

# TESTIMONY AS BROUGHT OUT IN THE QUESTIONING

Text of Replies by First  
Day's Witnesses.

It was at four minutes before noon yesterday when Edwin M. Gresham, uncle of slain Robert Franks, took the stand in Judge Caverly's court as the first witness for the state in its legal battle to hang Nathan Leopold Jr. and Richard Loeb.

Jacob Franks was to have given the first testimony for the prosecution. He was delayed in coming from the state's attorney's office on the second floor to the court room on the sixth, and State's Attorney Crowe placed the uncle on the stand.

Gresham told how he had gone to the undertaking rooms in Hegewisch, where Robert Franks' body lay, and had identified his nephew for certain by marks on the teeth left by an attack of rickets when the boy was an infant.

## Father Takes Stand.

It was eight minutes past noon when Jacob Franks, the father, was conducted to the witness chair, was sworn, seated himself and leaned forward to hear and answer the questions of Assistant State's Attorney Joseph P. Savage.

The testimony ran as follows:  
Q—State your name, please. A—Jacob Franks.

Q—Your address. A—5052 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—My son.

Q—When did you last see Robert Franks alive? A—On the 21st of May, 1924.

Q—About what time? A—About 1 o'clock in the morning.

Q—He was in good health at that time, was he? 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—The 22nd.

Q—About what time, Mr. Franks? A—About 4 o'clock in the afternoon.

Q—And under what circumstances did you see him? A—He was at the morgue.

## Saw Him in Morgue.

Q—Describe the circumstances under which you saw the boy the next day, the twenty-second. A—He was dead, lying at the morgue, out south, I don't know just the address.

Q—And you recognized your son, Robert Franks, on May 22 in the morgue of an undertaking establishment on the south side? A—Yes, sir.

Q—And the boy that you recognized, the deceased in this case, Robert Franks, your son, was the same boy you had seen the prior morning at 1 o'clock on May 21, alive? A—Yes, sir.

Q—Will you describe Robert Franks as to size and age, and so forth? A—He was born on the nineteenth of September, 1909. He was small for his age, somewhat slight. I don't know his measurements. I hardly think he measured five feet. Possibly weighed eighty pounds.

Q—The boy that you saw in the morgue on the twenty-second and recognized as your son was dead when you saw him there? A—Yes, sir.

Q—On the twenty-first 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 do not.

MR. DARROW—Is that necessary? I object to it, on the ground that there is no dispute about it.

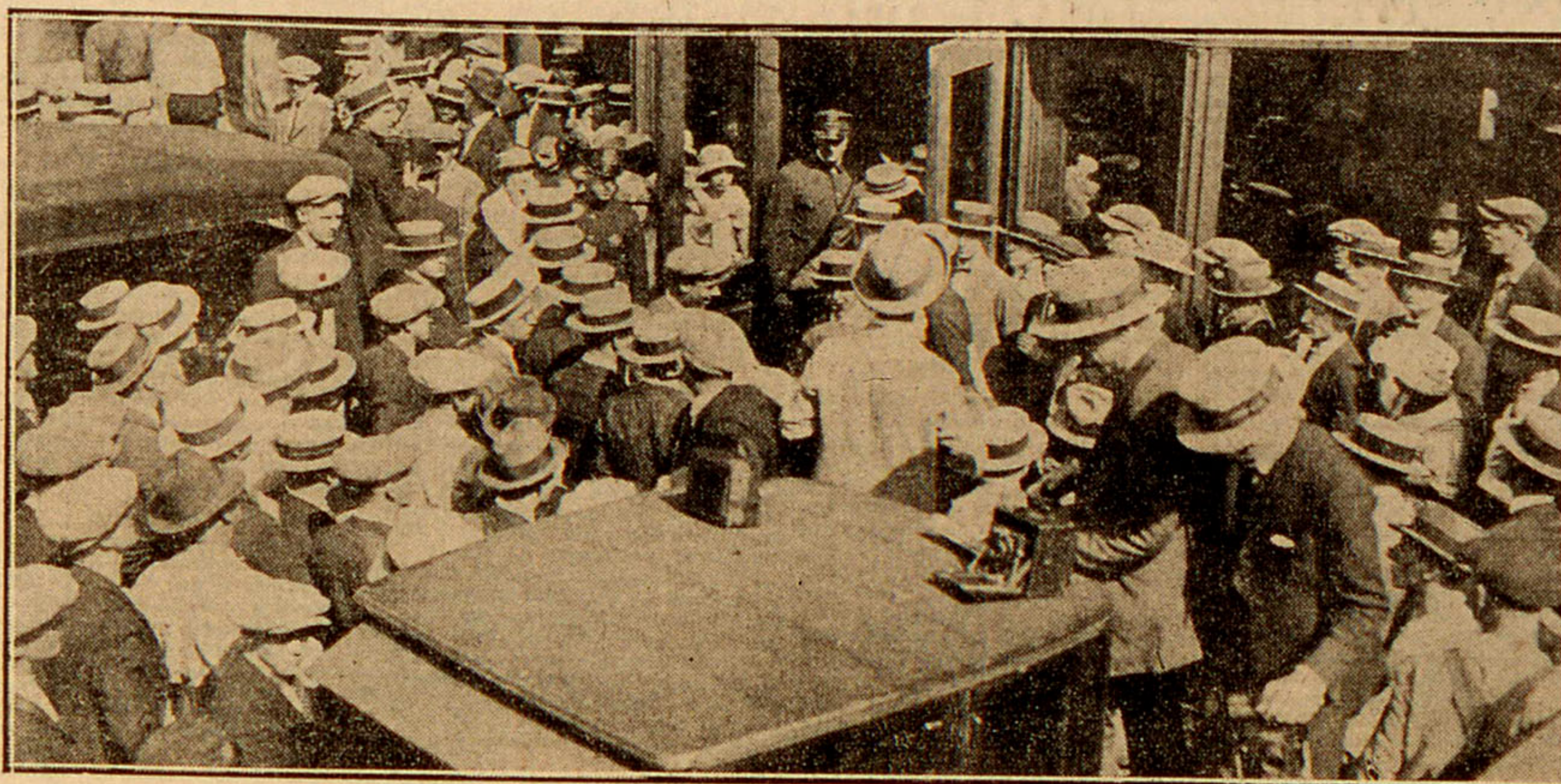
## Identifies Boy's Shoes.

MR. SAVAGE—I will ask you to look at people's exhibit No. 1, marked for identification, and state whether or not those are the shoes of your deceased son, Robert Franks?

Mr. Savage held up the low cut tan shoes that Robert Franks had worn. Seemingly unmoved, the father identified them. He identified the brown knit stocking picked up near the ditch where the body was found, and the belt buckle, blue and white web belt, and the class pin dug up by Richard Loeb himself from the field where the two murderers had buried them.

An attempt by the prosecutor to get into evidence what Mr. Franks had done after missing his son met with objection from Mr. Darrow. Judge

## HUNDREDS COULDN'T GET NEAR THE COURTROOM



Long before the hour of the opening of the Loeb-Leopold trial a great crowd had assembled outside the entrance to the Criminal Court building. The curious were hoping that by some hook or crook they might slip by the guards and get within the courtroom. Few were successful. (TRIBUNE Photo.)

Caverly sustained the defense's protest.

## THE RANSOM LETTER

Then came the famous ransom letter.

MR. SAVAGE—Did you receive a letter the following morning? A—Yes, sir.

And the letter, threatening death for the boy already dead if \$10,000 was not paid, and the envelope addressed to Mr. Jacob Franks, was read into the record.

MR. SAVAGE—Mr. Franks, just going back: The last time you told about seeing your boy alive was about 8 o'clock in the morning on May 21st? A—Yes, sir.

Q—And that was the last time you saw him alive? A—That is the last time I saw him alive.

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

Court was adjourned at this point for the noon recess.

## AFTERNOON SESSION

At 2 o'clock, when the hearing was resumed, Mr. Franks was again delayed. Dr. Joseph Springer, coroner's physician, was called in the meantime and told of the two cuts on the forehead of the dead boy, two bruises on the back of the head, the acid stained face, and the lung conditions, which indicated suffocation.

"In your opinion, doctor," he was asked by Assistant State's Attorney John Sbarbaro, "what was the cause of death?"

"Death was caused from the wounds on the head and suffocation," was the reply.

On cross-examination Attorney Benjamin Bachrach called for the doctor's written report and it was read in evidence.

Dr. Axel F. Benson, coroner's physician, was also called and testified that Mr. Gresham had identified the body to him.

## Franks Again on Stand.

Then Mr. Franks resumed the stand and the questioning proceeded:

Q—After you received this letter referred to, what, if anything, did you do after that? A—I remained home till I got a call about 3:20, a telephone call.

Q—Then what did you do? A—The call was for me to jump into a taxi-cab they had sent to me and to go out to an address on 63d street.

Q—Did you follow the instructions of the telephone conversation about getting into the cab? A—No, by that time I knew my boy was dead.

## Promised the \$10,000.

THE COURT: Q—Did you procure the \$10,000? A—Yes.

MR. SAVAGE: Q—In the denominations in the letter? A—Exactly.

Q—What did you do with the \$10,000? A—I wrapped it up as per the instructions I received.

Q—And that was when you were awaiting a telephone communication which you received later? A—Yes.

MR. DARROW: I have no cross-examination.

## THE MOTHER TESTIFIES

A hush fell over the courtroom as Mrs. Flora Franks, Robert's mother,

entered on the arm of Attorney Samuel A. Ettelson, and followed her husband to the stand. She was questioned by Mr. Crowe.

Q—Kindly state your name. A—Mrs. Flora Franks.

Q—Did you have a son named Robert Franks? A—Yes.

Q—How old was he? A—Fourteen.

Q—When was the last time you saw him alive? A—Wednesday noon, May 21.

Q—And where did you see him at that time? A—At home.

Q—Did he have luncheon at that time? A—Yes.

Q—Did he return alive to your home? A—No.

Q—What did Robert Franks do; did he go to school? A—Yes.

Q—What school did he attend? A—Harvard school, between 47th and 46th and Ellis.

Q—Now, your son did not return after he left at noon that day? A—No.

Q—When did you next see him, see his body? A—Friday—Saturday night.

## Get Call by Phone.

Q—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? A—I think it was about 10:30; I am not quite sure about the time.

Q—Will you state what was said to you and what you said over the phone at that time? A—The phone rang and I went to the telephone and they asked for Mr. Franks and I said Mr. Franks was not home, but I was Mrs. Franks. I asked them what they wanted and they said, "Your son has been kidnapped. He is all right; further news in the morning." I said, "Who is it?" and they said, "Johnson." I wanted to ask something else, but they rang off.

Q—Will you describe the kind of voice? Was it a voice your 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—It sounded like it was a gruff voice.

## More Cultured Than Rough.

Q—How would you describe it? A—It was more of a cultured voice than a rough voice.

Q—You are familiar with your son's clothing? A—Yes.

Q—I show you a pair of low shoes and ask you who they belonged to? A—My son, Robert Franks.

Q—And this stocking—is that his stocking? A—Yes.

Q—Do you know whether he had a class pin, a school pin? A—Yes.

Q—I will ask you to look at that and state whether you have seen it before. A—I have.

Q—That is your son's class pin? 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 belt and state whether they were his. A—Yes.

Q—You must talk and not nod your head. I show you a belt buckle and ask you if that was his belt buckle? A—Yes, but there is some writing on there that was not there.

MR. CROWE—Those are the marks we have made for the purpose of identification. That is part of the belt

buckle of your son Robert's belt? A—Yes.

## THE FIRST LINK

There followed the first of the long chain of witnesses on whose story, in chronological order, State's Attorney Crowe depends for a hanging verdict.

The first stone in the rampart of evidence was laid by J. D. Craven, room clerk at the Morrison hotel.

He told how a "Morton D. Ballard" had registered, and had taken room 1031; how "Ballard" had disappeared, and how his suitcase had been seized.

"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 it out as a skip," declared Craven.

State's Attorney Crowe showed the suitcase and the four books, drawn from the University of Chicago library, and Craven identified them.

It was Richard Loeb who had posed as Ballard at the hotel, as was shown when Thomas Taylor, house detective at the Morrison, identified the four books and the library card in one of them signed "R. A. Loeb." Loeb, it was shown, still owes the hotel \$8.20.

## Proof of Bank Accounts.

The state began then its proof of the bank accounts which Loeb and Leopold had established in order to finance their plan of crime. Charles E. Ward, cashier of the Hyde Park State bank, told how Leopold this time had posed as Ballard of Peoria, and had put \$100 in the bank on May 7; that "Ballard" closed it out by making out a check to "cash" on May 22.

Attorney Bachrach and Mr. Crowe clashed as Ward told of the identification of Leopold in the county jail when the two boys had been taken from the state's attorney's custody.

Mr. Bachrach brought out the fact that Leopold had objected to being identified.

"He did like this," said the witness, and threw his arms before his face. State's Attorney Crowe elicited the testimony that Leopold had not been dragged out or manhandled.

## Points Out Loeb.

Arthur Doherty, teller at the bank, followed on the stand and pointed out Richard Loeb as the one who had cashed "Ballard's" \$100 check. His place was taken by Miss Clara Vinnege, clerk at the Hyde Park State bank. Her testimony showed how the records of the bank demonstrated the

manner in which the two boys had used each other's money to furnish "Ballard" with money.

Loeb had an account there, she testified. It was \$100 drawn from this account which had furnished Leopold as "Ballard" with the \$100 he deposited on May 7.

Then there was a \$400 check made out and cashed the same day. This was to be expense money. On the 23d of May, two days after the murder, Loeb put back this money and more, the records showed, \$536.51 in all, giving him a balance of \$1,216.26.

State's Attorney Crowe concluded the examination:

Q—These checks and signature card which I have shown you are the checks and signature card of Richard A. Loeb living at 5017 Ellis avenue and giving his occupation as a student? A—Yes.

Q—Do you know Mr. Loeb if you see him? A—Yes.

Q—Will you look around the court room and see if you can see him? A—Mr. Loeb is standing up.

Used by this time to the process of being pointed out, Loeb had risen without the usual hint from his counsel.

Q—Indicating the defendant, Richard A. Loeb. And that is the man whose account we have just been talking about? A—Yes, sir.

## ESTABLISHING CREDIT

It was on May 9 that Leopold, using the "Ballard" alias, visited the Rent-A-Car company with the intention of establishing his credit there. The plan to use a hired car was one of the reasons for the bank account. In order to receive credit, references were necessary.

David L. Barrish was put on the stand by the state and examined by Assistant State's Attorney Milton D. Smith to establish the fact that Loeb had waited for a telephone in his cigar store and lunchroom at 1352 South Wabash avenue on May 9.

Loeb was to be the "Lewis Mason," given the Rent-A-Car people as reference. "Mason's" phone number was that of Barrish's store.

The examination proceeded:

Q—Was Loeb in your store on the ninth day of May, 1924? A—Yes, sir.

Q—About what time of day? A—At noontime.

Q—Will you just tell what you saw him do while he was in your store?

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

## Call Comes for Him.

Q—Was there a telephone call come in that day? A—Yes, sir.

Q—What did he do with reference to that call? A—He answered the phone.

Q—Did he go to the telephone booth and answer it after the phone rang? A—Yes, sir.

Q—Then what happened? A—Then he went out after he got through talking.

Q—How long would you say he stayed in your store waiting for this telephone call? A—Must be about half an hour, three-quarters of an hour, something like that.

Max Tuckerman, a relative of Barrish, was called.

MR. SMITH: Q—Were you in your brother-in-law's place of business on the 9th of May, 1924? A—Yes, sir.

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 9? A—Yes, sir. Richard Loeb told me that I was at Dave Barrish's store and he repeated the conversation I had there, word for word.

The courtroom smiled for nearly the first time when Tuckerman told how Loeb had teased him about shaving off his mustache. Loeb laughed and whispered to Leopold.

## Rent-a-Car Episode.

The rent-a-car incident followed, the state showing by three witnesses how Leopold had visited the Michigan avenue office of the company on May 9, how the "Lewis Mason" call was made, and how Leopold took out a Willys-Knight car, drove it a few miles and returned it.

Walter L. Jacobs, president of the company, took the stand.

Q—I will show you a document here, dated May 9, 1924, and signed by the Rent-A-Car people, by K. McBurney and Morton D. Ballard, and ask you what that is. A—It is a lease agreement and application.

Q—Did you see the person who signed it? A—Yes.

Q—When? A—At that time.

Q—Do you see the man in the court who gave the name of Morton D. Ballard and who was in the office on the 9th day of May with this lease agreement? A—Yes, sir.

Q—Will you point him out? Leopold rose in his seat before Jacobs had time to indicate him.

## Call Up "Mason."

Q—What if anything did you say to Morton D. Ballard when the application was put up to you and he came along? A—We called Calumet 4658 and asked for Lewis Mason, spoke to Lewis Mason, and asked him as to Morton D. Ballard's responsibility and integrity, and he assured us that he was a fit person.

Q—When you say you talked to Lewis Mason, you mean you talked to somebody who said his name was Lewis Mason? A—Yes, sir.

The state's attorney then produced the card which showed the record of the "death car" taken out on May 21.

Q—What does that show? A—Shows that on May 21, 1924, 11:00 A. M., the car was rented to Morton D. Ballard, or Nathan Leopold Jr. Willys Knight touring car, of which our number was 17. It was returned on the 22nd as agreed; drive 118 miles. Total charge was \$24.25 and the cash refund was \$10.75. He had made a \$35 cash deposit.

William C. Herndon, assistant manager of the Rent-a-Car company, who was called next, verified the foregoing.

## The Day's Last Witness.

Miss Margaret Fitzpatrick, a stenographer employed by the Rent-A-Car company, was the last witness of the day.

She verified that part of the confessions of the two which told of their changing the address of "Ballard" from the Morrison, following the discovery and seizure of the suitcase, to the Hotel Trentier.

At 4 o'clock court adjourned to 10 o'clock today.

# July Sale

The

## FLORSHEIM SHOES