 21st, with the defendant Nathan Leopold, Junior?

A I was in that vicinity, but I wasn't near the culvert. I was at Hegewich, I had been to Hegewich.

Q They let you off at 106th Street, did they?

A And then they drove me back to 106th Street where I took a cab home, and I didn't go out with the others to the immediate region of the culvert on that day.

Q And George Lewis accompanied the two of you?

A Yes sir.

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

THE COURT: We will have a recess now, gentlemen, for ten minutes.

Whereupon a short recess was here taken by  
Court and Counsel.

- - - - -

1  
Harvey  
rels  
Snyder  
at  
11:15  
7-25-24

(Whereupon pursuant to a short recess heretofore taken the following proceedings were had.)

THE COURT: I wish those that are not attaches of the Court would not take it upon themselves to move things around. Somebody yesterday took in the pitcher and heavy glass and left it in what is known as the bull pen, where the prisoners come in and out. It might cause a lot of trouble or confusion. Now, don't do it without asking my consent. I don't suppose they meant anything by it, but leaving a heavy glass and pitcher in where the prisoners are might cause a lot of trouble.

C H A R L E S     E N O S,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q What is your name, please?

A Charles Enos.

Q And you live at 1619 East 55th Street, do you?

A Yes, sir.

Q You are a police officer?

A Yes, sir.



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Q I direct your attention to the early morning of May 22nd, 1924, and ask you, did you meet at that time a man named Bernard Hunt?

A Yes, sir.

Q Did he give you anything?

A He gave us a chisel.

Q And where were you at the time you met him and got the chisel?

A Was in a flivver going north on Greenwood Avenue at 49th Street.

Q Did you mark the chisel in any manner?

A I did, I put an E, my initial.

Q Can you find it?

A Yes, sir, there.

Q And chisel which I hand you has your initial on it, and is the same chisel that was given to you by Bernard Hunt on the night of May 22nd, or the morning of May 22nd, 1924?

A Yes, sir, the same one.

Q Will you state whether or not the chisel is in substantially the same condition as it was when you got it?

A Yes, sir.

3 Q And the blood, was that on it at that time?

A Yes, sir.

THE COURT: Now, get back out of the way, you. Get back or step out.

MR. CROWE: Q What is the number?

MR. ALLEN: (Reporter) 6-J.

THE COURT: If you keep on abusing your privilege you will lose it altogether.

MR. CROWE: The chisel I am showing the witness is a chisel which was marked yesterday, "People's Exhibit 6-J for identification." I will now offer the same in evidence and ask that it be marked People's Exhibit 20.

MR. SMITH: Yes.

MR. CROWE: Is there any objection?

MR. DARROW: No objection.

THE COURT: It may go in.

(Marked as requested by counsel)

MR. CROWE: That is all.

THE COURT: Any cross?

MR. DARROW: No cross examination.

(Witness excused)

4 MR. CROWE: Well, if your Honor please, this witness here I understand was merely with the other officer, and his testimony would be the same.

THE COURT: All right.

MR. SMITH: Put him on and get his name and address.

F R A N K A. M U L L I G A N,  
called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By  
Mr. Crowe.

Q What is your name?

A Frank A. Mulligan.

THE COURT: Speak louder, please.

THE WITNESS: Frank A. Mulligan.

MR. CROWE: And you live at 5512 South Elizabeth Street, and you are a police officer?

A Yes, sir.

Q And you were present on the morning of the 22nd with Officer Enos who just testified when the chisel was turned over to him by Bernard Hunt?

A Yes.

Q You are a member of the flivver squad?

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A Yes.

THE COURT: What district do you belong to?

THE WITNESS: Fourth District.

MR. DARROW: We will admit his testimony will be substantially the same.

THE COURT: All right, call the next.

MR. CROWE: There is no necessity of calling Behan.

(Witness excused)

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H U G H B Y R N E,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By

Mr. Crowe.

Q What is your name?

A Hugh Byrne.

Q Where do you live?

A 10643 Hoxie Avenue.

Q Do you spell that B-y-r-n-e?

A B-y-r-n-e.

Q You are a police officer?

A Yes.

Q What station?

A Eighth District.

THE COURT: What?

THE WITNESS: Eighth District.

MR. CROWE: That is out south.

A Out south, 101st and Ewing Avenue.

Q Did you work on the Robert Franks case?

A I did.

Q In company with Sergeant Edward Anderson?

A Yes.

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Q Did you go out to the culvert and drain near 118th Street and the Panhandle Road?

A I did.

Q With Anderson?

A With Anderson.

Q When?

A I went out there on the 22nd.

Q About what time?

A It was eleven o'clock, eleven thirty.

Q And did you find anything there?

A Yes, we found a stocking. We found a stocking about--

MR. CROWE: What is the number of this Exhibit, Joe?

MR. SAVAGE: I don't know.

MR. CROWE: I will show you a stocking which has heretofore been presented and marked as People's Exhibit 1 for identification, the stocking Mrs. Franks testified was her boy's stocking, yesterday, and ask you when you first saw that.

A Well, the first time I saw that stocking was about one fifteen --

THE COURT: Talk a little louder, please.

THE WITNESS: About one fifteen.

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MR. CROWE: On what date?

A On the 22nd of May.

Q And where did you see it?

A I seen it about nine hundred feet north east of the culvert.

Q And by the culvert you mean the culvert located at 118th --

A 121st and the Pennsylvania Railroad.

Q Is that the stocking -- is that stocking in the same condition as when you picked it up?

A Same way, yes.

Q All right.

MR. CROWE: I now offer the stocking in evidence and ask it be marked People's Exhibit 21. Mark a card and fasten it on there.

THE COURT: It may go in.

(Marked as requested by counsel.)

MR. CROWE: You may cross examine.

MR. B. BACHRACH: No cross examination.

MR. CROWE: That is all, Officer.

(Witness excused)

MR. CROWE: Send in Anderson. If there is no objection I will ask one question that will cover all of his testimony.

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MR. DARROW: All right.

E D W A R D        F.    A N D E R S O N,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By

Mr. Crowe.

Q State your name please?

A Edward F. Anderson.

Q You are a police officer?

A Yes, sir.

Q And assigned to the Eighth District?

A Yes, sir.

Q And worked on the Franks case?

A Yes, sir.

Q And your partner was Officer Byrne, who just testified?

A Yes, sir.

Q Do you remember on the 22nd of May, 1924, around one o'clock in the afternoon you and Officer Byrne, finding a stocking about nine hundred feet -- or yards



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How far from the culvert was it?

A About nine hundred feet north east of the culvert.

Q Now, I will show you a stocking which has been marked People's Exhibit 31 and ask you to state whether that is the stocking that you found at that time?

A Yes, sir.

Q Did you make a mark on it or Byrne?

A That darning on the heel.

MR. CROWE: That is all officer. No cross?

MR. DARROW: No cross.

(Witness excused)

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J O S E P H B E R O U N S K Y,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

By  
Mr. Crowe.

Q What is your name?

A Joseph Berounsky.

Q And you are a police officer, are you?

A Yes, sir.

Q Where do you live?

A 6137 South Whipple Street.

Q Where are you assigned as a police officer?

A Detective Bureau.

Q You work under Captain Schumacher and Chief Hughes?

A Yes, sir.

Q And you worked on this Franks case, did you?

A Yes, sir.

Q I direct your attention to Saturday, May 21st, 1934,

Were you in the State's Attorney's office?

A 31st, yes.

Q 21st.

A No.

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Q 31st, rather?

A Yes, sir.

Q And did you go any place from the State's Attorney's office around eight o'clock in the morning?

A Yes, sir.

Q Who was with you?

A St. Germaine and Officer Hackett.

Q Anybody else?

A That is all.

Q And where did you go?

A I got orders to meet Chief Hughes and Captain Schumacher at 40th and Greenwood Avenue.

Q Well, you met them there, did you?

A I met them there, and --

Q And then where did you go?

A From there we went to Jackson Park.

Q And what did you do out there? Just what you did, not what you said?

A Well, we stopped at the bridge, at the lagoon there, and Chief Hughes and Captain Schumacher, the State's Attorney and some of his assistants got off the machine with the defendant Leopold, and I saw Leopold pointing into

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the water. That was one lagoon, and then we drove to another lagoon, another bridge and he pointed there.

Q Now, do you know where Blair found the typewriter?

A No, sir.

Q Can you describe the two bridges? Describe the two bridges that you just referred to. Describe the bridge, one is a high one and one is a low bridge?

A One is a high bridge and one is a low bridge.

Q And they are bridges over the lagoons in Jackson Park in the City of Chicago?

A Yes, sir.

Q Now, after the defendant Nathan Leopold, Jr., pointed into the water from each one of the bridges, what did you do?

A Why, then we got into the machines and drove to 73rd and the Lake.

Q And at 73rd and the Lake who was with you?

A Why, the same officers, St. Germaine, and Hackett, and several other machines. Chief ---

Q Now when you were in Jackson Park did you hear the defendant say anything?

A I did at 73rd and the Lake.

Q But not in Jackson Park?

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A No, sir, I was not within hearing distance.

Q Well, when you got to 73rd and the Lake who was in the party?

A State's Attorney Crowe, his assistants, Chief Hughes, Captain Schumacher, Officer Gortland and myself. I heard the defendant Leopold say, "There is the blankets."

Q And point to something?

A Pointing to something that was partly burned.

Q You saw what he pointed to?

A To some object that was partly burned.

Q And what was done with the object to which he pointed?

A It was picked up by Officer Gortland and I got some paper and helped him wrap it up.

Q I will direct your attention to the remains of a blanket, charred blanket -- will you get the exhibit number?

MR. SMITH: 3 of July 24th.

MR. CROWE: Well, the card on which we have the identification mark is hard to find there and if it is not objected to I will refer to it as the blanket or the automobile robe, charred robe that was offered for

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for identification yesterday, and a piece of which Doctor McNally took and made a chemical analysis of.

MR. SMITH: Offered as Exhibit 3 of July 24th.

THE COURT: Which was testified to by Sven Englund.

MR. CROWE: I think it is Exhibit 3 of July 24th.

Q Directing your attention to that, Officer, is that the object to which the defendant Leopold pointed at 73rd and the Lake?

A That looks like it, yes, sir.

Q And from there/<sup>where</sup>did you go, if any place?

A From there we drove out to Hessville, Indiana.

Q And what happened out there?

A At Hessville, Indiana, we got off there, and the defendant Nathan Leopold said that Loeb had put the -- Oh, we drove on the Michigan City road between Forsythe Avenue and Hopp Road. We stopped at Forsythe Avenue and the Michigan road and then we turned back. Leopold, Nathan Leopold, got off the machine and said the shoes are either on this side of the road or on this side, now I don't know which is which. The belt is on one side of the road and the shoes on the other", so everybody started to look around for the shoes, and then the State's

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Attorneys , Chief Hughes, Leopold and the rest of the officers left, and I got orders from Chief Hughes and Captain Schumacher to remain there and make a diligent search for the shoes and belt with my squad, and also Sergeant Dunn. We remained there and searched around until about five thirty that P M. Officer St. Germaine was on the north side of the road and I was on the south side of the Michigan City road.

Q That is all prairie there?

A Yes, sir, just a road running east and west.

Q Running through a prairie?

A Yes. Officer St. Germaine called my attention, he said, Sergeant --

Q Not what he said.

A He said, he come across the road and said "I think I got the shoes."

MR. CROWE: Strike that out. He called you and you went over and what happened?

A I saw a pair of tan oxford shoes buried under the leaves. One was partly sticking out.

Q Do you know what the exhibit number is? I will show you a pair of tan shoes, the exhibit number of which I

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haven't got, but which were identified yesterday by Mrs. Franks, Mr. Franks, and he says they were the shoes worn by the Franks boy on May 31st, 1934. I will find the exhibit number later and if there is no objection have it put in.

A Those are the shoes.

Q Those are the shoes you found at that spot?

A Yes.

Q What did you do with them?

A I put my initial on them and the rest of the officers put theirs on there.

Q You see your initial on there, do you?

A Yes, sir, "J B" , my initial, on there.

Q Are they in the same condition, substantially, as when you found them?

A Yes, sir.

Q Now, I will introduce the shoes in evidence.

MR. CROWE: I want the right shoe marked People's Exhibit 22, and the left one People's Exhibit 23.

THE COURT: They may go in.

(Marked as requested by counsel.)



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MR. CROWE: Q Then what happened, without giving any conversation.

A We continued the search for the belt. These shoes were found on the north side of the Michigan City road, about five hundred feet, about five hundred feet west of Forsythe Avenue; about between Forsythe Avenue and Hopp Road. We continued the search for the belt until it got dusk, and then we called up Captain Schumacher and told him we had found the shoes.

Q Well, you called up the Captain. Then what did you do?

A I was ordered to come in.

Q Did you go back again?

A We drove in. On our way in I stopped at Mr. Franks home, that was about nine P M that same evening.

MR. CROWE: Well, I don't care about that.

Q Did you go back to this prairie, or road where the shoes had been found, after that?

A The following day, June 1st.

Q And who was with you on that occasion? That was Sunday?

A Chief Hughes.

Q That was Sunday, wasn't it?

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A Yes, sir.

Q Sunday morning?

A Yes, sir. Chief Hughes, Captain Schumacher, the two defendants, Nathan Leopold and Loeb, Officers St. Germaine, Hackett and Heavey.

Q Now, what, if anything, did either one of the defendants say at that time?

A We started off from 48th and Wabash Avenue, and drove to 63rd and Cottage Grove. Chief Hughes took the two defendants into a restaurant and they had lunch. Then we -- after lunch we drove through Jackson Park.

MR. B. BACHRACH: I object to this, if the Court please. The answer is not responsive.

MR. CROWE: Tell what was said.

MR. B. BACHRACH: What the defendants said, you asked.

MR. CROWE: Tell what, if anything, these defendants said that morning, either one of them to you or somebody else in your hearing?

A Well, in Jackson Park when we got to Jackson Park, Loeb got off the machine and pointed down into the water, and he says, "We threw it about there."

Q And what was he talking about, do you know?

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A I did not catch what he was talking about, but he said "We threw it about there."

Q Then what else?

A Then we drove to the other bridge and he indicated to the water, pointed to the water, and said "It must be there." Then we drove out to Hessville, Indiana. When we got out there, Richard Loeb got off of the car and Leopold remained in the car.

Q Now, when you say "Hessville, Indiana", is that the road you were talking about, where the shoes were found?

A Yes, sir.

Q All right, what happened?

A He asked where the shoes were found. I said they were found there, indicating to a bush, and he said, "The belt must be across the road." He started to dig around and he found the belt.

Q Well, did he go across the road?

A Yes, directly across the road where the shoes were found and he dug in the sand and dug up the belt and gave it to Chief Hughes.

MR. CROWE: Now, I will show you two pieces of a belt which were marked People's Exhibit 3-C yesterday, and

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and have been identified as the belt of Robert Franks, worn on May 21st, by his parents, and ask you whether you ever saw that before?

A It looks like the same belt he dug up.

Q Did you make a mark on it?

A No, sir, I did not. He gave it to Chief Hughes.

Q Then what else happened?

A Well, he says, the belt clasp and the buckle are buried in the sand around here, and he says within a radius of about 20 feet. Well, we were digging around looking for the clasp and buckle and then Chief Hughes and Captain Schumacher took the two defendants and went back and gave me orders to remain there with my squad and make a search for the clasp and buckle.

Q Well, did you find the clasp and buckle?

A Yes, sir. We dug in the sand and Officer St.Germaine found a class pin, which he turned over to me.

Q Now, I will show you a class pin which was marked People's Exhibit 3-D of yesterday, the same having been identified by Jacob Franks as the class pin belonging to Robert Franks, and ask you was that the one that you found at the place you are talking about?

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A This was found by Officer St. Germaine and turned over to me, and I turned it over to Chief Hughes.

MR. CROWE: I will now offer the class pin in evidence and ask that it be marked People's Exhibit 24, that is, the envelope.

(Marked as requested by counsel.)

MR. CROWE: Q What else did you find?

A Shortly after, on digging in the sand, Officer St. Germaine found the belt clasp which he turned over to me.

Q I will show you the belt clasp --

A This is the buckle.

Q I show you a belt clasp which was marked for identification People's Exhibit 3-B yesterday, and identified by the parents of the Franks boy as the clasp of his buckle worn on May 21st, and ask you whether that is --

A This is the piece, yes, sir.

Q -- the clasp turned over to you by Officer St. Germaine at that time?

A Yes, sir.

MR. CROWE: I will ask to have the clasp marked People's Exhibit 25 and introduce the same in evidence.

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(Marked as requested by counsel)

Q What else was turned over or found by you?

A We dug around and I found this belt or this belt buckle.

Q I now show you a belt buckle which was introduced as People's Exhibit 3-B for identification yesterday, and identified by the father and mother of Robert Franks as the buckle on the belt of young Robert Franks.

A This is the buckle, I put my initials on it when found.

MR. CROWE: I offer the buckle in evidence and ask it be marked People's Exhibit 26, that is, the envelope containing it.

(Marked as requested by counsel.)

Q That is all, isn't it? I don't know whether I introduced the belt or not.

MR. CROWE: If I did not introduce the belt I will offer the belt in evidence now and ask it be marked People's Exhibit -- it was People's Exhibit 3.

MR. DARROW: I don't think you introduced it.

MR. CROWE: As People's Exhibit 3-C for identification as of yesterday, and I will now offer it in evidence as People's Exhibit 27.

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THE COURT: It may go in.

(Marked as requested by counsel.)

MR. CROWE: That is all, Officer.

MR. DARROW: That is all.

(Witness excused.)

MR. CROWE: Now, will you tell Officer St. Germaine to come in. I will merely put one question to Officer St. Germaine. I will put a leading question and let him answer yes or no.

MR. DARROW: Yes.

THE COURT: All right.

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R I C H A R D     S T.   G E R M A I N E,

called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

## D I R E C T   E X A M I N A T I O N

By

Mr. Crowe.

Q   Your name is what?

A   Richard St. Germaine.

Q   You are a police officer?

A   Yes, sir.

Q   Assigned to the Bureau?

A   Yes, sir.

Q   And you live where?

A   At 5353 South Winchester Avenue.

Q   Now, on Saturday and Sunday, did you accompany -- on Saturday did you accompany Chief Hughes and the State's Attorney and the defendant Nathan Leopold, Jr., out to Jackson Park?

A   I did, sir.

Q   And to 73rd and the Lake and out in Indiana, to Hessville?

A   I did, sir.

Q   And on Sunday did you accompany -- that is June 1st, and the next day, Sunday, did you go out with Captain



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Schumacher and Chief Hughes and both of the defendants in this case, to Hessville, again?

A I did, sir.

Q And you found the belt and some of the articles connected with the belt, a clasp and shoes, or you were present when they were found?

A I found the shoes.

Q You found everything except the belt buckle, and what did you do with them?

A I turned them over to Sergeant Berounsky.

THE COURT: Talk louder, please.

MR. CROWE: You turned them over to Sergeant Berounsky, he is the man that just testified?

A Yes, sir.

Q I will ask you to look at this belt, People's Exhibit 27.

A I did not see the belt.

Q Oh, this is the one thing you did not find?

A Yes, sir.

Q Were you present when these were found or found them?

A I found that pair of shoes.

MR. CROWE: What are they marked?

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MR. ALLEN: (Reporter): 22 and 23, People's.

THE COURT: 22 and 23. Did you put your mark on them at that time?

A Yes, sir, it is.

MR. CROWE: Did you find the class pin, showing you People's Exhibit 24?

A I did.

Q Is that the class pin you found?

A Yes, sir.

Q Now, where are the parts of that belt?

MR. SAVAGE: Here.

MR. CROWE: You found the clasp of the belt?

A I did.

Q I show you People's Exhibit 25 and ask you whether that is it?

A Yes, sir, that is the clasp.

MR. CROWE: All right, that is all. Cross examine.

MR. B. BACHRACH: No cross examination.

(Witness excused)

MR. CROWE: May we suspend now, your Honor?

MR. DARROW: All right.

MR. B. BACHRACH: All right.

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THE COURT: All right. Now, those that are interested in the case and have their seats, please be here on time. It does not seem fair when other people get into your seats to have them put out. If you folks will be here on time you can take the seats that you occupy now, and the members of the families that are interested here won't have to change around. They are entitled to their seats also.

We will suspend until two o'clock, and be here at two sharp, everybody.

(Whereupon an adjournment was taken until two o'clock P. M., Friday, July 25th, A. D. 1924.)

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July 25th, 1924.

2:00 o'clock P.M.

Court convened at 2:00 o'clock P.M. July 25th, 1924, pursuant to adjournment heretofore taken.

Present: Same as before.

ERNST W. PUTTKAMMER,  
called as a witness on behalf of the prosecution,  
having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE:

Q Will you kindly state your name? A Ernst  
W. Puttkammer.

Q And what is your occupation or profession?

A I am professor of law at the University of Chicago.

Q Have you any specialty?

A I have the class in Criminal Law, among others.

Q And for how long a time have you taught law in the  
Chicago University?

A I am now beginning my fifth year, so that it is  
a little over four years.

Q Where do you live, Professor,

A At present at Mackinaw Island, Michigan.

Q Are you acquainted with the defendant in this case, Nathan Leopold, Jr.?

A I am.

Q Was he a member of your class this year, after February of this year, in the Chicago Univeristy?

A He was.

Q And did you teach him criminal law?

A I endeavored to, yes sir.

Q Did you have a talk with the defendant on the Wednesday following the murder of the Franks boy, that would be the 28th of May -- well, the Wednesday following would be the 28th of May, 1924?

A The 28th of May, 1924, that is a Wednesday, sir?

Q That would be Wednesday?

A Yes, I did.

Q And where were you and he when you had this talk?

A In my office in the University Law School building.

Q About what time of day was it?

A I couldn't say as to that. So far as I recall it was perhaps about mid-day, but I am not positive.

Q Well now will you state to the Court what Nathan Leopold, Junior said to you and what you said to him?

A Examinations were going on and it is customary for the students to come down and ask questions on points that have troubled them, and he came down on that errand. He asked me relative to the Franks case, what the law would be, that is, he used that as I understood him, simply as a dramatic state of facts on which to hang his questions. He started out by asking me what the situation would be, that is what crime would be committed if it were supposed that the little boy were taken into the car with the intention of then and there killing him, and I said that it seemed to me that it was perfectly obvious that there the intention would be to take a human life, and human life actually was taken, and so that it would be murder, very clearly.

Then he went on to say, "suppose the intent was simply to kidnap, nothing else apparently", and I said to him, kidnapping itself was a felony, or perhaps I put it in the form of a question and said, "Isn't

kidnapping a felony here in Illinois", if I put it in the form of a question I am sure the answer on his part was, immediately, "yes", and I said, "supposing a man causes somebody's death while he is intending to commit a felony, is that murder or manslaughter," I took it for granted that he would be able to answer that question for himself, and apparently he felt satisfied, because he said, "Well now, suppose that the intent were simply to take improper liberties with this boy? I understand" -- that was his word -- "that that is a misdemeanor here in Illinois." I said, "Well, wholly without regard to that, on your assumed case, you still are talking about someone who had an intent to kidnap at the time, so that it is none the less a case where the intent is to commit a felony, even though other crimes might enter into it which are simply misdemeanors." I believe that was about all, on the law of the case.

Q Now did you have any further discussion with him with reference to the case at law?

A I remarked to him that generally I did not take a very keen interest in murder cases, I had enough to do to read them when they appeared in the State Supreme

Court reports, but that this case was different because there were a number of elements in it that had justice and personality. That made up all the difference. And I said that the principle one of those was the fact that before going to college I had gone to the Harvard School, and so I had some sort of personal contact with the surroundings at least, and I believe, he said, "You have nothing on me; I went to the School myself."

I said, "Well, then, your interest perhaps is even greater than mine, because you went there so much more recently and must know many more of the people." Perhaps I added then that most of the faculty had changed since then.

Q Let me interrupt you just a moment. Do you know whether or not at that time the State's Attorney had in custody a man by the name of Kirk Mitchell, who was a teacher in the Harvard School?

A He did, according to the newspapers.

Q All right. No go ahead with the conversation.

A We of course immediately drifted onto the question of whether the case would ever be found out,



who had done it and so on, and I think that I remember saying that I couldn't imagine Mr. Mitchell's having done it, that I had had a slight acquaintance with Mr. Mitchell for a long time and that he always had impressed me as a very upright, high-grade sort of a man.

Then he answered, "Well, I don't know, I am not so sure about that." And perhaps I looked inquiringly. Anyway, our conversation went on, and he said that he had known of instances in which Mr. Mitchell had solicited boys, presumably boys in the school, to improper sexual relations with him, and I expressed surprise at that. I think I said something about deals like that springing up so easily with Mitchell in custody.

Anyway, he said he had it on very reliable information. And I said, "Are you sure of that?" And he said, "Yes; he made that sort of a proposition to my brother; that is straight enough, isn't it."

Well, of course I couldn't say anything as to that, and frankly, I thought to myself --

MR. BACHRACH: We object.

MR. CROWE: Yes.

MR. DARROW: We object to what he thought.

THE COURT: yes.

MR. CROWE: Q Now was there any further conversation?

A After mentioning this matter in regard to Mr. Mitchell?

Q Yes.

A Our conversation went on in regard to Mr. Mitchell, but not after we left that subject. He did say, "I wouldn't put it past that man, Mitchell; I would like to see them get that fellow," and then he sort of turned on his heel as he went out and he said, <sup>"But,</sup> ~~RM,~~ "I don't say he did it," and he left the sentence up in the air. I remember that was the end of our conversation.

Q Now have you detailed all the conversation that you recollect?

A All that I recollect at the moment. Let me see. We might, conceivably, have gone into law problems a little more fully, but I don't recall any other points of fact just now.

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

(No cross examination and witness excused)

M A X            W E S T E R,

called as a witness on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q Will you state your name please?

A Max Wester.

Q Where do you live, Mr. Wester?

A 559 East  
50th Street.

Q What is your business or profession?

A I am a law clerk.

Q Have you been admitted to the bar?

A I just found out this morning that I have been.

Q I congratulate you. What firm are you employed by  
as a law clerk?

A Newman, Poppenhusen, Stein & Johnson.

Q Do you know the defendant in this case, Nathan  
Leopold, Junior?

A I do.

Q For how long a time have you known him?

A Oh about two months. Five weeks to two months,  
around that time.

Q What is the nature of your acquaintance with him?

A I was instructing him in law. He was intending to go to Harvard next year and asked me to give him private instruction in two courses in law, in contracts and property.

Q Now when you say Harvard, you mean Harvard University in Massachusetts?

A I do.

Q And not the Harvard Preparatory School?

A No.

Q Did you have a talk with Nathan Leopold, Junior, one of the defendants in this case after May 21st, the date of the murder and prior to the time the State's Attorney took him in custody?

A I did on several occasions.

Q When was the first time during that period when you had a discussion with him?

A On the following evening, on Thursday evening.

Q Did you talk about or did he talk about the Franks case?

A Well, I opened the discussion that evening. I ~~was~~ passed the Franks home, there was a large crowd there, and I told him what had happened and expressed my

sympathy and so on. I opened the discussion that evening.

Q All right, go ahead and tell what you said and tell what Nathan Leopold, Junior, said, if anything.

A Well that night I asked him whether he knew the Franks boy and he said he did not. He said his family did know the Franks family, and then I expressed my sympathy for the Franks family, naturally, and I don't recall anything further that he said that evening.

Q Did you have a talk with him on the Sunday following?

A Well I was there on several occasions after that and each time we would discuss the case.

Q Well tell what was said from time to time by you or by him?

A Well on one occasion he asked me a question of law about the matter. He said the papers had said that the kidnapers probably couldn't be convicted of murder, and he said he was studying criminal law and he wanted to know the difference between manslaughter and murder, and he asked me the question whether, if a boy were taken out and being kidnapped and he were killed, whether the person doing that would be guilty of murder, and I

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said he would.

Q Anything further?

A Well we discussed -- I put forth theories about the case, we discussed it in a general way. I don't recall anything more definite about what he said concerning it. He seemed to discuss it as anyone else would. I noticed nothing about him that would indicate that he was involved.

MR. CROWE: You may cross examine.

MR. BACHRACH: No cross examination.

(No cross examination and witness  
excused).

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W I L L I A M   C R O T ,

a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q You may state your name please?

A William Crot.

Q Where do you live, Mr. Crot?

Street.

A 7937 Laflin

Q You are a police sergeant, are you?

A Yes sir.

Q And connected with the Detective Bureau?

A Yes sir.

Q Do you know the defendant, one of the defendants,  
Nathan Leopold, Junior?

A Yes sir.

Q When is the first time you saw him?

A On the afternoon of May 29th.

Q That was Thursday?

A Yes sir.

Q And who was with you?

A Sergeant Johnson and Sergeant Gortland of the Detective

Bureau.

Q And where did you see him? A At his home at 4754 Greenwood.

Q You had been sent out there to get him?

A I was sent out there to get him and bring him down to the State's Attorney who was in room 1618 of the Hotel LaSalle.

Q Did you have any conversation with the defendant Leopold either at his house or on the way down to the LaSalle Hotel, or did the other officers?

A The only conversation I had was on our way down he said, "this is funny, this is twice I have been arrested within a week," and I said, "what was the other time". He said, "Well, a week ago I was arrested and brought into the Captain of the District where the body was found." I said, "Why were you brought in there" and he said, "because I was familiar with the area out there and I had been birding out there; in fact I was there two days prior to the murder."

Q Did he say anything further at that time?

A That was about all that took place on our way down.



Q About what time in the afternoon was this?

A About two thirty.

Q Then you brought him down to room 1618 Hotel LaSalle where I was?

A Yes sir.

Q Did you go back to his house that afternoon?

A About six o'clock Sergeant Johnson and myself went back to look for his glasses which he stated he thought were at his home.

Q And the defendant Leopold, was he with you?

A Yes.

Q Now tell what happened when you got out there, whom you saw and what was done and what was said?

A When we got there, why he explained to his brother Mike, who was, I believe, the first one we saw when we got to the house, and Gortland and Leopold went upstairs and searched the upstairs, and some lady was there, I believe it was an Aunt, and Sergeant Johnson and myself searched the first floor in the library.

Q Well, what if anything did Leopold say?

A Well he said that he was being questioned in refer-

once to this Franks murder, and that the glasses that were found were identical to his glasses.

Q Who did he say that to?

A To his brother Mike and his Aunt.

Q Yes.

A And he said "They say that the glasses they have down there are my glasses," and he says, "my glasses must be in the house," so we had everybody in the house searching for his glasses.

Q Now after he got through searching what if anything did he or his brother Mike say?

A When we got about ready to go Mike suggested to get in touch with Erbstein -- with Ettelson. He located Ettelson at Mr. Franks home and suggested that we bring the boy over to the house, which we did. When we got over there, why Mr. Ettelson was in the parlor with Mr. Franks.

Q Now what did either Nathan Leopold, Junior or his brother Mike say to Mr. Ettelson at the Franks home?

A When we came in there brother Mike greeted Ettelson

and said, "You know Babe, don't you?" And Mr. Ettelson said, "Yes, I know him since he was a small boy or baby," something to that effect.

Q What else was said?

A And he asked what we had the boy for, and we explained to him about the glasses, and Leopold then went on and told the story about where he was. We asked him where he was on that day and he told us about--

Q Tell what he said?

A He said that he was out, <sup>only he met Loeb</sup> ~~XXXXXXXXXXXXXXXXXXXX~~ after school at eleven o'clock, and they went out to Lincoln Park to look for a red Heron, a sort of specie of seagull, and they searched around there for an hour and they couldn't find one, and that they came back, drove downtown. Prior to that they stopped at the Marshall, Field Grill and had lunch, came back and drove around town and went to 63rd street and had dinner in the evening at some Inn out there on 63rd Street and they had a bottle of -- Loeb had a bottle of gin and Leopold had a bottle of Scotch, and we asked him how they took it, and he said,

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that they just took a nibble out of it once in a while, and that after they got through with their dinner it was suggested that they look for some girls, and that they drove over 63rd Street and picked up a couple of girls and then rode around the park, and that in the neighborhood of ten o'clock they made some advances to the girls and the girls "turned them down" and they put them out of the car on the Midway, somewhere near one of the parks.

Q Then what happened, and what was said?

A When we were about to leave Mr. Ettelson made a request that after the boys were brought down -- after Leopold was brought down and questioned and it looked like he was going to be held, that we would notify the State's Attorney to have him notified, which we said we would.

Q Then you brought him back to the LaSalle Hotel, did you?

A Yes.

Q And did anybody accompany him?

A His brother Mike.

Q And his brother Mike and he remained in the LaSalle Hotel how long?

A Well we remained there until about Midnight, and then we all came to the State's Attorney's.

Q And his brother Mike came along with you?

A Yes sir.

Q Now did you have any further conversation at any time with Nathan Leopold, Jr.?

A Why, we had a conversation after the confession.

Q Did you go back to the house again?

A That night about twelve thirty we went back to -- Sergeant Johnson and myself and Mike Leopold, Mike suggested -- or we, I don't know which suggested, that we all go together so that we would not have to awaken anybody in the house going in, and we immediately went to the top floor to get a typewriter, a Hammond typewriter.

MR. CROWE: Have you got a Hammond typewriter, Joe?

Q I call your attention to a Hammond typewriter -- is that marked? Well I will call your attention to a Hammond typewriter here and case, and I will ask you whether you have ever seen that before?

A Yes sir.

Q Is that the Hammond typewriter you got at the Leopold home?

Q That is the typewriter we brought back from the Leopold home.

MR. CROWE: If the Court please I desire that to be introduced in evidence and marked as People's Exhibit 28.

THE COURT: It may go in.

MR. CROWE: Q Now when you went back to the Leopold home the first time, about six o'clock, did Leopold or anybody else find a case, a glass case?

A They did. I don't know who it was. Somebody announced "here is the case for the glasses."

Q Did you see it?

A Yes sir.

Q I will show you a leather case for spectacles and ask you if that is the one?

A That is the one.

Q Do you remember when that was out for the purpose of identification?

A Yes sir.

Q The cut in there was made so that you would be able to identify it later?

A Yes sir.

Q And the other officers?

A Yes sir.

MR. CROWE: I desire to offer in evidence a leather case, with the words "Almer, Coe & Company Chicago; Evanston" printed on it, and let it be marked "People's Exhibit 39".

THE COURT: It may go in.

MR CROWE: Q Well, after you got the Hammond typewriter, what did you do?

A Well, we searched all through his room while his brother Mike was there with us, and we found a large can of ether.

MR. CROWE: Have you got the ether, Joe?

MR. SAVAGE: Yes.

A And a bottle of strychnine.

MR. CROWE: Wait a minute.

Q I will ask you to look at this can of ether and state whether that is the can that you found in the room of Nathan Leopold, Junior that night?

A Yes sir.

Q And you brought that back with you also?

A Yes sir.

MR. CROWE: I desire to —

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Q Will you shake that and state whether there is any ether in it, or something in it?

A It seems like it is about half full, or three-quarters full.

MR. CROWE: I desire to offer the can of ether in evidence and have it marked People's Exhibit 30.

THE COURT: It may be received.

MR. CROWE: Q I show you a bottle of strychnine. Is that the strychnine you found at the time?

A Yes sir.

Q And a bottle of arsenic?

A Yes sir.

Q That is the bottle you found at that time?

A Yes sir.

MR. CROWE: I offer the strychnine in evidence as People's Exhibit 31 and the arsenic as People's Exhibit 32.

THE COURT: They may be admitted .

MR. CROWE: Q What else did you find, if anything?

A Why, a lot of copies of typing and copies of his handwriting on different papers.

MR. CROWE: Have you got those Joe? Will your

Honor indulge me just a moment while we get the exhibits



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there?

THE COURT: Very well.

MR. CROWE: Q I will direct your attention now to a great many, various papers, and ask you to glance through them and state whether this is the batch of papers that you got at that time?

A Yes sir.

MR. CROWE: If there is no objection I will introduce all these papers as one exhibit, and later on those that I deem material we can pick out and read to the court or give to the court separately.

MR. BACHRACH: They may all be considered in.

MR. CROWE: As one exhibit?

MR. BACHRACH: As one exhibit.

MR. CROWE: You might wrap that up and just mark it "People's Exhibit 34".

Q Now what else, if anything, did you find at that time?

A I cannot recall of anything else at that time.

Q Did you go back there again, to the Leopold home?

A The next morning at seven o'clock I believe.

Q Who went with you?

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A Johnson and Gortland -- Sergeant Gortland, Johnson and myself.

Q What did you find at that time?

A Why at that time we went and searched Leopold's room, the room he slept in.

Q And what did you find?

A We didn't find a thing, we didn't take a thing out of there.

Q You didn't take a thing. Did you go back again, were you back there again when you got anything?

A The next morning about twelve thirty or one o'clock -- well, that night previous when we were there with Mike we found a -- when we were coming out Sullivan, a newspaper reporter, I believe his name was and Wings of the Tribune, were searching the red car which was standing out in the driveway on the north side of the house.

Q That is the red Willys-Knight car owned by Nathan Leopold, Junior?

A Yes sir.

Q Did you find anything in it?

A We searched the car and we found a Tribune paper wrapped up with a string around it.

Q Are you sure it was a Tribune?

A I wouldn't say for sure, I thought it was.

Q You found a newspaper wrapped up. Was it tied?

A It was tied up as tight as possible, rolled up and tied with a string.

Q And what else?

A And a flashlight.

Q Anything else?

A There was also in that car, in the pocket, either one or two time tables, but as they were of no significance at that time we didn't take them out.

Q I will show you a copy of a newspaper, it is a copy of the Daily News of April 23rd, 1924, tied with a string, and ask you whether that is the newspaper that you found in the car at this time?

A It is.

Q In Leopold's car?

A It is, I put my initial on it.

Q And your initial is on it?

A Yes sir.

Q Is it in the same condition now as when you found it?

A Just about, yes.

MR. CROWE: I desire to offer this newspaper in evidence as People's Exhibit 35 and ask to have it marked.

THE COURT: It may be admitted.

MR. CROWE: Q I will show you a flashlight and ask you to look at that and state whether or not that is the flashlight found by you in the car at that time?

A I believe it is. I didn't put any mark on there.

MR. CROWE: Well we will hold that for one of the other officers. Let me mark it. Well, we will hold this until later.

Q Is that your initial?

A No, I think that is Sullivan's or Savage's.

Q Now did you find anything else that you took at that time?

A

That was about all.

Q Did you go back to the house after that at any time when you got something?

A No. The next morning, but we didn't take anything.

Q Now did you have a talk with the defendant Leopold at any time after that?

A Well on the same morning as the confession was made.

Q What morning was that?

A That was on Saturday morning I believe.

Q On Saturday morning?

A Yes.

Q Did you have any talk with him and if so, when and where?

A He was given into my custody and we went into one of the small rooms.

Q Small rooms where, in the State's Attorney's office?

A In the State's Attorney's office, yes.

Q All right. What if anything did he say or did you say?

A Well we got talking the case over and that was the first time he and I got together since he made the confession, and he stated that he had originally planned-- he said, "you or the State's Attorney wouldn't have me," and I said, "how is that?" He said, "Well, I had a plan where I would have twelve headache powders in the box, of some harmless nature and one of them would be strychnine, which would be the same color," and he said, "I expected to be picked up, and if it got to look bad for me I was going to take one of those

powders, but", he said, "I thought I was brought in there once and got away", and he said, "I thought I might be able to talk myself away again," and he says, "if I were searched and these were found on me and they were analyzed, it probably would be looked on with suspicion."

Then he got talking about the night we were out to the house looking for the glasses, and he said, "If I knew that Loeb was going to 'peach I could have killed myself that night", and he said, "while I was doing it I could have taken a couple of coppers with me", and I said, "why a couple of coppers," and he said, "what was the difference", --

MR. BACHRACH: What is that?

A He said, "while I was doing it I could have taken a couple of coppers with me", and I said, "why a couple of coppers", and he said, "what is the difference."

MR. CROWE: Q Now while he was saying that did he make reference to any weapon?

A He was referring to the weapon that was in a drawer in his room.

Q What kind of a weapon?

A I believe in the upper lefthand drawer, a magazine

gun.

Q Did you have any further talk with him?

A That was about all our conversation.

Q Did you have a talk at any other time since then?

A No, outside of --

Q Did you have a talk at any time with the defendant  
Loeb?

A No, I was with Leopold most of the time.

Q You were with Leopold?

A Yes.

MR. CROWE: You may cross examine.

MR. DARROW: No cross examination.

(No cross examination and  
witness excused)

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F R A N K   A .   J O H N S O N ,

a witness called on behalf of the prosecution, having  
been first duly sworn, testified as follows:

II RECT EXAMINATION

BY MR. CROWE.

Q What is your name, sir?

A Frank A. Johnson.

Q Where do you live, Mr. Johnson?

A 4132

North Crawford Avenue.

Q You are a police sergeant assigned to the Detective  
Bureau?

A Yes sir.

Q Do you know the defendant Nathan Leopold, Jr.?

A I do.

Q When was the first time you saw him?

A About two thirty P.M. on the afternoon of May 29th.

Q Of this year?

A Yes sir.

Q And tell under what circumstances and where you saw  
him?

A The State's Attorney told me --

Q You went out to get him?

A I went out to Mr. Leopold's house at 4754 Greenwood



Avenue. I was admitted by the maid and inquired if Nathan Leopold, Junior was home, and she said he was, and she went upstairs and he came down, and I told him my name was Sergeant Johnson, I was from the State's Attorney's office and I wanted to talk with him, he says, "Johnson", "Johnson". "Let me see your credentials?" I showed him my star and satisfied him as to my identity. He says to me, "you know, I thought you was Johnson mentioned in the Franks case." He says, "I was about to call the police." I said, "I am not Johnson of the Franks case, I am a police officer, and they want you at the State's Attorney's office." I said, "by the way, have you got your glasses, or do you wear glasses" and he said, "yes." I said, "did you lose your glasses", and he said, "no". I says, "Have you got them", and he says, "they are around here some place," and I said, "well we have got to go down to the State's Attorney's office." He said, "well, I have got an appointment to teach a class about three o'clock." I said, "well you will have to postpone that appointment." He said, "can't you postpone this until some other time", and I said, "no, you have got to go down now." So we

got on a car and I brought him down to the LaSalle Hotel to you.

Q Well now did you go back to his house that day?

A In company with Sergeant Gortland and Crot. Crot and Gortland went inside and I went around to the rear of the garage and looked over the grounds and they shortly came out.

Q Did you have any conversation with him on that occasion or go any other place with him?

A In company with his brother, Michael Leopold, myself and Gortland, we went to the Franks Residence to see Mr. Ettelson. Michael Leopold wanted to see Mr. Ettelson before we brought him downtown. We went to the Franks home and Michael Leopold ~~and~~ met Mr. Ettelson there and told Mr. Ettelson that we were taking Nathan down to the State's Attorney's office.

~~XXXXXXXX~~ Mr. Ettelson wanted to know why, and I told him that you had sent for him and that the glasses had been traced to him, and he says, "take him downtown and let the law take its course."

Prior to that he asked Leopold where Leopold had been that day, and Leopold told him that he had been out with Loeb and was riding around and that he

had later on picked up a couple of Janes and took them out to Jackson Park and there let them go and made them walk home.

Q You brought him back to the LaSalle Hotel , did you?

A Yes sir.

Q Did you go back to his house any time again that day or night?

A About twelve thirty or close to one o'clock.

Q Who went out with you?

A Sergeant Crét and Michael Leopold.

Q Michael Leopold came with you and Nathan and the other officers back to the LaSalle Hotel?

A Back to the LaSalle Hotel.

Q And remained there until you went out to the house again?

A Yes.

Q Now tell what happened on that trip?

A We went into Nathan's room, into Nathan Leopold's study room or where he has different specimens of birds and searched the place, got a number of papers, a book, and in a little wooden safe in one of the corners of that room a bottle of arsenic -- a small bottle

of arsenic and a small bottle of strychnine, and about a half pint can of -- marked "ether".

Q All right, go ahead, what else?

A We came downstairs and saw a red car standing in the driveway.

Q What make?

A A Willys-Knight car.

Q That is the car that we have over at the Municipal Pier now?

A Yes.

Q All right.

A We searched the car and I guess there were a couple of newspaper men there at the time, we found a newspaper, or several newspapers, tightly packed and tied together. We found several time tables in one of the side pockets of the car, and we found a flashlight.

Q Did you take the flashlight?

A We took the flashlight and the time tables in the side pocket of the car and later had the car removed to a garage.

Q Are you the officer that took the flashlight out?

A I took the flashlight up and laid it down again.

Q No, but I mean are you the officer that took the flashlight?

A Yes, I did eventually take the flashlight out of the car at the Municipal Pier.

Q At the Municipal Pier?

A Yes.

Q I will show you a flashlight here and ask you if that is the one you found in Nathan Leopold's car?

A Yes sir.

Q A red Willys-Knight car?

A Yes sir.

Q And you have it marked, have you?

A Yes, I put a mark on it here I think.

MR. CROWE: I introduce the flashlight in evidence and ask it be marked People's Exhibit 36.

Q Did you take the Illinois Central time tables out, and the Michigan Central time tables?

A Yes.

Q I will show you two Illinois Central time tables and a Michigan Central time table and I will ask you if those are the time tables that you took out of the car when you brought it down to the Municipal Pier?

A Yes, I turned them over to Shoemaker.

MR. CROWE: I will offer these three time tables in evidence, first the Illinois Central time table as People's Exhibit number 37, and next an Illinois Central time table as People's Exhibit 38, and the Michigan Central time table as People's Exhibit 39.

THE COURT: They may be admitted.

MR. CROWE: Does your Honor want to see these exhibits now, or later?

THE COURT: Just as you like. I can see them now, or later.

MR. CROWE: These are the time tables of the Illinois Central and the Michigan Central, and that is the Flashlight (handing exhibits to Court).

THE COURT: Very well.

MR. CROWE: Q Now did you get anything else out at the Leopold home?

A Two or three days later, I think it was on the first, I believe, I went to the Leopold house.

Q And what did you get?

A I got a pair of field glasses.

Q I will show you a case for field glasses here and ask you to look at it -- do you know how to open it --

and look at the fieldglasses inside and state whether

they are the field glasses and the case that you got at that time?

A They are.

MR. CROWE: I introduce those in evidence, the case ~~xxxxxx~~ as People's Exhibit number 40 and the glasses as People's Exhibit 41.

THE COURT: They may be admitted.

MR. CROWE: Does your Honor wish to look at the field glasses?

Q What else, if anything, did you find?

A I found a number of letters and a book.

Q Did you find a book?

A I did.

Q I will ask you to look at that book and state whether that is one of the books you found?

A I did. I found this in Nathan Leopold's desk, above his desk in his room.

MR. CROWE: I desire to offer in evidence now, if the court please, a book entitled "kidnapped", Stevenson, kidnapped, and ~~xxxxxx~~ Leonard.

MR. BACHRACH: Are you going to read it?

MR. CROWE: It didn't make the same impression on me when I did read it as it has on some people I know,

thank God. Mark that 41.

MR. DARROW: I object to it, if your Honor please. It is simply a standard book and has nothing to do with this case.

MR. SMITH: Mark it 42.

THE COURT: It may be admitted.

MR. CROWE: There is an additional reason, or one reason why I think it is competent, if for no other reason. Your Honor will remember in the ransom letter kidnap is spelled with a double "p", and it is here, and there was a discussion, as we will show later, by the defendant Leopold, as to the proper way of spelling "kidnapped". It is a circumstance.

THE COURT: It may go in.

MR. CROWE: Mark it exhibit 42.

Q Now, Sergeant, did you have a talk at any time with Nathan Leopold in reference to this case?

A I did.

Q Oh, did you get anything else?

A I got a tightly packed newspaper.

Q We have gone over that. Anything in addition? Are you the man that got the revolvers?

A No, I left them there.



Q Now did you have any conversation at any time with Leopold about this case?

A I did the day following the confession.

Q On what day?

A The day that we went out to the different drug stores, or the different stores for --

Q That was Saturday?

A That was Saturday I believe.

Q Saturday of that week?

A Yes.

Q Well now what conversation did you have with him?

A We ~~were~~ were in the car, together with Sbarbaro and myself, Sergeant Crot, Dick Loeb and Nathan Leopold, we were riding out toward Cottage Grove Avenue, 47th and Cottage Grove Avenue, and Nathan said to me, "I can't understand why the papers say this is such an atrocious murder", and I said to Nathan "Is it necessary that you had to kill the boy," and he says, "it was", and I said, "why". Well, he knew Dick Loeb and "we couldn't afford to take a chance to have him come back and say it was Dick." I says, "well, he didn't know you," and he says, -

"well, I lived in the neighborhood and it was just a question of time before he would see me."

Q Did you have any other conversation with him?

A I did, taking him to a restaurant.

Q When was that?

A That was Saturday or Sunday, I think it was Saturday.

Q Sunday.

A Sunday, the following day, we went to Weiss' restaurant to have our lunch, and after we had finished our lunch, as we got outside the door I caught him by the arm and he says, "I want to thank you for not holding my arm in that restaurant." I said, "Well, I am going to hold it now." He says, "I wouldn't run." He said, "If I thought you would shoot to kill why I might take a chance."

Q Was there anything said in the restaurant by Nathan Leopold?

A There was a lady at the opposite table who said to the gentleman that was with her "there is Nathan Leopold", and Nathan Leopold got up from his chair and he said, "I beg your pardon, Madam, I am not Nathan Leopold. I have been embarrassed several

time by being taken for him," and then he said down and said to me "how would you like to be able to lie like that."

Q Did you have any other conversation with him?

A Not that I remember just now, outside of conversations he had with Mr. Ettelson in my presence.

MR. CROWE: You may cross examine.

#### CROSS EXAMINATION

BY MR. BACHRACH.

Q Mr. Johnson, at what time of day was it that you obtained from the Lepold home the can of ether and the poison -- arsenic, is it?

A Yes sir.

Q What other poison is there?

A Strychnine I believe.

Q What time of day was it?

A It was about one A.M. in the morning.

Q And that was on May 29th -- or May 30th?

A That was on May 30th.

Q It was in the early morning of Decoration Day?

A Yes sir.

Q From what room did you take those poisons?

A From his study or library.

Q All the birds are up there too, aren't they?

A Yes sir.

Q Will you describe that room?

A Well it is a room about, I should judge about 20 by 15, I wouldn't be positive, it is a large room, there are four or five cabinets circling the room. All these cabinets have from one to twenty-five drawers. In these drawers are different birds, stuffed and otherwise. There is a desk in the southeast corner of the room, there is a table --

Q Make it brief.

A -- in the center of the room, and there is a bathroom and a rubbing table.

Q Well, were there two or three thousand bird specimens there?

A Yes.

Q Large birds and small?

A Yes.

Q These poisons, you understood, were used up there in connection with the bird collection?

A That was what I was informed by Mr. Leopold.

Q And the poison was not concealed up there, it was around in the room up there?

A It was in a little cabinet, but the cabinet was unlocked. It was a small wooden safe.

MR. BACHRACH: That is all.

(Witness excused)

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1r

JAMES J. GORTLAND,

a witness called on behalf of the prosecution was first  
duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. CROWE.

Q What is your name?

A James J. Gortland.

Q Where do you live, Mr. Gortland?

A 1325

Addison.

Q You are a police officer?

A Yes sir.

Q Assigned to the Detective Bureau, and you are  
Chief Hughes' Secretary.

A Yes sir.

Q Now when is the first time you saw Nathan Leopold,  
Junior?

A Leaving his home at 4754 Greenwood Avenue in the  
neighborhood of 2:30 P.M. on May 29th.

Q And did you have any talk with him at that time  
or overhear any talk?

A In company with Johnson and Crot as we approached  
the machine Johnson says "this fellow has been in before,  
Captain Wolf has had him" and on the way down in the

machine he told us the reason why Captain Wolf had brought him was that he was familiar with that territory out there. He also had a conversation with us. He expressed his anxiety as to what would become of his ornithology class which he had scheduled for three o'clock that afternoon and whether he would be permitted to use the telephone or not to clear that situation up. So we told him that would be taken care of on his arrival at the Hotel LaSalle where State's Attorney Crowe was to talk to him.

Q Did you go back to his house that day with him?

A He was questioned in the Hotel LaSalle about his glasses, and he said he probably had them home, and we were sent back to his home to give him an opportunity to look for his glasses. Sergeant Crot and I entered his home with him, and we searched all the lower floors, then the second floor, then went on up into his study, the attic room, and he got the assistance of his aunt and his brother Michael and the maid, and there was a general discussion about the different places where the glasses might have been, different clothes to search and so forth, and

Michael Leopold made the remark that there was no doubt

but what those must be the glasses, and they discussed the subject that he had probably lost them out there on previous visits.

Q And what else was said or done, if anything?

A Well, Michael Leopold was wondering what would be done if somebody made the suggestion that they should get hold of Ettelson, that they were friends of Mr. Ettelson, so Michael Leopold evidently called up --

Q Just a moment. Mr. Ettelson was the attorney and friend of Jacob Franks?

A Yes sir, and as they expressed it he was also a friend of the Leopolds.

Q All right.

A So they called up Mr. Ettelson, evidently at the Franks home, and we stopped at the Franks home on the way down on our return trip to the Hotel La Salle. We entered the Franks home and were admitted into the parlor where Mr. Ettelson was, Mr. Franks and Judge Graves. Michael Leopold says to Mr. Ettelson, "Mr. Ettelson, you know my brother Nathan", and Mr. Ettelson says, "Yes, I know Nathan, I have known him practically since he was a baby, and I always knew



well of him." Michael Leopold says, "Well, they are taking him downtown in connection with this Franks case, about these glasses, they seem to be his", and he went on to question him, and Nathan told a story about he used to go out there on his birding expeditions, which Mr. Ettelson seemed to be familiar with, that he was connected with Ornithology, and made these visits in the different sections of the city, and he said that he probably had lost his glasses on one of those trips.

Well, Mr. Ettelson questioned him as to where he was on that Wednesday, the day of the disappearance of the boy, and he went on to tell the same story as to picking up Dickie Loeb and going down to Marshal, Field's Grill room, where they had lunch, then going on out into Lincoln Park where they wanted to examine some seagull. He also mentioned the fact that he had a bottle of gin and a bottle of whiskey, and that Dickie Loeb had been drinking and how they spent some of the afternoon in an examination of the birds in Lincoln Park. Then he says they drove out south to Coconut Grove, out around 63rd Street, where they

had dinner. He said, Dickie Loeb evidently became more under the influence of liquor, and after dinner they went out on 63rd Street and tried to pick up some girls. He said they succeeded in picking up a couple of "janes" as he expressed it, and drove out on 55th Street, and the Boulevard, and out into Jackson Park, where, as he expressed it, "they didn't come across" and they put them out in the park, so that they had to walk from the park.

Then Mr. Ettelson when he used the term "Janes", he says, "why, the more these fellows talk, the worse it seems," and I explained to him that we were on the way back to the State's Attorney's office, and he says, "Oh, I didn't understad the situation". So he says, "Go on and take them on back, and if their story is correct, they will be let go, and if the Judge decides to lock them up, why have them call me up, as a favor to me."

This latter conversation, about "Janes" and so forth -- and then he also said "Let nature take its course."

Q Did you have any further talk with Leopold?

A With Leopold?

Q Yes.

A We then brought Leopold back to the Hotel LaSalle, and Loeb was then in a room being questioned by State's Attorney Crowe, Chief Hughes and Assistant State's Attorney Joe Savage, and they were questioning his story as to where he was on different days, and he had difficulty, the parts that I overheard, he was being questioned about where he was the week before and on different dates.

Q Well, confine yourself to Leopold?

A Well Leopold was brought back into the room then and questioned as to whether or not he had found his glasses. I omitted to state that while we were out at Leopold's giving him a chance to find his glasses --

MR. DARROW: Wait a minute now. Just state the conversation.

A While we were out on our visit, returning with Leopold to give him an opportunity to find his glasses, he didn't find his glasses, but he found his eyeglass case, which he turned over to me.

MR. CROWE: Q Are you the officer that made a  
out in it?

A No sir. I have my initial on it.

Q Well, I show you People's Exhibit 16, is that  
the case?

A Yes sir, with my initial "J.J.G." on the inside.

Q That is the case that was found out there in  
Nathan Leopold's house?

A It was turned over to me by Nathan Leopold in  
his home.

Q Now then, did you have any further talk at any  
time with Leopold?

A I had a conversation later on the trip after the  
confessions?

Q Well go ahead and detail that conversation?

A When we left the State's Attorney's office, out  
over the different instances noted in his statement,  
why we went to his home and we stopped at a hardware  
store --

MR. BACHRACH: I object, if the Court please. He  
is asked to state the conversation.

THE COURT: Yes.

MR. CROWE: Q State the conversation, what conversation did you have with him on this trip?

A We went into his home, we went into the side door of his home -- +

MR. DARROW: I object.

THE COURT: We don't care if you went in through the window or the basement. You are asked for the conversation. Tell it.

MR. CROWE: Q Where was the conversation, in his home?

A It was only one-sided, it was a statement he made to me as he handed the rubber boots to me and his cap, in his home.

MR. DARROW: Now just a minute. He is very voluble, if your Honor please.

MR. CROWE: Q Did you go to his home with him on Saturday morning?

A I did.

Q And did he say anything to you there or did he give you anything?

A He gave me a pair of hip boots and a cap.

Q And what if anything did he say?

A These were the boots that he had used on that

occasion, referring to --

Q On what occasion?

A On the occasion of putting the body into the culvert.

MR. CROWE: Have you got those boots, Joe?

Q I show you a pair of high rubber boots, which were marked "People's Exhibit" of July 24, for identification, yesterday -- one of them was marked "P" and the other was marked "Q" for identification yesterday, and I will ask you to state whether or not those are the pair of boots that Nathan Leopold ~~xxx~~ turned over to you in his house Saturday morning, May 31st, 1924?

A They are.

MR. CROWE: I will now offer those boots in evidence, your Honor, and ask that one of them be marked "People's Exhibit" -- what is the number?

MR. SMITH: Forty-three.

MR. CROWE: One 44 and one 45, and I will show you a cap --

MR. BACHRACH: Before you offer them in evidence I would like to ask him one question?

MR. CROWE: All right.

MR. BACHRACH: Q Are they in exactly the same condition now that they were in when you had them over there?

A They are not.

Q There is a hole in one of them?

A That is correct.

MR. BACHRACH: That is all.

MR. CROWE: Q Whose cap is this?

A That is a cap that was turned over to me in the home of Nathan Leopold by Nathan Leopold.

Q What, if anything, was said by him as to when he had worn that cap?

A He had worn it on the occasion of the kidnapping of Robert Franks.

MR. CROWE: I will offer the cap in evidence, if your Honor please, and ask that it be marked as People's Exhibit — what is the next number?

THE COURT: 46.

MR. CROWE: As People's Exhibit 46.

THE COURT: Very well.

MR. CROWE: Q Who was with you at this time?

A Assistant State's Attorney Joe Savage and Sergeant Billian Lang .

Q How about Captain Shoemaker, was he with you?

A He was not in the house.

Q Well, he was on the --

A He was in the vicinity, yes sir, on the property.

Q Now did you have any other talk -- did you k get the guns?

A Yes sir.

Q Well will you tell about the revolvers?

A Captain Shoemacher and I at 10:20 A.M. June 1st, entered the home of Nathan Leopold, went up into his room on the second floor, and on the south side of the room is a bureau. In the lefthand upper drawer, I opened the lefthand upper drawer and I there found a 32 caliber Remington automatic in the drawer, or in a bureau just to the right and with its back to the west is another bureau in which, in my presence, Captain Shoemacher found a 38 caliber Remington magazine.

Q Did you examine them to see whether they were loaded?

A They were loaded, that is, the clips were loaded.

Q Well I will show you an automatic -- is it loaded now?

A I will not vouch for it.

THE COURT: Never mind it.

MR. CROWE: Never mind it.



THE COURT: Give it back.

MR. CROWE: Take it out, Joe, and empty it, will you, and take the other one out.

THE COURT: He can identify it without that.

MR. CROWE: Well, they are undoubtedly empty by this time, your Honor, but I won't be sure.

THE COURT: All right.

MR. CROWE: Q And are these the cartridges that you found there?

A Yes sir.

MR. CROWE: The cartridges are in here, your Honor?

THE COURT: All right.

MR. CROWE: Q I will ask you to look at this gun?

A Yes sir.

Q Is that one of the guns you and Shoemaker got that morning?

A Yes sir.

MR. CROWE: I will introduce the automatic in evidence, together with the holster, and ask that it be marked People's Exhibit what?

MR. SMITH: 47.

MR. CROWE: Q Is that the other gun?

A Yes sir.

MR. CROWE: And I ask that the other gun be marked People's Exhibit 48.

THE COURT: There being no objection they may be admitted.

MR. CROWE: And I offer in evidence the cartridges contained in the ~~xxx~~ envelop.

Q Those are the cartridges taken out of the gun?

A I marked the cartridges.

MR. CROWE: Let the envelop be marked?

THE COURT: All right.

MR. CROWE: There is no use cumbering up the record with the other things here.

Q Now then, did you have any further talk with Nathan Leopold, Junior, at any time?

A After the occasion of picking up the robe I said to him, "that is hard luck, setting that afire and not entirely burned", and he said, "Yes." I said, "If it was anything that you didn't want to ~~xxx~~ burn it probably would have burned" and his reply was in the affirmative.

Q Did you have any further conversation with him at any time?

A The only thing was that during the trip I asked

him directions, when we went to Indiana whether we were on the right road and things of that sort, and my next conversation with him was around the evening of Sunday.

Q That is the following day?

A Sunday of June 1st, in the early evening.

Q All right. What conversation did you have with him then?

A It was in the early evening. This was after he had made his statement. I asked him how it was that he confessed. He said that it became manifestly impossible to maintain his story. I said, "The people are probably not satisfied with the motive expressed in this case, of adventure, excitement and money," and I says, "is there any other motive," and he says, "Well, adventure and money," and he says, "but you don't think I am entirely a fool". Don't you think I am entitled to reserve something for my defense."

I said, "Well, what do you think your defense will be."

He stated, "Well, that will depend on the wishes of my father and the lawyers. Of course, if

they wish me to hang I will plead not guilty and the jury will hang me, or I will plead guilty before a friendly Judge and get life imprisonment." He says, "I have lots of things that I want to work on, and which would be of benefit to the world." He says, "Also there is the insanity plea."

And then I asked him as to whether he was sorry for Robert Franks and he says, "not at all." I asked him if he was sorry for the Franks people and he said, "I don't give a damn ~~xxxxxx~~ if they would ~~xxxxxx~~ croak this minute."

Then I says, "the people will probably think that this crime was probably due to early religious training," and he says, "no", "I went to Sunday school up to the age of elegen", and he says, "to confirmation class, but I was not confirmed on account of being too young." He says, "up to the age of eight years conscience was drilled into me, but after the age of eight I drilled that conscience out." He says, "Murder, in my code, is not a crime." He says, "My crime was in getting caught."

MR. CROWE: Q Was anything further said?

A The only thing is that I was present with Sergeant  
the  
Johnson in the restaurant on ~~some~~ evening, and on  
our entry we sat down at a table about the middle of  
the room, in Weiss' restaurant on Clark Street just  
about two blocks up on the west side of the street,  
we sat at a table in the middle of the restaurant,  
a table at the wall, the south wall, and Frank Johnson  
sat to the east, Leopold sat with his back to the  
west, and I sat alongside of him. At the table  
directly to the east was a couple sitting there,  
and the gentleman had his back to Johnson. There  
was a lady facing Leopold. On our entry we of course  
sat down, and the woman passed a remark to her  
escort, saying, "There is Leopold". Leopold overheard  
this remark, immediately jumped to his feet and said,  
"I beg pardon, lady, I am not Leopold; I have been  
mistaken for him a number of times". Then he sat  
down. A little later some reporters came in and  
sat at the table directly --

Q Have you finished that conversation?

A Yessir.

Q Did he say anything after he sat down?

A He ~~said~~ made some remark about "what do you think about that lie" or something similar to that.

Q All right, then what happened?

A Why, he had a conversation there, a general conversation between the reporters at the next table and our table, in which something about what he was doing, I believe the matter was discussed, and he went on to say that he liked to eat everything, that he had ate roast dog, roast horse, had attended a Japanese wedding in Honolulu and things of that sort, then there was a discussion about the double "p" in the kidnapping. One of the reporters said, "that is where you slipped, Nathan." He says, "You mean 'they' slipped."

Q Now did you have any further conversation at any time with him about this case after that?

A I cannot recall at this time.

MR. CROWE: All right, cross examine.

MR. DARROW: Your Honor, it is just about time for recess.

THE COURT: All right.

(This follows James J. Gortland's testimony).

MR. CROWE: I have this suggestion to make, if your Honor please. I have both the cars in the jail yard, and I would like your Honor to see them. I would like to have the defendants taken down there, and court convened for a few moments.

THE COURT: All right. When we suspend, or now?

MR. CROWE: Well, we might do that now and then come back.

THE COURT: Very well.

MR. DARROW: Now there is this matter that I want to bring to your attention. There are some of our Doctors here, and we would like to have arrangements made so that they can be seated here, the same as Doctor Krohn and Doctor Singer?

MR. CROWE: Yes, make any arrangements you like.

MR. DARROW: Perhaps they could sit at the table there, together with Dr. Krohn and Dr. Singer, right over there?

MR. CROWE: Yes, the tables can be taken out.

THE COURT: All right, yes, let the table be taken out. Let those people put a little table in where they are,

get them a small table. Now, do you want to go down there?

MR. CROWE: Yes, and I would like to have the defendants present, and I think your Honor ought to open up court in the jail yard.

THE COURT: All right. We are going to get your people over there a small table. We have got to take this one out.

We will suspend now for fifteen minutes. Officer Gortland will remain please. That is, he don't need to remain, but he can come back in fifteen minutes.

The Court will now go downstairs. Will the clerk and bailiff come down to the jail yard with me?

MR. CROWE: And the stenographers will go down.

THE COURT: Mr. Sheriff, bring the defendants down to the jail yard.

Whereupon a recess was here taken by court and counsel.

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1  
Harvey  
rels  
Snyder  
3:15  
7-25-24

(The Court, counsel, and the defendants retired to the Jail yard to view the automobile of Nathan Leopold, Jr., and the automobile used by them on the night of May 21st, A. D. 1924.)

(The following proceedings were had in the jail yard.)

CAPTAIN SCHUMACHER: Here is where the head of the boy lay, on this side.

MR. SAVAGE: That is blood.

CAPTAIN SCHUMACHER: Yes, but that is where the blood soaked through. This was all blood, all along here.

MR. SAVAGE: That is where the pieces were taken off.

CAPTAIN SCHUMACHER: Yes, but I say this was all along there, and on the floor board up there you will see it seems like that, and that is the way it looked when I first saw it.

MR. CROWE: He said there was a big squeak there when he got out.

CAPTAIN SCHUMACHER: Leopold told me the boy's head lay on this side, here.

(Whereupon pursuant to a short recess heretofore taken, the following proceedings were had.)

J A M E S J. G O R T L A N D,

resumed the stand, on behalf of the People for further direct examination by Mr. Crowe.

MR. CROWE: All right, Sergeant, take the stand again. Just one more question I would like to ask that I did not ask before.

Q Did Leopold at any time tell you where he and Loeb had parked their car on the afternoon of May 21st when they were observing the boys of the Harvard School?

A He did.

Q When and where did he tell you that?

A It was on the night of Sunday, June 1st.

Q Where did he -- what did he say about parking the car?

A He says, "You gentlemen are forgetting one thing, as to where we had the car parked when we were watching these boys at the Harvard School."

Q What else?

A And we asked him where it was and he directed us over and we drove the car over to the south side of 47th Street,

3 just south of the alley on the east side of Greenwood in front of a flat building, "There", he said, "that is the place," that they had the car parked.

MR. CROWE: You may cross examine.

(Witness excused)

MR. DARROW: Your Honor, I could not hear well to get his story and I don't know whether there will be any cross examination but I would like to defer it until we can look over the record.

MR. B. BACHRACH: What is the name of this witness?

MR. CROWE: Gortland.

THE COURT: This was the same man that was on the stand before recess.

MR. DARROW: Gortland?

MR. SMITH: Gortland.

THE COURT: James J. Gortland, police officer, Detective Bureau and Secretary to Chief Hughes.

MR. CROWE: If your Honor please, we might adjourn and let them read his testimony and return tomorrow morning and have a short session, as I understand. I would prefer not to put on another witness until he is through.

THE COURT: All right.

MR. DARROW: That is satisfactory. There are a lot of

4 things we can do so we are willing.

THE COURT: All right. Counsel on both sides are willing to adjourn at this time so we will adjourn until tomorrow at ten o'clock. Remain seated you folks until the witnesses come in. It will save us a lot of trouble.

MR. CROWE: They are all in now.

THE COURT: All the witnesses stand up that are in this case now, please.

MR. SMITH: They are all here, your Honor.

THE COURT: All the witnesses in this case, The People against Leopold and Loeb return tomorrow morning at ten o'clock. Be here promptly at ten please.

(Whereupon an adjournment was taken to  
Ten o'clock A. M., Saturday, July 26th, A. D.  
1934.)

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