LESTER JOSEPH GILLIS
a.k.a./BABY FACE NELSON

FBIHQ FILE 91-57

FREEDOM OF INFORMATION
AND
PRIVACY ACTS

Subject: Lester Joseph Gillis (AKA) Baby Face Nelson

File Number: 91-57

Section:

FEDERAL BUREAU OF INVESTIGATION

NOTICE

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WAS:mtr

August 23, 1934

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MEMORANDUM FOR MR. EDWARDS.

Transmitted herewith is a bank robbery - modus operandi report relative to the robbery of the Peoples Savings Bank, Grand Haven, Michigan.

Very truly yours,

John Edgar Hoover,
Director.

Enclosure 502060

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ag
vg
mf

RECORDED
&
INDEXED

91-57-1
DIVISION OF INVESTIGATION
AUG 24 1934 P.M.
U. S. DEPARTMENT OF JUSTICE
FILE

FILES SECTION
MAILED
AUG 25 1934
DIVISION OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

Wee E

Bank Robbery Modus Operandi Report

Date of robbery and time ~~August 23, 1933; 2:45 p.m.~~ M. O. # _____

Name and location of bank ~~Peoples Savings Bank, Grand~~ Haven, Michigan.

Amount of loot ~~Approximately $30,000~~

Characteristic Synopsis

1. Gang Description. Six white men, one identified as Theodore Bentz and one identified as Earl Doyle, now serving a life sentence in the Michigan State Prison. Theodore Bentz states that the robbers were Homer Van Meter, Edward Bentz, "Baby Face" Nelson, Chuck Connors, Earl Doyle and Ralph or Joe Mongo.

2. Style and Approach. One man stayed in car in front of bank. One man guarded rear door. Four men went into bank.

3. Weapons. Revolvers.

4. Treatment of Employees and Patrons. Employees were lined up.

5. Transportation and Getaway. Alarm given by citizen who saw robbery. Driver of bandit car drove away. Other bandits took employees in front of bank as shields. They stole the car which they abandoned several miles out of town and confiscated a Chrysler sedan which was abandoned at Hudson, Michigan, where they confiscated a Ford sedan which was later found abandoned near the Indiana State Line. A Buick sedan which the robbers originally intended to use was found abandoned eight miles from Grand Haven, Michigan.

6. Other ~~Unusual Traits.~~

7. Detailed Narrative of Crime. Contained in report of Special Agent R. B. Donaldson, Detroit, Michigan, August 17, 1934 in the case entitled EDWARD WILHELM BENTZ with aliases, FUGITIVE, et al; BANK ROBBERY, same being serial 99 of Division file 91-1.

Signature of Reporting Agency

91-57-1

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr. Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm

U. S. TO TRY BANK THIEF UNDER NEW LAW OF DEATH

Grand Haven, Mich., Sept. 3.—[Special.]—Theodore F. Bentz, alias Craig, who was indicted on a charge of robbing the People's Savings bank here, is to be arraigned in the Circuit court next Monday, at which time a date for his trial will be set.

Federal authorities at South Bend, Ind., announced yesterday an intention to indict Bentz for the robbery in June of the Merchants' National bank of South Bend. It is the present intention to try him under a new federal law that makes possible a death penalty for a robbery in which a killing occurs. A warant for his surrender to the federal authorities has been issued, but it is believed the government will consent to let local authorities try him first.

Rumors that Bentz recently made a confession naming persons who had harbored John Dillinger were received with skepticism by Lawrence De Witt, Grand Haven chief of police.

File

91-57-A Chicago Tribune 9-4-34

Mr. Nathan
Mr. Tolson
Mr. Clegg
Mr. Baughman
Chief Clerk
Mr. Coffey
Mr. Cowley
Mr. Edwards
Mr. Egan
Mr Harbo
Mr. Keith
Mr. Lester
Mr. Quinn
Mr Schlider
Mr. Tamm

Smith Kwas

BANK ROBBERY

Life Sentence Given Man in Bank Holdup

By United Press

GRAND HAVEN, Mich.—Theodore Bentz, 36, once a prominent Portland, Me., business man, was on his way to the Marquette State Prison today to serve a life sentence for armed bank robbery.

Tears rolled down Bentz's cheeks when a Circuit Court jury yesterday afternoon declared him guilty of participating in the $14,000 holdup of the Peoples Savings Bank of Grand Haven in ~~August,~~ 1933.

"I never robbed a bank, and some day it will be proven," he cried. "This will be on your conscience for a long time.

RECEIVED

WASH. NEWS

SEP 26 1934

91-57-A

4

St. Paul Pioneer Press. SEP 26 1934

BANK ROBBER GETS LIFE.

Grand Haven, Mich., Sept. 25.—(AP)—Theodore Bentz was convicted by a circuit court jury today on a charge of robbing the Peoples Savings bank of Grand Haven of $14,000 in August, 1933. Circuit Judge Fred T. Miles immediately sentenced him to life imprisonment in the Michigan branch prison at Marquette.

RECEIVED

DIVISION OF INVESTIGATION
SEP 27 1934
U. S. DEPT. OF JUSTICE
ST. PAUL, MINN
FILE

91-57-A

5

Division of Investigation
U. S. Department of Justice
Post Office Box 812
Chicago Illinois

April 25, 1935

Director,
Federal Bureau of Investigation
U. S. Department of Justice
Pennsylvania Avenue at 9th St., N.W.
Washington, D. C.

Dear Sir:

Mr. Mulbar of the Michigan State Police called at this Office today and informed me that he was investigating the Grand Haven, Michigan, bank robbery. He stated that he had received information from Ted Bentz to the effect that Father Coughlan was associated with the individuals who robbed the bank at Grand Haven and he desired to know the address of Mr. Coughlan. The address as it is known to the Chicago Office was furnished to him.

While here he stated that Father Coughlan was at one time reprimanded by his church for his associations with the members of the Touhy gang. He stated that he interviewed Father Coughlan about a year ago about this and Father Coughlan informed him that he had been so reprimanded, but that his associations with the Touhy gang were of a spiritual nature entirely.

This is furnished for the information of the Bureau.

Very truly yours,

M. H. Purvis

M. H. PURVIS,
Special Agent in Charge

MHP:RP

RECORDED
&
INDEXED

91-57-2

APR 27 1935

APR 30 1935

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DEPARTMENT OF POLICE

City of Grand Haven

MICHIGAN

LAWRENCE DEWITT, CHIEF

March 13,1936.

John Edgar Hoover, Director,
Feseral Bureau of Investigation,
U.S. Department of Justice,
Washington, D.C.

Dear Sir:

Re: Edward Bentz.

Advised as to apprehension of Edward Bentz in Brooklyn, N.Y. by your department to-day, for whom we hold warrant on charge of robbing the Peoples Savings Bank, this city August 18,1933.

We would appreciate the opportunity to extradite Bentz to the State of Michigan on the bank robbery charge in event conviction is not obtainable on charge preferred against him.

Thanking you for your co-operation, I am

D/W

Very truly yours,

Lawrence DeWitt

Chief of Police.

RECORDED & INDEXED

MAR 19 1936

91-57-3

FEDERAL BUREAU OF INVESTIGATION

MAR 16 1936 A. M.

U. S. DEPARTMENT OF JUSTICE

TAMPA

RYO

PEF:CJ

91-57-3

RECORDED

March 18, 1936.

Mr. Lawrence DeWitt,
Chief of Police,
Grand Haven, Michigan.

My dear Chief:

I desire to acknowledge receipt of your letter of March 13, 1936, in which you advise that you hold a warrant charging Edward Bents, who was recently apprehended by representatives of this Bureau, with the robbery of the Peoples Savings Bank of Grand Haven, Michigan on August 18, 1933.

I have also noticed that you would appreciate the opportunity of extraditing Bents to the State of Michigan on the charge of robbing the Peoples Savings Bank in the event he was not convicted on the charges now pending against him. In this connection I would suggest that you file a formal detainer with the United States Marshal at Burlington, Vermont.

Assuring you of my desire to cooperate in all matters of mutual interest, I am

Sincerely yours,

John Edgar Hoover,
Director.

CC - Detroit

COMMUNICATIONS SECTION
MAILED
MAR 18 1936
P. M.
FEDERAL BUREAU OF INVESTIGATION
U S DEPARTMENT OF JUSTICE

DIRECTOR
MAIL ROOM
RECORDED
INDEXED

8

Sheriff's Office, Ottawa County

BENJ. H. ROSEMA, Sheriff
Grand Haven, Michigan

EDWARD RYCENGA, Under Sheriff
WILLIAM BOEVE, Deputy Sheriff
TONY GROENEVELD, Deputy Sheriff

March 14,1936

Hon. John Edgar Hoover, Director,
Federal Bureau of Investigation,
U.S. Department of Justice.

In re : EWARD BENTZ.

Hon. Sir :

I wish to congratulate you and your department on the recent capture of Edward Bentz.

From the minor details of which we have received, I understand that he is to be turned over to answer to the robbery of the Caldonia National Bank at Rutland, Vermont on which charge he was indicted by a Federal Grand Jury.

The Chief of Police of this City, Lawerence De Witt and myself have been hopeful of his capture for some time. We hold a warrant for Edward Bentz for robbery of the Peoples Saving Bank, Grand Haven, Michigan on August 18,1933 as shown by the Circular enclosed. We have a very good case on Edward Bentz and feel that we could put him away on a life sentence if it were possible that he would be turned over on our charge.

We were successful in convicting Earl Doyle and Theodore Bentz, brother of Edward Bentz, as participants on the same robbery as quoted. Both are now serving a life sentence at the Branch Prison at Marquette, Michigan.

RECORDED & INDEXED 91-57-4

Inasmuch as I feel that your department will do its utmost to render to him his due reward, I cannot help but feel that by my placing our case before you, we will receive an opportunity to

MAR 16 1936

DMP Ack 3/19/36 - PEF
cc - Detroit

TAMP TWO

MAR 23 1936

RECORDED COPY FILED IN 91-1

Sheriff's Office, Ottawa County
BENJ. H. ROSEMA, Sheriff
Grand Haven, Michigan

EDWARD RYCENGA, Under Sheriff
WILLIAM BOEVE, Deputy Sheriff
TONY GROENEVELD, Deputy Sheriff

Hon. John Edgar Hoover, Director

In re: Edward Bentz, Cont.

extradite him if at all possible.

May I hear from you at your earliest convenience as to what data and evidence has been compiled against him by your department.

Sincerely yours,

Benjamin H. Rosema

Benjamin H. Rosema, Sheriff

BHR/m

PEF'VTL
91-57-4

March 19, 1936.

RECORDED

Mr. Benjamin H. Rosema,
Sheriff,
Grand Haven, Michigan.

My dear Sheriff:

I wish to acknowledge receipt of your letter dated March 14, 1936, in which you advise that you hold a warrant for Edward Bentz, who was recently apprehended by Special Agents of this Bureau, charging him with the robbery of the Peoples Saving Bank, Grand Haven, Michigan.

Your request for information as to the date and evidence which has been compiled against Bentz has been noted. For your information the investigation of the matters in which Bentz was involved has not as yet been completed by this Bureau. In connection with your request that you be given an opportunity to extradite Bentz, it is suggested that you file a formal detainer with the United States Marshal at Burlington, Vermont.

Assuring you of my desire to cooperate with law enforcement agencies in matters of mutual interest at all times, I am

Sincerely yours,

John Edgar Hoover,
Director.

cc-Detroit

COMMUNICATIONS SECTION
MAILED
MAR 20 1936
P. M.
FEDERAL BUREAU OF INVESTIGATION
U S DEPARTMENT OF JUSTICE

DISC LOG
MAR 1 0 1936
U.S. DEPT. OF JUSTICE

DIEKEMA, CROSS & TEN CATE
ATTORNEYS AT LAW
HOLLAND, MICHIGAN

GERRIT J. DIEKEMA
1859-1930
ORIEN S. CROSS
DANIEL TEN CATE
VERNON D. TEN CATE

March 30, 1936

U.S. Department of Investigation
Washington, D.C.

Gentlemen:

We are acting as attorneys for Mr. Theodore (Bentz) Craig, No. 6209, Marquette State Prison, Marquette, Michigan, who was sentenced from Grand Haven for a bank robbery job on August 18, 1933. Mr. Craig claims it is a clear case of mistaken identity, that he had nothing to do with the job and is anxious to have the men apprehended who actually committed the job.

Mr. Edward W. Bentz, who was also connected with the Grand Haven job, was sentenced last Thursday to the Federal Prison at Atlanta, Georgia, for a bank job in Burlington, Vermont. There is no question but that Edward W. Bentz and one Earl Doyle participated in the Grand Haven job. Doyle is now serving time for the same at Marquette, Michigan. Both Craig and Doyle state positively that Craig had nothing to do with the Grand Haven job, and we expect to procure a statement from Edward W. Bentz to the same effect.

Mr. Craig assures us that one Bernard Phillips is the man who actually assisted in robbing the bank and the man who the witnesses described, but by mistake picked Craig as being Phillips because of his resemblance. We are trying to locate Phillips and wish you would send us a photograph of him. His description is as follows:

> Alias "Big Phil", five feet, ten inches in height, dark brown hair; blue eyes; 190 to 200 pounds in weight; husky build; dresses like ordinary business man; medium nose; 29 to 34 years in age; believed to have slight scar on face near mouth.
>
> Habits: Smokes cigarettes, drinks, like to play golf, lives in apartments, drives a chevrolet or buick car, usually a new one, or cars of like make; travels a great deal with women. Is believed to be around New York at present.

4-7-36 ack

RECORDED & INDEXED

APR 11 1936

91-57-5

FEDERAL BUREAU OF INVESTIGATION
APR 1 1936 P. M.
U. S. DEPARTMENT OF JUSTICE
TAMM TWO FILE 12

U.S. Department of Investigation #2

Criminal Record: Served time in Leavenworth Prison, was a cellmate of Earl Doyle at that prison. He met and associated two months with Earl Doyle before the Grand Haven Bank was robbed. Further description can be obtained from the authorities at the above named prison. He is now wanted several places.

If we can get any definite information that will be of service to you, we shall be glad to furnish you with the same. Awaiting your reply, we are

Very truly yours,

DIEKEMA, CROSS & TEN CATE

By OSC

C/G

JAS:AF
91-57-5

April 7, 1936

RECORDED

Liekema, Cross and Ten Cate,
Attorneys at Law,
Holland, Michigan.

Gentlemen:

This will acknowledge receipt of your letter of March 30, 1936, in which you advise that you are acting as attorneys for Mr. Theodore (Bents) Craig, Number 6209, Marquette State Prison, Marquette, Michigan.

I have noted the information contained in your letter and regret to advise you that I am prevented by legislative enactment from furnishing photographs or criminal records to any persons other than those connected with law-enforcement agencies.

I suggest that a photograph of Bernard Phillips might be obtained from some institution in which he has been confined, or from the Police Department of some city where he has been arrested.

I regret that I cannot be of service to you in this matter.

Very truly yours,

CC*Detroit

John Edgar Hoover,
Director.

COMMUNICATIONS SECTION
MAILED
APR - 3 1936
P. M.
FEDERAL BUREAU OF INVESTIGATION,
U. S. DEPARTMENT OF JUSTICE

JOHN EDGAR HOOVER
DIRECTOR

PEF:CDW

Federal Bureau of Investigation

U. S. Department of Justice
Washington, D. C.

April 4, 1936.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Harbo
Mr. Joseph
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Time - 4:35 P.M.

MEMORANDUM FOR THE DIRECTOR

Re: Edward Wilhelm Bentz.

I telephoned SAC Conroy at the Atlanta Office with reference to my previous telephonic conversation with him concerning the Michigan State Trooper who is coming down there for the purpose of interviewing Bentz at the penitentiary relative to the robbery of the bank at Grand Haven, Michigan. I told Mr. Conroy upon discussing this matter with you, you had suggested that Mr. Conroy arrange with the warden of the penitentiary, diplomatically of course, whereby one of our Agents could be present during the interview which this Michigan State Trooper has with Bentz.

I further told Mr. Conroy you suggested arrangements also diplomatically be made with the warden of the penitentiary whereby no one will be permitted to interview Bentz without notice thereof being previously given to the Atlanta Office.

Mr. Conroy said that the warden at the penitentiary is very cooperative and amenable to suggestions, and he does not anticipate any difficulty at all in connection with these two matters.

Respectfully,

P. E. Foxworth

P. E. FOXWORTH.

Peoples Having Bank Grand Haven, Mich.

RECORDED
&
INDEXED

APR 8 1936

91-57-6
FEDERAL BUREAU OF INVESTIGATION
APR 7 1936 P. M.
U. S. DEPARTMENT OF JUSTICE
TAMM ONE FILE

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Federal Bureau of Investigation

U. S. Department of Justice
501 Healey Building,
Atlanta, Georgia,
April 7, 1936.

EEC:ME
91-5

Director,
Federal Bureau of Investigation,
Washington, D. C.

Dear Sir:

Reference is made to letter from the Detroit Office to the Atlanta Office dated April 2, 1936, entitled, EDWARD WILHELM BENTZ, with aliases, et al., BANK ROBBERY, which set forth that Sergeant P. L. Hutson of the Michigan State Police was leaving for Atlanta, Georgia, for the purpose of interviewing Edward Wilhelm Bentz at the United States Penitentiary, Atlanta, on April 6, 1936, in connection with the robbery of a bank at Grand Haven, Michigan, a few years ago.

On April 4, 1936, a long distance telephone call was received from Mr. Foxworth at the Bureau in connection with reference letter. Mr. Foxworth suggested that the Atlanta Office tactfully arrange to have a Special Agent of the Bureau present when Bentz was being interviewed by Sergeant Hutson. He further suggested that arrangements be made, if possible, whereby Bentz should not be interviewed by any peace officers unless an Agent of the Atlanta Office was present. Shortly after the telephone conversation with Mr. Foxworth, arrangements were made with Warden A. C. Aderhold of the United States Penitentiary, whereby no peace officer is to interview Bentz unless an Agent of the Atlanta Bureau Office is present. This arrangement does not include relatives. In the event the Bureau desires these additional precautions be taken, it is requested that the Atlanta Office be advised immediately.

Mr. Foxworth also suggested in another telephone conversation that Bentz, when being interviewed by the Michigan officers, might desire to discuss only the robbery of the Grand Haven, Michigan bank. I proceeded to the Penitentiary with Special Agent W. M. Bott where Bentz was personally interviewed. Bentz stated that he would discuss the Grand Haven bank robbery with the Michigan officers because his brother, Ted Bentz, had been convicted of the robbery of that bank. At that time Ed Bentz intimated that Ted Bentz was

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91-57-7
FEDERAL BUREAU OF INVESTIGATION
APR 9 1936 A.M.
DEPARTMENT OF JUSTICE
APR 27
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not an active participant in that bank robbery and that by discussing the matter with the Michigan officers he might be able to clear his brother.

Yesterday morning, April 6, 1936, Sergeant P. L. Hutson of the Detective Division, Michigan State Police, East Lansing, Michigan, accompanied by Chief of Police Lawrence DeWitt of Grand Haven, Michigan, called at this office, at the same time stating that Special Agent in Charge H. H. Reinecke of the Detroit Office had suggested that they call at this office where they would receive the utmost cooperation. They were advised that they were expected, and due to the fact that Special Agent W. M. Bott of this office was very familiar with the workings of the penitentiary and was personally acquainted with Ed Bentz, that arrangements had already been effected whereby Agent Bott would conduct them to the penitentiary and see that every courtesy was extended to them.

Agent Bott accompanied Sergeant Hutson and Chief of Police DeWitt to the penitentiary on two visits yesterday morning and afternoon, April 6, and on another visit this morning, April 7, 1936. He stayed with the officers constantly while they were interviewing Bentz and made notes on the information conveyed by Bentz. These notes are being assembled and a report will be rendered in the immediate future setting forth detailed information given by Bentz.

The information conveyed by Ed Bentz related practically in its entirety to the robbery of the Peoples Savings Bank, Grand Haven, Michigan, during August, 1933, prior to the passage of the National Bank Robbery Statutes. Bentz gave a written statement in his own handwriting, admitting participation in that bank robbery. He enumerated the other active participants in the robbery. It was noticeable that the name of his brother, Ted Bentz, is omitted in the statement as an active participant. A copy of this statement was secured and will be incorporated into Agent Bott's report.

After securing the statement regarding the Grand Haven bank robbery, the Michigan officers started questioning Bentz regarding other bank robberies in Michigan which had occurred prior to the Grand Haven bank robbery. Agent Bott,

however, holding in mind the Bureau's suggestions, tactfully and adroitly and without causing any ill feeling, brought the interview to an end. These officers, however, during the general conversation on the day previous, had secured from Bentz the names of the participants in five other bank robberies in the State of Michigan. Bentz, however, would not discuss the details of those other robberies, at the same time stating that he did not participate in those bank robberies. Incidentally, during the interview with Ed Bentz at the penitentiary, on occasions Bentz made statements to the effect that he had furnished certain information to the Agents of the Bureau at New York City and elsewhere. This information was not at hand at the Atlanta Office. I am inclined to believe that it should be available for purposes of reference. In view of these circumstances, should the Bureau deem same appropriate, it is suggested that complete reports, memorandums and letters regarding all interviews with Bentz should be transmitted to the Atlanta Office for study before any further interviews of consequence be held with Bentz. The Agents of the office then will be in a position to interrogate Bentz in more detailed manner.

Previously Covered C.W.

Trusting that this matter has been handled to the satisfaction of the Bureau, I am

Very truly yours,

E. E. CONROY,
Special Agent in Charge.

cc Detroit
New York
Boston

Federal Bureau of Investigation
U. S. Department of Justice

501 Healey Building
Atlanta, Georgia

EEC:rd
91-49

April 8, 1936

Director
Federal Bureau of Investigation
Washington, D. C.

Re: EDWARD WILHELM BENTZ, with aliases,
et al. Peoples Savings Bank,
Grand Haven, Michigan.
BANK ROBBERY

Dear Sir:

Reference is made to the report of Special Agent W. M. Bott, Atlanta, Georgia, dated April 8, 1936.

The Bureau's attention is specifically directed to the threats made to Bentz and the promises given him in connection with a statement received from Bentz regarding the robbery of the Peoples Savings Bank at Grand Haven, Michigan. Agent Bott was merely an observer at the time the interview took place. I desire to call the Bureau's attention, however, to the fact that any Agent of the Bureau being a witness to this type of questioning is placed in a rather delicate position. Naturally, at some future time he may be called upon as a witness, which would result in possible embarrassment to the Bureau.

I have in mind particularly at the present time, that in the not far distant future other local State, County and City officers may come to Atlanta to interview Bentz. Upon instructions of the Bureau, arrangements have been made at the United States Penitentiary at Atlanta for an Agent of the Bureau to be present at all such interviews. It is my general impression that Bentz in the future will refuse to give statements to any other officers except employees of the Bureau. His apparent reason for giving the statement in this particular case was in order to clear his brother Ted Bentz of being an active participant in this bank robbery, at the time he is given a new trial, which I understand is to take place sometime soon.

RECORDED 91-57-8

I would appreciate receiving any advice which the Bureau may desire to give regarding this particular situation. Should any other peace officers arrive in Atlanta to interview Bentz prior to the receipt of advice from the Bureau, I will call the Bureau on the telephone before allowing an Agent to be present at any additional interviews with Edward Bentz.

FEDERAL BUREAU OF INVESTIGATION
APR 10 1936 A.M.
U. S. DEPARTMENT OF JUSTICE
TAMM
TWO FILE

Very truly yours,

E. E. Conroy

E. E. CONROY
Special Agent in Charge

APR 25. 1936

Rep'd Atlanta 4/22/36 PEZ

19

PEF:AEK

91-57 -8

RECORDED

April 22, 1936

Special Agent in Charge,
Atlanta, Georgia.

Re: EDWARD WILHELM BENTZ, with
aliases; ET AL;
Peoples Savings Bank,
Grand Haven, Michigan;
BANK ROBBERY.

Dear Sir:

Reference is made to your letter of April 8, 1936, in which you called to the Bureau's attention the threats and promises which were made to subject Bentz at the time he was interviewed by officials from Grand Haven, Michigan, concerning the robbery of the Peoples Savings Bank of that city.

You have previously been requested to make such arrangements as necessary in order to be assured that your office would be advised before any person was allowed to interview Bentz at the Atlanta Penitentiary. You were also instructed to arrange to have an Agent present during each such interview. The Agent who is present during these interviews should arrange to indicate to Bentz that the Bureau, because an Agent is present during the interview, is not attempting to influence him in making a statement to any other law enforcement agency.

Very truly yours,

John Edgar Hoover,
Director.

COMMUNICATIONS SECTION
MAILED
APR 23 1936
P.M.
FEDERAL BUREAU OF INVESTIGATION,
U.S. DEPARTMENT OF JUSTICE

20

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT DETROIT

Atlanta FILE NO. 91-49 rd

REPORT MADE AT	DATE WHEN MADE	PERIOD FOR WHICH MADE	REPORT MADE BY
ATLANTA	4/8/36	4/6 & 7/36	W. M. BOTT

TITLE EDWARD WILHELM BENTZ, with aliases, et al
Peoples Savings Bank,
Grand Haven, Michigan

CHARACTER OF CASE
BANK ROBBERY

SYNOPSIS OF FACTS: Edward Bentz stated he, Baby Face Nelson, Earl Doyle, "Chuck" Fisher, Tom Murray and a party called "Freddie" robbed the Peoples Savings Bank, Grand Haven, Michigan on 8/18/33; that Eddie LaRue, "Big" Fitzgerald, Robert Ripley, Homer Wilson and Lee Turner robbed the Holland State Bank, Holland Michigan, during September, 1932 and that Campbell, "Big" Fitzgerald, Robert Ripley, Eddie LaRue, Gus Shaw, Homer Wilson and Jack Pheifer robbed banks in Albion, Sturgess, Dowagiac and Cadillac, Michigan between 1928 and 1931. Bentz disclosed the location of bonds stolen from Grand Haven bank and buried between New Buffalo, Michigan and Michigan City, Indiana.

RUC

REFERENCE: Letter from the Detroit office dated 4/2/36.

DETAILS: A separate file is being opened by the Atlanta office in instant matter in order to segregate the following information which pertains to the robbery of banks in the State of Michigan prior to September, 1933, from the Caledonia National Bank case.

APPROVED AND FORWARDED: SPECIAL AGENT IN CHARGE

DO NOT WRITE IN THESE SPACES

91-57-9

APR 11 1936

APR 10 A.M.

APR 27 193

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2 - Boston
1 - Chicago
3 - Atlanta

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Atlanta 91-49

DETAILS: Sergeant P. L. Hutson, Detective Bureau, Michigan State Police, East Lansing, Michigan, Chief of Police Lawrence DeWitt, of Grand Haven, Michigan, and this Agent interviewed Edward Wilhelm Bentz, #48025, at the United States Penitentiary, Atlanta. Sergeant Hutson, who conducted the interrogation of Bentz, informed Bentz that the State Authorities of Michigan possessed sufficient evidence to definitely involve him in the robbery of the Peoples Savings Bank of Grand Haven, Michigan on August 18, 1933. Sergeant Hutson advised Bentz that if he would furnish detailed information concerning his participation in the robbery of the Grand Haven Bank and disclose the identity of his associates, the State of Michigan would decline to prosecute him and that the information furnished by him would never be used in Court against him, but that if he refused to make the desired disclosures, the Attorney General of the State of Michigan would request the Attorney General of the United States to permit Bentz to be removed from the Atlanta Penitentiary to Grand Haven, Michigan, for trial in the State Courts and that a Grand Haven jury would not require more than five minutes to convict Bentz on the evidence already accumulated.

Bentz replied that he had already made a lengthy statement to the Agents of the New York Bureau office; that he has confidence in the Agents of the Bureau and feels certain that the information which he furnished would be treated confidentially by the Bureau and would not be broadcast in the newspapers. Sgt. Hutson immediately assured Bentz that the information which he might disclose during the present interview would be treated confidentially by the State Authorities in Michigan and that not one word would find its way to the newspapers.

Upon being thus assured Bentz stated that neither he nor his brother Ted, who is at present serving a life sentence in the Michigan State Penitentiary at Marquette, Michigan, for participation in the robbery of the Grand Haven bank, had anything to do with the actual robbery of this bank; that about Decoration Day of 1933, informant moved into a cottage on the shores of Lake Michigan at Long Beach, Indiana; that during June and July of the same year, Baby Face Nelson, Tom Carroll, Homer Van Meter, Earl Doyle, "Chuck" Fisher and a fellow called "Freddie", who had two fingers of his right hand amputated and who was later found murdered in Melrose Park, Illinois, moved into cottages at Long Beach; that Nelson approached informant concerning a bank in that vicinity which would be reasonably safe and profitable to rob; that informant, who had "cased" the Peoples Savings Bank of Grand Haven, Michigan the year before, advised Nelson that this bank would probably be what he wanted.

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Continuing, Bentz stated that Nelson later informed him that he, Nelson, Carroll, Van Meter, Doyle, Fisher and "Freddie" decided to rob the Peoples Savings Bank and that they wanted informant to assist them in their preparations. Bentz admitted he furnished them a set of Indiana license plates which had been issued to him under the name of Renier, with the understanding that these plates were not to be used in the actual robbery. Informant admitted he loaned Nelson a machine gun, a rifle and the tacks to prevent pursuit; that he again "cased" the bank in Grand Haven for them and also prepared the get-away chart but that he did not participate in the actual robbery of this bank.

Bentz stated that on the day following the robbery of the Peoples Savings Bank at Grand Haven, Michigan, Nelson came to him with about $20,000 worth of Travellers Cheques and bonds; that informant purchased this loot from Nelson for $5,000 less $300, the latter amount being the allowance which Nelson made to compensate informant for the loss of informant's machine gun, which had been abandoned during the robbery. With regard to the disposition of the bonds and Travellers Cheques which he had acquired from Nelson, Bentz stated he turned the Cheques over to his brother Ted, who had agreed to dispose of them and who actually did dispose of them both in this country and in England.

Concerning his brother Ted, Bentz stated Ted was never involved in a bank robbery; that Ted lacked the courage and was too "weak" to enter a bank "waving a gun"; that Ted was in Long Beach, Indiana only two hours during the entire Summer of 1933; that Ted met two members of Nelson's gang during this short visit but that Ted did not receive any information concerning the proposed robbery of the Grand Haven bank and certainly was not requested to participate in the robbery of this bank because no intelligent bank robber would enlist an inexperienced man like Ted. Informant further stated that all the evidence presented against Ted in his recent trial at Grand Haven, Michigan consisted solely of a mistaken identification and the fact that Ted had disposed of the Travellers Cheques which had been stolen from this bank.

Continuing, Bentz stated that the bonds which he purchased from Nelson and which were part of the loot of the Peoples Savings Bank, were buried by informant and that no one but informant knows the exact spot in which these bonds were hidden. Asked to furnish a description of the place where these bonds were buried, Bentz stated that "if you drive from New Buffalo, Michigan toward Michigan City, Indiana over highway #12, you'll have to pass highway #20, which runs into highway #12 and just about 400 feet before reaching the inter-

section of these highways you turn right on to a gravel or macadam road which immediately crosses the double tracks of the Michigan Central Railroad." He stated when these railroad tracks are crossed, tennis courts can be seen on the left hand side of this gravel road, and a riding academy in the distance on the right side of the road; that about 75 feet beyond the railroad tracks is a forest which is located on the right hand side of the gravel road; that along the near edge of these woods is a little used trail or road; that if you turn right on to this trail and continue for about 25 feet, you will notice a forked tree which is along the edge of the woods and which is sufficiently unusual in shape to attract attention; that the fork of this tree starts approximately two feet from the ground; that ten feet southwest from the base of this tree and buried two feet underground are two jars containing the bonds taken from the Peoples Savings Bank of Grand Haven.

Regarding the report of the Holland State Bank of Holland, Michigan on September 29, 1932, Bentz stated he had nothing whatsoever to do with this job but that he was certain of the identity of the robbers of this bank because he had talked to them at a later date and had learned through other sources of the amount of the loot; that Eddie LaRue, "Big" Fitzgerald, Robert Ripley, Homer Wilson and Lee Turner composed the gang that robbed the Holland Bank but that informant knows little or nothing concerning the details of the robbery itself or the disposition of the loot.

When questioned concerning the robbery of banks in Albion, Sturgess, Dowagiac and Cadillac, Michigan, Bentz advised he did not participate or have anything to do with these robberies; that because of having served a sentence in the Michigan State Penitentiary at Jackson, he had deliberately avoided operations in the State of Michigan; that the gang which committed the above robbery had been made up of a robber whose last name was Campbell and who was killed at Red Wing, Minnesota in 1932, "Big" Fitzgerald, Robert Ripley, Eddie LaRue, Gus Shaw, who was later taken for a ride in Chicago, Homer Wilson and Jack Pheifer. Bentz would not disclose any further information concerning the robbery of the banks in these four cities but when asked for information concerning Homer Wilson, Bentz stated he knows nothing concerning Wilson except that Wilson was once arrested by the Police Department of Seattle, Washington as a suspect in a train robbery case but was immediately released.

Regarding the Grand Haven robbery, Bentz stated that Father Coughlin, who was residing in Michigan City, Indiana during the summer of 1933, assisted Baby Face Nelson in his preparation for this robbery and that the Buick automobile which was used in the Grand Haven robbery was brought from Chicago to Michigan City and stored in Father Coughlin's garage until it was needed for the robbery.

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Bentz was questioned concerning his outlet for the disposition of bonds and securities which he had obtained as a result of his bank robbing activities and stated that Connelly before his death handled at least a million dollars worth of bonds and securities for informant.

Following the above interview Sergeant Hutson informed Bentz that his statement concerning the identity of the robbers who held up the Grand Haven bank was untrue, and that the Michigan State Police possessed positive proof that he had participated in the actual robbery of this bank. Mr. Hutson spent considerable time attempting to persuade Bentz to admit his participation in this matter but Bentz declined to make any further admissions.

On the morning of April 7, 1936, Bentz was re-interviewed by Sgt. Hutson, Chief of Police DeWitt and the writer being present. Sgt. Hutson again advised Bentz that this was his last chance to "come clean"; that if he, Bentz, told the truth concerning the Grand Haven bank robbery, his statements would never be used against him in any court in the State of Michigan and that a detainer would never be filed against him on this particular charge by the State of Michigan but that prosecution would be instituted immediately against him by the State of Michigan if he continued to deny his participation in instant robbery.

Bentz took a pad of paper and wrote the following statement in his own handwriting:

> I rented cottage on Lake Mich. in long beach in May 1933 live there until August 19th 1933.
>
> In June 1933 Jimny Nelson came to see me about different banks and said he has several more men coming over from St. paul and who would be over in a week or so.
>
> Jimny & I talked over the situation and decided to wait until the Arrival of the others.
>
> The following week Doyle and chuck Fisher came over, the first I met them, After talking a few hours they finally agreed to rent cottage next door which at the time was vacant.
>
> After they had settled in cottage Doyle and I went up to Grand Haven, which I had previously seen in 1932, Doyle went into the Bank and looked it over, as I knew the situation, and he came out and said it looked O.K. to him. We stayed in the

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town of Grand Haven that night, I stayed at the "Hotel Ferry" I do not know where Doyle stayed. Next day we started to run the "get away" from the bank. This required about three days. Finally completing same on Hy. #20 in Ohio. We went back to Long beach.

After checking up on Equipment etc we found we needed machine guns etc. I called up "Lebanon Sporting Goods Co." in San Antonio, Tex. and told him I was sending down two men and for him to sell them two machine guns. Nelson and Fisher went down and got them, which required about two weeks.

While they were in Texas, Tom Murray came over from St. Paul and stayed at the cottage next to me. Where Nelson had his wife, Helen & sometimes his Mother.

The Bank at Grand Haven was supposed to be robbed the latter part of July, but was put off, due to the fact that I was busy in another venture. Murray stayed on and during the later part of July & Early August Tommy Carroll and Homer Van Meter, Jack liberty, came there to visit.

About the middle of August, "Father Conklin" brought "Fredie" to Nelson's cottage whom Nelson previously knew when working with the Touhy's.

After considerable talk it was decide I, Nelson, Fisher, Doyle, Murray, "Fredie" were to rob the Bank.

Nelson went to Chicago and got in contact with Jack Liberty and told him to bring out a Buick Automobile, which he did the following day.

The car was put in Conklin's garage "here say" that night by Nelson.

The following day which was the 17th, all the equippment was put in the basement of the Cottage Nelson lived in.

The morning of the 18th the Buick was brought back to the cottage and driven under the house and here loaded with the equippment, tacks, food etc The priest brought "Fredie" over and we "above name" left for Grand Haven. We drove up on Hy. U.S. 12 and 31. Three miles west of town we turned west and went on a side road and got the car ourselves etc ready. Changed plates and Each man put on his equippment, it was decided to let "Freddie" drive, I strongly opposed this for his lack of experience but due to the fact he had several fingers off I conscented.

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Atlanta 91-49

We drove to town and Nelson & I got off on the Street in back of bank, Nelson had one machine gun in a basket. Fisher & Doyle & Murray got off on the corner of 3rd & Franklin immediately in back of the bank, "Fredie" took the car and was supposed to park it along the West Side of the post office. Nelson & I came up from the West on Wash. St. Fisher, & Murray came around the Corner of 3rd to Wash. Nelson & I entered, I immediately went to the Right and order all to lay on the floor. Nelson came in back of me. Murray & Fisher stayed in front of the cages, Doyle came to the back door, which I opened. I then took the Cashier to the vault and ordered him to open the safes, which he did. He had just one open when Nelson warned me we had a "rank". I brought the cashier out and after looking out of the window ordered every body out the back. The cashier was ordered out first, then Nelson went out and started shooting with the machine gun and not seeing the car we worked out way to Franklin St. Stopped the first car which came along and ordered the people out. We got in same and left town according to out "get" the best we could remember. As our "get" was inst. the Buick auto. Approx. 8 miles north on 31 we seen a car & stopped and changed cars. Then continued on the road, previously run, getting off here & there. North of Adrian we had several flat tires and stopped a Ford with 3 young fellows and took their car, in which we drove to long beach, here the money was divided 6 ways which amounted to about $60.00 apiece. The securities & Travelers checks were retained by me.

Nelson, Murray & Fisher tried to locate "Fredie" but were unsuccessful, I moved to union pier and met Nelson, Van Meter Murry & Fisher ten days later at the Extreme End of the road running along long Beach. We split here last I seen of a any of them.

Keep your promise about this being confidential, I will take the stand against any of above if necessary but forget about me.

The original of the above statement was retained by Sergeant Hutson of the Michigan State Police. The word "Rank" which appears in the above statement means "an arrival of police officers", according to Bentz.

Regarding Tom Murray, whose name appears in the above statement as a participant in the Grand Haven robbery, Bentz stated he had never seen or heard of Murray prior to the Summer of 1933 but that Murray was reported to be the operator of a restaurant in St. Paul, Minnesota.

A rough sketch of the location of the bonds buried by Bentz between New Buffalo, Michigan and Michigan City, Indiana is being attached to the Detroit copies of instant report.

A brief resume of the information set forth in this report immediately after its receipt was communicated by Special Agent in Charge E. E. Conroy, over long distance telephone, to Mr. E. A. Tamm of the Bureau at Washington, D. C., who stated that in view of the fact that the robbery of the Peoples Savings Bank of Grand Haven, Michigan was committed prior to the enactment of the National Bank Robbery statutes, the Bureau did not desire the Detroit office to take any part in the search for the stolen bonds which are alleged to be buried between New Buffalo, Michigan and Michigan City, Indiana.

REFERRED UPON COMPLETION TO THE
OFFICE OF ORIGIN.

JOHN EDGAR HOOVER
DIRECTOR

PEF:CDW

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

April 4, 1936.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Harbo
Mr. Joseph
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Time - 9:30 A.M.

MEMORANDUM FOR THE DIRECTOR

Re: Edward Wilhlem Bentz.

SAC Whitley telephoned me from New York and said that this morning, he received a copy of a letter written by the Detroit Office to the Atlanta Office, stating that Sergeant Hutson of the Michigan State Police, is leaving Detroit on April 5, 1936 for Atlanta, Georgia, for the purpose of interviewing Ed Bentz at the United States Penitentiary at Atlanta, in connection with the robbery of the bank at Grand Haven, Michigan. The letter goes on to state that Sergeant Hutson will contact the Atlanta Office in order that arrangements might be made through that office for the Sergeant to interview Bentz in the penitentiary. The letter continues that although we had previously informed Detroit that we thought it was better for state officers to be discouraged from interviewing Bentz, in view of the relations in Detroit with the Michigan State Police, who are very insistent that they talk with Bentz about the Grand Haven case, all we can do is to cooperate with them.

Mr. Whitley said he can readily understand this situation, despite the fact that Bentz gave us substantially all of the information relative to that particular robbery, which information was furnished to the Detroit Office. However, Mr. Whitley said that this matter is a source of concern for many reasons. He pointed out that if we start promoting or sponsoring or taking out state officials from all over the United States to talk to Bentz in the penitentiary, very quickly we are going to offend Bentz and ruin his excellent cooperation with us. He said that while he hopes there will not be a repetition of such requests, he believes the Atlanta Office should go out to the penitentiary and see Bentz before the Michigan State man arrives, and ask Bentz if it will be all right to bring the Michigan State man out there to talk about the Grand Haven bank robbery. Mr. Whitley said he is sure Bentz will say yes to this request, particularly in view of the fact that his brother, Ted Bentz, is now serving a "bum rap" for this robbery in Michigan. However, our asking him first will certainly put him in a better frame of mind. At the same time, Mr. Whitley said Bentz should be told not to tell the Michigan officer about any case except the Grand Haven robbery. He pointed out that if we do not make this request, and Bentz gets started talking, he will probably tell this Michigan man everything he has told us, which would, of course, be disasterous.

91-57-10

RECORDED & INDEXED

Mr. Whitley said that the Atlanta Agents should be cautioned not to let the prison officials know that Bentz is talking to us. He said that Bentz made this specific request before he left New York. He told the Agents that any time they wanted to know anything, he would be glad to tell them anything that he might know about it; however, he asked that whatever we did, not to let the penitentiary officials know that he is talking to the Agents.

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Bentz pointed out that if they knew he was talking to the Agents, they would try to make a stool pigeon out of him in the penitentiary. Bentz said he would certainly not be a stool pigeon inside the walls, because he has to live there a long time.

Mr. Whitley suggested, in which I concur, that the Atlanta Office be contacted right away with reference to the above matter.

Time - 10:00 A.M.

I telephoned SAC Conroy at the Atlanta Office, and while he has not as yet seen the letter from Detroit to which Mr. Whitley referred, I advised him of the facts as contained in the letter as related by Mr. Whitley, and of the views and opinions of Mr. Whitley in the premises. I also pointed out specifically to Mr. Conroy the request of Bentz that the prison officials not be informed that he is talking to us regarding these cases.

Mr. Conroy said that he would personally take care of this matter, and assured me that he would caution Bentz to talk to this Michigan officer about no case but the Grand Haven bank robbery.

Respectfully,

P E Foxworth

P. E. FOXWORTH.

Post Office Box 2118
Detroit - Michigan
April 16, 1936

Special Agent in Charge
Chicago, Illinois

Re: EDWARD WILHELM BENTZ with aliases; et al;
Peoples Savings Bank, Grand Haven, Mich.
BANK ROBBERY.

Dear Sir:

The Michigan State Police are very much interested in ascertaining the identity of one "Freddie" who is alleged to have participated in the above bank robbery. It is stated that he has two middle fingers missing from his right hand and was formerly a Touhy gangster. It is also reported that he was shot by "Baby Face" Nelson for running away with the automobile from the Grand Haven job. It is thought that perhaps you or some Agents in your office might be aware of the identity of this individual and can furnish a photograph of him for the use of the Michigan State Police.

Will you also please forward a photograph of Homer Wilson, whose name is mentioned in the Bremer kidnaping case, and also confirm my belief that he is now dead.

Very truly yours,

H. H. Reinecke
Special Agent in Charge

HHR:AM
91-48

cc-Bureau

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APR 21 1936

91-57-11
FEDERAL BUREAU OF INVESTIGATION
APR 18 1936

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TWO

DEPARTMENT OF POLICE

City of Grand Haven

MICHIGAN

LAWRENCE DEWITT, CHIEF

March 26,1936.

John Edgar Hoover, Director,
Federal Bureau of Investigation,
U.S. Department of Justice,
Washington, D.C.

? 3-28-K

My dear Chief:

I have been advised of the disposition of the Edward Bentz case at Burlington, Vermont, to the effect he has been sentenced to the U.S. Penitentiary at Alanta, Ga, for a period of twenty years. May I extend my congratulations to the Deaprtment of Justice in the apprehension of Bentz, that again the ends of Justice have been satisfied.

As there are two bandits still unidentified in our bank robbery as of August 18,1933, I am very much interested to know whether Edward Bentz or Theodore Bentz made any statements in regard to whom the other participants might be in the bank robbery here, to any of your Agents that have questioned them,if so, if you could authorize that information forwarded to this office,such as names of there associates and where photographs could be obtained to assist us in identifying them by the local bank employes.

If any such information is available at the Detroit or Chicago office of the Department of Justice, with your authorization I would appreciate the opportunity to go there and accept such information as might be helpful to us in our investigation.

Thanking you for your co-operation, I am

Sincerely Yours,

Lawrence DeWitt,
Chief of Police.

Caledonia Nat'l Bank
Damonte Vermont
Commendation

MAY 5 1936

RECORDED & INDEXED

91-57-12

FEDERAL BUREAU OF INVESTIGATION
APR 23 1936 P.M.
U. S. DEPARTMENT OF JUSTICE
FILE

D/W

Ack. 4-17-36
cc New York
" Detroit
Atlanta

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CEW:CSH

91-1

April 17, 1936

91-57-12

RECORDED

Mr. Lawrence DeWitt,
Chief of Police,
Grand Haven, Michigan.

My dear Chief:

I have your letter of March 26, 1936, and desire to express my sincere appreciation for the commendatory remarks contained therein relative to the work of this Bureau in the Edward Bents case.

In view of the fact that it has been possible to arrange for you to personally interview Bents, the statements he made to Agents of this Bureau concerning the robbery of the Peoples Savings Bank, Grand Haven, Michigan, on August 18, 1933, are not being set out herein. I trust you found the interview satisfactory and that it has materially assisted you in your investigation of this bank robbery.

Assuring you of my desire to cooperate in all matters of mutual interest, I am

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover,
Director.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Chief Clerk
Mr. Clegg
Mr. Coffey
Mr. Edwards
Mr. Egan
Mr. Foxworth
Mr. Harbo
Mr. Joseph
Mr. Keith
Mr. Lester
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy

CC Detroit
New York
Atlanta

COMMUNICATIONS SECTION
MAILED
APR 18 1936
P.M.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

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33

Federal Bureau of Investigation
U. S. Department of Justice
501 Healey Building
Atlanta, Georgia
May 2, 1936

WMB/D
91-49

Director,
Federal Bureau of Investigation,
Washington, D. C.

Re: EDWARD WILHELM BENTZ
Peoples Savings Bank,
Grand Haven, Michigan
BANK ROBBERY

Dear Sir:

On April 8, 1936, Bentz furnished information concerning the hiding place of the securities taken from the above mentioned bank to Sergeant P. L. Hutson, Michigan State Police, and to Chief of Police Lawrence DeWitt of Grand Haven, Michigan.

The Atlanta Office recently received letters from both of these officers advising that they have followed the directions furnished by Bentz but that they have been unsuccessful in their attempts to locate the securities. They requested this office to display certain photographs to Bentz, in order to determine more definitely where these bonds are cached.

It is my opinion that Bentz will be pleased to assist these officers, and authority is requested to furnish Sergeant Hutson and Chief of Police DeWitt with the information they desire to secure.

Very truly yours,

E. E. Conroy

E. E. CONROY,
Special Agent in Charge

cc: Detroit

RECORDED & INDEXED

91-52-13

FEDERAL BUREAU OF INVESTIGATION
MAY 4 1936
U. S. DEPARTMENT OF JUSTICE

TWO FILE

MAY 15 1936

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91-57 - 15

May 12, 1936

RECORDED

Special Agent in Charge,
Atlanta, Georgia.

Re: EDWARD WILHELM BENTZ;
Peoples Savings Bank,
Grand Haven, Michigan -
BANK ROBBERY.

Dear Sir:

The Bureau has received your letter of May 2, 1936, in which you request permission to display to Bentz certain photographs which have been received from the Michigan State Police and to furnish Sergeant F. L. Hutson of that organization, and Chief of Police Lawrence DeWitt, of Grand Haven, Michigan, with whatever information might be developed as a result thereby and also whatever further information might be secured from Bentz regarding the location of certain securities taken during the robbery of the above bank.

You are authorized to render this assistance to the interested officials.

Very truly yours,

John Edgar Hoover,
Director.

cc-Detroit

COMMUNICATIONS SECTION
MAILED
MAY 13 1936
P. M.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

35

501 Healey Building
Atlanta, Georgia
May 22, 1936

WMB/D
91-49

Special Agent in Charge,
Detroit, Michigan

Re: EDWARD WILHELM BENTZ, with aliases;
et al. Peoples Savings Bank,
Grand Haven, Michigan
BANK ROBBERY

Dear Sir:

In view of the fact that all investigative work has been completed in the entitled case in this district, and Ed Bentz has been transferred to Alcatraz Penitentiary, instant case is being considered referred upon completion to the office of origin.

Very truly yours,

E. E. CONROY,
Special Agent in Charge

cc: Bureau

91-57-
FEDERAL BUREAU OF INVESTIGATION
1936
FUG. SUP
TWO

36

Post Office Box 812
Chicago Illinois

May 25, 1936

Special Agent in Charge
Detroit, Michigan

RE: EDWARD WILHELM RENTZ with aliases, et al - PEOPLES SAVINGS BANK, GRAND HAVEN, MICHIGAN - BANK ROBBERY

Dear Sir:

Referring to your letter dated April 16, 1936, in the above captioned matter, this is to advise that Special Agent A.J. Morstrom of this office contacted Captain John Norton, Former Chief of Detectives, Sergeant Jack Hanrahan assigned to the Chief of Detectives' office, deputy chief Walter C. Storm, and Charles Coughlin, Identification Unit, all of the Chicago Police Department, Chicago, Illinois, for information concerning the identity of one Freddie, who is alleged to have participated in the above named bank robbery, who is known to have the two middle fingers missing from his right hand, and who was formerly a Tom Kouhy gangster.

No one of the above named persons could furnish information concerning such an individual, all stating that the only person who would remotely answer this description would be William S. White, alias Willie White, alias Three-fingered Jack White, who was killed on January 23, 1934, by persons unknown in Oak Park, Illinois, a suburb of Chicago. His description as obtained from Sergeant Coughlin is as follows:

Name: William S. White, aliases: Willie White; Three-fingered Jack
Chicago P.D.No. C-16558, arrested 4-20-29, general principles
Age: 32; weight, 175 lb.; height 5'11 3/4
hair, medium chestnut; eyes, hazel.
Marital Status: single
Scars and marks: 1 m. 2 vertical cut scar 8 x 8 forearm, inner; ring, middle and index finger amputated. Fingerprint classification:
1 r R 14
1 R

JUN 2 1936

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91-57-14
FEDERAL BUREAU OF INVESTIGATION
MAY 29 1936
U.S. DEPARTMENT OF JUSTICE
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According to Sergeant Coughlin, White was a Capone gangster actively engaged in labor union rackets prior to his death.

Inasmuch as Ed Bentz alleged that Freddie was killed in Melrose Park, Illinois, inquiry was made at the Cook County Coroner's office; that office informing that no record of homicides was kept by communities in which they occurred, and without the full name of the victim, no record of the death could be found.

Discreet inquiry was also made at Oak Park and Melrose Park, Illinois, without success.

Inquiry of Ross Sanders, former superintendent of the Protective Department of the Illinois Bankers Association, 33 N. LaSalle Street, revealed that the only bank robber he knew named Freddie was Freddie Boyd, alias Freddie Dorfman, who is an associate of George Goetz, Elmer Farmer, Harold Alderton and Edmund Bartholmey, all subjects in the Brekid and Banap cases. According to Sanders, Boyd was wanted for the robbery of the State Bank at Franklin Park, Illinois, 13 miles west of Chicago on January 18, 1926, in which he participated with Goetz and Chuck Brunsworth, who was killed shortly thereafter by officers at Cicero, Illinois. Mr. Sanders was unable to state whether Boyd was ever apprehended or killed, and had no available photograph of him.

The files of the Illinois Bankers Association reflect that Boyd was described as follows:

Born Feb. 28, 1898 at St. Cloud, Minnesota
Height, 5'8½"; weight, 160 lb.; hair, dark brown; eyes, brown.

The report of Special Agent W.R.Ramsay dated August 8, 1934 at SanFrancisco, California in the Brekid case reporting an interview with Irene Goetz, reflects that at that time (date of interview) according to Mrs. Goetz, Boyd was incarcerated in the Minnesota State Penitentiary at Stillwater, Minnesota for bank robbery.

In that there appears to be no further investigation in this matter, this case is referred upon completion to the office of origin.

Very truly yours,

LADD

Special Agent in Charge

91-70
AT:FB

cc Bureau

Wm A Hamm
Adv G Breme

HN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
~~Washington, D.C.~~
Ottawa, Ontario

Rosen

No. 450

July 20, 1943.

Personal and Confidential

J. Edgar Hoover, Esq.,
Director, Federal Bureau of Investigation,
U. S. Department of Justice,
Washington, D. C., U. S. A.

Dear Mr. Hoover:

There is being enclosed herewith copy of the transcript of the testimony in the case of the People of the State of Michigan versus Theodore Bentz, alias Theodore Craig. This trial was held at the Circuit Court for Ottawa County, Michigan, U.S.A., on September 24, 25, 1934, before the Hon. Fred T. Miles, Circuit Judge. The case was a trial by jury. The copy of this transcript was forwarded to me by subject Ted Bentz, who is presently incarcerated in the Jackson Penitentiary, Jackson, Michigan, where he is serving a life sentence for bank robbery.

Enclosed herewith are two copies of a letter which subject Bentz wrote me when forwarding the above-mentioned transcript. I have read this transcript and know the Bureau has all this information in their files concerning the bank robbery but feel, however, that I should make the receipt of this testimony an official matter of record with the Bureau, as well as correspondence received from Bentz concerning his appeal of this case.

ENCL BEHIND FILE

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As you know, Ted Bentz has been corresponding with me since the time I first met him in Burlington, Vermont, when he appeared as a

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EX-4

FOR VICTORY BUY UNITED STATES SAVINGS BONDS AND STAMPS

61 OCT 20 1943

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government witness against Clyde Nimerick, w.a.s. bank robbery, who was arrested by Bureau Agents in Chicago and found guilty by the jury in Burlington, Vermont.

Since this meeting with Ted Bentz, he has written me from time to time and thought I should continue to correspond with him inasmuch as he might make a valuable informant some day for the Bureau.

Also enclosed herewith are copies of the letter which I wrote to Ted Bentz acknowledging receipt of the transcript.

Very truly yours,

M. Joseph Lynch

M. Joseph Lynch,
Inspector.

Encs. 3

COPY

Name Ted Craig Bentz No. 46144 To Whom M. Joseph Lynch Relation Friend
Date 6/21/43 Street F.B.I. City Washington State D.C.
CENSORED

From: Ted Bentz,
46144 - 4000 Cooper Street,
Jackson, Michigan

July 14, 1943

Mr. M. Joseph Lynch,
Federal Bureau of Investigation,
Washington, D.C.

Dear Joe:

I have your interesting letter dated April 27th and was delighted to hear from you. Having been so busy with everything, I just couldn't get around to answering sooner. And, of course, I wanted to mail you a copy of my transcript. I finally got it together; you will find the same enclosed herewith. You may keep this for your personal file, since I have additional copies. Let me have your comments - okay?

By the time you have read through the testimony of the trial I expect to have in the mail to you copies of all the new evidence which I have obtained since the trial. With that I may be able to include a copy of my motion and perhaps copies of the appellate procedure.

So far my luck on appeal hasn't been so hot. Michigan Supreme Court refused to review the case. My motion for leave to appeal was denied, and I am now preparing to appeal the case to the United States Supreme Court. My first motion in the highest tribunal shall be a motion for leave to appeal. Since I should like to bring in the facts, I am attempting to perfect a general appeal rather than seek a review by writ of certiorari. However, the court under the statute you know has the right to revert to certiorari. With the application for leave to appeal I am intending to send up a certified copy of the entirely complete record. It may give the court incentive to perpend the new evidence which, if presented on a retrial of the cause, would effect my acquittal.

I am particularly interested in having you read the confession made by Ed in the case, wherein which confession he names his confederates and exonerates me. Also you should read the "Testimony in Error" in which Ed points out how the bankers mistakeningly identified me for Fisher. These items shall be included with the copies of the new evidence copies of which I propose to mail to you.

ENCLOSURE

[redacted]

91-57-15

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At the present time about 300 of us fellows are helping the O.P.A. with food rationing books, addressing and mailing etc. We have some two million of them to distribute by mail to the various towns in Michigan. We are getting out about 100,000 a day I understand. It is a voluntary job. However, while this is going on there is no school. Thus for the present I am teaching the boys how to work on rationing books for the Government. There isn't much to it. All it requires is a fair education and a good handwriting. The boys take to it like ducks to water. And most of them are positively enthused.

If you ever do go to California, you certainly should not reject an opportunity to meet Capt. Hansley. He's a swell guy.

Speaking of Ed, he is getting along fine. I hear from him every month. At present the Gov. is paying them a small wage for doing some sort of war work in the prison. He has been pretty busy with his literary endeavors. In case you care to drop him a line, his number is Box PMB 307 A Z, Alcatraz, Calif.

The weather must be enjoyable nice up there in Ottawa at this time. Or have you left? We are laboring under a sweltering wave, and boy, would I enjoy a good swim out there somewhere.

Just received a letter from my cousin Waltwho is a Sergeant in the U.S. Intelligence Service in Africa. He was talking about how swell it was to get a good swim in the ocean off Port Said after that battle in which his outfit was given the credit for capturing that famous German general "Von Arnim." Walt, having been in the thick of it, scored for some irreplacable souviners. He is indescribably proud of his medals. He is a great guy. Comes from Minnesota, an ardent fisherman, a splendid duck and deer hunter. In his letters he occasionally reminds me that "we" have a date after the war to go fishing "up there in Minnesota" in his favorite spot. I smile, I got to get out of this can first.

By the way since, you are interestdin what my possibilities for a parole in 14 months hence when my ten calendar years shall have expired, it might be well to let you know. Well, sir, you know the judge in his opinion denying the motion I made to amend sentence stated if the Parole Board t'inks I am or I should say could be safely paroled, the sentence at the termintion of ten years would be modified accordingly. Thus I assume the Judge would recommend me for a parole. I have a good prison conduct record. I have, I believe, vastly improved myself. I have, I believe, accomplished much. Further, I have positive evidence of my innocence.

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Therefore, I believe the Parole Board - when the ten years are served - will consider me for a parole under the ten-year life law. Capt. Hansley has offered me a swell position, taking full charge of his "Lodge on the Hill" summer and winter resort, or I would probably be assigned to some work beneficial to our war effort. Capt. is willing to supervise my parole and, of course, he would be my parole officer if agreeable to the Parole Board. In case I lose out through the courts, I shall petition the Parole Board. In that connection I may ask you for a letter?

Things otherwise are going along well with me. I often wonder just how the people out there are taking the present situation. A fellow hears and reads a lot about it, but a personal observation of them gives one a better understanding of their whims, their sentiments, the daily pursuits in life. As a sort of a writer, naturally, I would observe the various characters.

Well, Joe, let me hear from you whenever you have time to do me a letter, won't you? And tell Mr. Hoover that I think he and his staff are really doing a swell job in this war, keeping down sabotage and criminal activity. And don't forget to stop in here when you fellows happen around. With best wishes to you and your grand boss, I am

Sincerely,

Ted

Ted Bentz

Sgd. Ted Bentz

P.S. Acknowledge receipt of transcript, eh?

Ottawa, Ontario,
July 20, 1943.

Mr. Ted Craig Bentz,
40144 - 4000 Cooper Street,
Jackson, Michigan, U. S. A.

Dear Ted:

I received your letter dated July 14, 1943, together with a copy of the transcript of the testimony in your case. Unfortunately due to other official commitments I have not had the opportunity to peruse this as yet but when I am in a position to comment concerning this testimony, I will get in touch with you. I did, however, want to write you and let you know that I had received this transcript and, at the first opportunity, will certainly read it.

In your letter you mentioned you were going to mail me copies of all the new evidence which you have been able to obtain since the trial, together with Ed's confession. When you get around to it, I would certainly like to have you forward these items to me.

I can readily understand that with the work which you are supervising, your teaching career is interrupted but I know that you too realize because of the international situation our personal regards have to be put aside until this job has been terminated and victory is assured.

I was glad to hear that everything is going along as well as you can expect and to know that you are enjoying good health.

Many thanks for your comments concerning Mr. Hoover and the FBI personnel. If the opportunity presents itself I will certainly convey to Mr. Hoover your best wishes for his continued success.

[redacted]

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I do not known when I will next be in the States but if my itinerary takes me in the vicinity of Jackson, Michigan, I will certainly pay you a visit. I hope that this visit can become an actuality in the not too distant future.

I would like to hear from you, especially regarding the items which you mentioned in the letter, and it is suggested that you write me c/o the Federal Bureau of Investigation, Washington, D.C., as I do not know how long I will be at my present post of assignment and, as you know, the FBI will always forward my mail to me.

Concerning your parole, it will be appreciated if you will keep in touch with me concerning the date that this is to take place and also as to when and where you will work and live.

Very truly yours,

M. Joseph Lynch.

From: Ted Bentz
46144--4000 Cooper Street
Jackson, Michigan

91-57-15

ENCLOSURE

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR ALLEGAN COUNTY

Before Hon. Fred T. Miles, Circuit Judge, and a Jury. September 24, 1934. (9 A M)

People of the State of Michigan,

vs.

Theodore Bentz, alias Theodore Craig,

Respondent.

Appearances:

Mr. John R. Dethmers, Prosecuting Attorney, on behalf of the People.

Mr. Albern Parsons, Attorney for Respondent.

(Jury called, examined and sworn. Opening statement by Mr. Dethmers.

MR. WILLIAM H. PELLEGROM, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr. Pellegrom, what is your occupation?

A Banker and Assistant Cashier.

Q In which bank are you the Assistant Cashier?

A Peoples' Savings Bank of Grand Haven.

Q Is that a Michigan Banking corporation? A Yes, sir; on the corner of Third and Washington.

Q In this city? A In this city.

Q And were you employed as such Assistant Cashier in that bank on the 18th day of August, 1933? A Yes, sir, I was.

STATE OF MICHIGAN

CIRCUIT COURT FOR OTTAWA COUNTY

Before Hon. Fred T. Miles, Circuit Judge, and a Jury.

September 24, 25, 1934

People of the State of Michigan,
vs.
Theodore Bentz, alias Theodore Craig,
Respondent

T E S T I M O N Y

Witness	Direct	Cross
William H. Pellegrom	1	18
Martha Meschke	32	35
Arthur Welling	41	50
Charles Bugelski	60	67
Frederick C. Bolt	71	78
Stipulation	75	
George Evans	81	83
John Lindemulder	84	86
Lawrence DeWitt	88	90
Defense Opening Statement	96	
Lonnie Bailey	96	100
Aaron Shugan	109	112
Charles L. Knuth	122	124
Earl Doyle	133	134
John DeKoster	136	
Christine Craig	138	142
Rebuttal-- Benjamin Rosema	146	
Objection during arguments	147	
Charge of the Court	147	
Further instructions	157	
Frederick C. Bolt, recalled	160	
Verdict	162	
Statements of Respondent and remarks of the Court in passing sentence.	163 etc.	
Stenographers certificate	165	

Q And were you engaged in your duties in that bank on that day? A Yes, sir, I was on duty all day.

Q And will you state to the Court what, if anything, occurred on that day other than the usual occurrances?

A Yes, sir; at the closing time, which was about three o'clock, we were visited by some bandits, two gentlemen walked in followed by two others; we were held up.

Q Now where were you standing in that bank when you first saw anything of these bandits, as you call them?

A I was at the bookkeeping desk.

MR. DETHMERS: Mark this. (Paper marked Peoples's Exhibit 1)

Q I show you here an exhibit which has been marked for the purpose of identification Peoples' Exhibit 1, and I ask you whether this is a fair presentation of the floor plan of the Peoples Bank in which you were employed on that day? A Yes, sir, that is a floor plan of the Peoples Savings Bank.

Q And the entrance, the front entrance to this bank is where? A It is on Washington.

Q That is on this chart. Will you indicate where the front entrance is? A Right here, this is the vestibule. (Indicating)

Q This swinging door, that swings into the vestibule?

A Both ways.

Q And this is the swinging door that swings into the vestibule from the lobby? A Either way.

Q And this is the main lobby, is it? A That is the main lobby.

Q Whether or not these lines here indicate railings or cages? A The outline of the cages.

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Q And these four marks indicate windows in those cages, is that right? A Yes, sir.

Q What is this here? A Here is the bookkeeping desk that I have reference to that I was working at, at the time; I was right about there. (pointing)

Q Now the entrance to this bank faces what direction?

A It faces north. This here is north. Here is Washington. This is north. This is east, and this is west.

Q And this bank is located on a corner?

A The bank is located on this corner.

Q And there is a sidewalk around here, the west side of the bank? A Yes, sir; Third Street.

Q And what is this here? A There is the entrance going upstairs to the offices that are located above the bank.

Q There is a small hall here? A Small hall in there.

Q And then what is this? A It is a door that leads from the bank into this lobby.

Q And into this little hall? A And into this little hall.

Q By means of these two doors here you have a rear exit from the bank? A Yes, sir.

Q What is this room here? A This is a large room we have partitioned off and use for meetings, public meetings, swinging doors between the main - back of the cages and this room.

Q Is this a directors' room? A This is directors', Yes.

Q And there is a desk here? A Desk in the center.

Q And chairs around there? A Yes, sir.

Q And then this is part of the bank?

A This is the working part of the bank, eleven employees around in here.

Q What is this room up here? A The cashier's office.

Q And this is the entrance from the lobby also?

A Entrance from the lobby right around the corner of the vestibule.

Q And what is this here? A Here is the grill, there is a grill across here; there is a door that goes into the grill.

Q From this lobby what entrances are there into the part behind the cages and the grill? A Here through the cashier's office---

Q And all through? A And all through this way((indicating); all through this grill door down to the front of the vault and around, and a hallway down here, hall leading back into the directors' room.

Q But the only two entrances from the lobby into the part where the employees were was the front door to the cashier's office and the back door through the grill?

A Yes, sir.

Q There is a wire fence here? A Yes.

Q How high is it? A Well it must be six and a half feet I should imagine.

Q And it also shows the cages with wire gratings, is that correct? A This spindle work, up above the marble and down below.

Q You say you were where when you first saw the men come in? A I was right here, right at the corner of this desk. (Indicating)

Q And where did you first see these bandits, where were

they when you first saw them? A There was two came in, came up to these windows, the teller's window.

Q That is the window right on the corner?

A Right on the corner, the teller's window.

Q As to these cages, the bottom part up the counter is composed of what? A Well on the outside it is about that height, four and a half.

Q What is that composed of? A Then underneath is marble, on the outside.

Q What is there above the four, four and a half feet of marble? A Lattice work, same——

Q Metal work? A Metal.

Q And those are little rods? A Little rods about an inch apart.

Q So you can look right through there? A Yes, sir.

Q After you saw these two men come in and approach this teller's window, what did you see next? A Well they ordered us to hold up, and I was looking in the end of a gun barrel.

Q Where was the gun barrel? A Stood right in front of this window.

Q Who was stationed at that window? A Mr. Welling then at that window.

Q Arthur Welling? A Arthur Welling.

Q And the first two men that came into the bank, where did they go? A Well one fellow stood there and said to Welling "hands up," and this other walked down this way toward the savings room window, came over here and stood here (indicating), that is where I saw him, right here; after he walked there he stood there, that is right at this door.

Q That is right in the rear end of the lobby?

A Yes, sir.

Q Right in the entrance to the room behind? A Yes, he stood there with a gun and had them covered from there.

Q And then did you see any others come in? A There was two others followed these two.

Q Did you see them come in? A Well I saw them as they got in the door, and closed the curtain, they started to close the curtain.

Q Which curtains are those? A Windows.

Q That is, which curtains do you refer to, on which window?

A Well there are curtains on the windows outside of the vestibule and these curtains over here. We had curtains one could draw.

Q Did you see those other two men do that?

A I saw one of them do it.

Q Which curtain did you see him draw? A The one in the lobby, the one in the vestibule, as they come in.

Q And then did you see those two men further?

A Well one of them, I noticed one of them going into the cashier's office, and the next time I looked up one was way over here with a machine gun.

Q And did one of those first two men stay at that window for the time being? A Stayed there for the time being until these fellows got in here.

Q What became of these other men that walked from this window? A The man that walked over here, the last I saw him, he was over here. We were ordered to lie down on the floor.

Q What was he doing over there? A He had a gun and

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stood guard over there I suppose; where he went from there, I don't know. We were ordered to lay on the floor, face down.

Q Do you remember who ordered you to lie on the floor, which one of these men? A No, I don't know which one it was that told us to lie on the floor.

Q And where did you lie on the floor? A Over on this side; well, I was lying right about in here (indicating) for the simple reason that when I looked up I could see Miss Meshke lying here on the floor. She was ordered to lie down there.

Q This is the vault? A This is the vault, and here is the entrance to the vault. Miss Meshke was ordered to lie down there.

Q And as you lay down there you could see her lie down there? A I looked up and see her lie, Oh, I could just see her lying over there, yes, sir.

Q Then what happened as you were lying on the floor?

A Well I lay there on the floor like this, with my head up, until finally the fellow back of me said " put your face down." Well I was obeying orders; he had a gun over me, and before that I -- before I put my face down I saw one of the other bandits go in the vault; he called for the cashier, and I saw him go in the vault with the cashier and the cashier wasn't able to open the thing quick enough.

Q That is who? A Mr. Bolt.

Q You saw Mr. Bolt go in with one of these robbers?

A I saw him go in with one of the other robbers.

Q What happened? A He didn't open quick enough so they got Welling. I didn't see Welling come out.

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Q Then what happened next? A Well after they had their loot and had the vault open ---

Q Did you see them take any of the loot? A Well when I was here, I was here and one fellow come in here (indicating), tried to shove stuff off the counter.

Q What was there to be shoved off?

A Travelers' checks and mutilated money and old, mutilated and torn bills we had in the piles, and the till is right in here - I don't know whether - I didn't see him take the till but I saw him take the other.

Q You saw him take the money off this counter?

A Yes, sir.

Q Then did you see them take anything else? A No; I saw them going in the vault, but --

Q You couldn't see what went on in there?

A No, I didn't see what was going on in there. I know that one of them - some of them took the bonds off my desk, seven thousand dollars Chicago, Milwaukee & St. Paul, due in two years, two thousand dollars I had on that desk, that were taken off.

Q Did you see them taken off? A No, I didn't, I must have been lying on the floor when they got them; they were gone.

Q They were gone after you came in the bank? A No.

Q As you lay on the floor and first Mr. Bolt and Mr. Welling went into the vault and then came out, what happened after that? A Well while I was lying on the floor I got a look at one of those other fellows, this fellow that was in the vault, that ordered them in the vault, one of the other bandits, until I was told to put my face down after that, and I did, well, until

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we was ordered to get up.

Q You were ordered to get up? A We were ordered to get up and file out of the back door.

Q After you were ordered to get up, what happened?

A Well we went out the back door, there was some of the bandits ahead of me and some of the other employees and Mr. Bolt was ahead of me, and some other, I presume, I don't know who, another employee of the bank, I know there was a bandit back of me. When I got out on the sidewalk--

Q Wait, before you get to the sidewalk. Did you form a line before you got out, or how did that come about?

A They ordered us all up from the floor and they ordered us off the floor and ordered us to line up here and go out this way; so we all got off the floor and walked around here and went out this door. (Indicating on chart)

Q This is the rear door? A The rear door.

Q And as you went out there, after you got out, did you see anything of this bandit whom you say you saw in the first place come to a stop at the rear of the lobby near this rear entrance from the lobby into the employees' room? A He was ahead of me.

Q Did you see him then again? A Outside on the sidewalk, yes, sir; he was ahead of me. I know he was ahead of me.

Q Did you have occasion to see him then again?

A Yes, I did.

Q Where were you when you saw him then again?

A I was standing out here, just coming out here, standing out here.

Q Where was he? A Out towards the edge of the sidewalk.

Q About how far from you? A Maybe five or six feet ahead of me.

Q What was he doing? A He was - had a gun, machine gun or something, he was clearing the way there.

Q That is the same man you saw standing in the rear of the lobby here? A Yes, he was shooting, he had a gun and was shooting. This is the same man that came in here and stood there; the last I saw of him he was out on the edge of the sidewalk.

Q What if anything happened to you when you got out on the sidewalk?

A Well the shooting started, and I got some of the scattering lead in my instep, I didn't know what to do really; I noticed the bullets come across and strike the building in one place so I thought the best thing that I could do was lay down; I got down what I thought was underneath the line of fire.

Q Where did you lie down? A Here is the rear door, right here, and I got out there and lie down right along the sidewalk here.

Q Right along the sidewalk? A Right along the sidewalk, close up against the building, until I noticed that they were working toward Franklin Street.

Q Which way is Franklin Street? A Franklin Street is south. Franklin Street is off this way.

Q The street that intersects this street here? A Yes.

Q And you saw these bandits go down this street, down to Franklin Street? A Yes, they started going that way, and I got up and I noticed Mr. Bolt.

Q Where did you see Mr. Bolt? A He was right ahead of me there at the rear of the bank. Here is the stairway, he was out here on the sidewalk.

Q What was he doing? A Well Mr. Doyle had him by the arm, Mr. Doyle had a pistol he was pointing across the street to the McClellan store.

Q Where is the McClellan store from here? A West.

Q Right across from here? (indicating on chart)

A Yes, right across from this entrance you go into the McClellan store.

Q Then what did you see happen? A Then Bolt and Doyle started to tussel, and the next thing they were down on the ground and by the time I was up well over here, Mr Bolt was there, we were --

Q That is in the rear of the bank? A No, that - yes, the rear of the bank, they were over on the lawn, they got over on the lawn in the back of the bank at that time.

Q That is, off the length of the sidewalk here, to the east of the sidewalk? A To the east of the sidewalk.

Q What became of the other bandits by that time when the scuffle came about? A They went towards Franklin Street, they went south toward Franklin Street.

Q Where were they when the scuffle started between Mr. Bolt and Mr. Doyle? A They were ahead, they left and they got ahead of Mr. Doyle and Mr. Bolt; Mr. Bolt and Mr. Doyle were the last ones in there.

MR. PARSONS: Do you want to offer that Exhibit 1 in evidence?

MR. DETHMERS: I was going to offer it, yes.

MR. PARSONS: No objection.

THE COURT: All right; received.

(Exhibits marked Peoples' Exhibits 2 and 3)

Q I show you here a picture marked Peoples' Exhibit 2,

and ask you if you can tell me what that is a picture of?

A That is a picture of the note teller's window, note and discount window, note teller, Mr. Lindermulder.

Q Where is that window with relation to the various windows in that cage? A That is the first window to the right as you come in through the vestibule.

Q That window is the front window? A Yes, sir; here is a door leading to Mr. Bolt, the cashier's office. This window is the first window.

Q I show you here Peoples' Exhibit 3, and ask you if you can identify that? A Yes, sir; that is the teller's window.

Q And this iron rail there? A It is an iron grill I had reference to, that is six foot, six and a half, tall.

Q And that shows behind the entrance into the vault?

A The entrance into the vault.

MR. DETHMERS: Mr. Parsons, do you want to step up and see this. Now you have before you the chart, Peoples' Exhibit 1.

Q I hand you the picture, Peoples' Exhibit 2, showing the cage, and what window did you say that was?

A That was the same; note teller's window.

Q And will you show us where that picture fits in on that chart? A Right in this place, right in here.

Q In other words, this extent of cage here, marble between and spindle work at the top, is represented by this line here on Peoples' Exhibit 1. A Yes, sir.

Q And then I show you this Peoples' Exhibit 3, and will you indicate where that would fit on this chart, Peoples' Exhibit 1?

In other words, does this curve in this exhibit here represent this curve on the chart? A The curve, this window right here. (indicating)

Q The window right here, and the wire fence, where is that?

A That is right here, th t is this grill right here.

Q In other words, this view as we see it in this picture is the view that is presented to you if you were to stand about here on this chart. You see before you this curve, the window and the rear.

A Just about here, I imagine about in here, at the edge, or right in here. You have got the grill, there is the grill, and the vault door, all shows up in the picture.

Q This rear expanse of cage cannot be seen in this picture.

A The direct line here, here is the curve, it is in a direct line.

Q In other words, this bookkeeper's window and savings window that shows on Peoples' Exhibit 1, are behind this window on Peoples' Exhibit 3? A Yes, this partition goes through there.

MR. DETHMERS: Does the jury get an idea from that?

A You see this edge here is this here space, from here to here.

MR. DETHMERS: I will ask that these Peoples' Exhibits 2 and 3 be received in evidence.

MR. PARSONS: No objection.

THE COURT: Received.

Q Now Mr. Pellegrom, you say when you saw Mr. Bolt scuffling with Mr. Doyle in the yard back of the bank that you went up there at that time? A I was there with a bunch yes, when he was struck over the head with a shot gun.

Q So you had an opportunity at that time to see Mr. Doyle?

A Yes, sir.

Q And did you see Mr. Doyle again at intervals after that?

A Well they dragged him back of Addison, Pellegrom, Colson's store and shook him out of his clothes, that is the last time I saw him.

Q Do you remember from your observation as you saw these men come in, in what order Mr. Doyle came into the bank? Was he one of those first two or one of the two that followed?

A No, he was one of the other two, he was one of the second two; he went right into the cashier's office.

Q So Mr. Doyle was not one of those two that started up to this corner window? A No.

Q Have you ever seen, since that date of that robbery, any of the bandits that entered that bank that day, aside from Mr. Doyle? A Yes, sir.

Q And the one that you claim to have seen aside from Mr. Doyle, will you state to the jury which one he is, and in what order he came into the bank? Was he one of the first two that came in?

A One of the first two that came in. They came in here, a little short fellow, had a pistol, and this one that I have reference to here.

Q That you claim you have since?

A That I have seen since, was over on this side, he guarded here, he walked over here, he walked down this way, and walked, the last I saw of him he was over here near this desk, and we have got a little desk there, it is a wall desk.

Q There is a wall desk at which you can sign checks and things like that?

A Yes, maybe it was over further than that, over in there. There is a little wall desk.

Q Well indicate about how that desk is located?

A Well it is just, -- this is attached to the side wall.

Q That is about the position of the desk? A Yes, sir.

Q And where did this man whom you claim to have seen since the date of the robbery, who is not Mr. Doyle, where did he come to stand?

A He was on this side, walked down here and he stood about there, the last time I seen him.

Q Near the south end of that wall desk? A Yes, sir.

Q And where were you standing at that time?

A At that time I was standing right along here.

Q At that time this short fellow you were talking about stood here? A Yes, he had me covered, and Mr. Welling covered.

Q And Mr. Welling was standing where? A Just off to one side a little bit, and had his hands up, and he had him covered and had me covered.

Q As you stood there which direction were you facing?

A I was facing this way, facing east.

Q And did you have opportunity to see beyond this little robber that stood at this window and see the other man who walked over toward this desk?

A Yes, until we were ordered to lay on the floor.

Q And where did you next see this man that you claim walked back and stood next to this small desk? A After his arrest.

Q Where did you see him? A In the county jail.

Q And where did you next see him after that? A At the hearing here.

Q That is, at the examination here in the court room?

A Yes, sir.

Q And have you seen him since then? A Yes, sir; I am looking at him right now.

Q Where is he? A Right there. (Indicating)

Q You mean the man seated to the left of Mr. Parsons here? A Yes, sir.

Q Do you know that he is one of the men? A Absolutely.

Q Do you know that he is the man that you described as walking back to that wall desk? A Yes, sir.

Q Are you positive that he is the man? A Yes, sir.

Q Is there any doubt in your mind? A Not a particle.

Q Couldn't you be mistaken about it?

A I don't see how I could. You know a man when you know him. I know the man I am looking at. I have no doubt at all.

Q You are positive? A I am positive that is the man, one of them, and the man I have reference to, that walked over.

Q Walked over to that wall desk in the rear of the bank?

A Yes, sir.

Q A few more questions about Peoples' Exhibit 3. Now about where was that wall desk, if it would appear on this picture? A That would be right over here. Here is your grill door and this desk is off here to one side, on the east wall.

Q Near this door there? A Near that door. There is two of them on the east wall of the bank, one is near the grill door and the other is up toward the front.

Q And then do you say that you saw that man again after you got outside? A Yes, the last I saw him was when

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I got out the back door, and he was ahead of me, on the edge of the street; then I lay down after that, and he walked towards -- they walked towards Franklin Street.

Q And did you then again have opportunity to observe him, him?

A I didn't pay any more attention, after I got up, after I lay down and got up, I saw they were walking toward Franklin Street; there were three of them.

Q Did you see that man again when you got outside?

A He was on the sidewalk ahead of me.

Q Did you see him? A I saw his back.

Q And did you have a good opportunity to see his face outside there?

A No, I didn't see his face. I saw his back as they left.

Q Do you recognize him to be the same man you had seen standing at that wall desk? A Yes, sir.

Q And you say today that man is Mr. Theodore Bentz, seated at this table? A Yes, sir.

Q Previous to the time that you saw Mr. Theodore Bentz at the county jail, did the officers show you some pictures? A Yes, they did.

Q And for what purpose? A Identifying these men.

Q Did you make any identification from those pictures?

A I did.

Q And whose picture amongst others did you identify from those that were shown to you? A Identified this gentleman here and his brother Ed; I always supposed it was his brother, they tell me it is his half brother.

Q And do you recollect about how many pictures were shown to you? A Quite a number.

Q Well would you say a dozen? A Yes, I would say maybe three dozen.

Q I mean all together, the pictures that were shown to you, do you know how many?

A I wouldn't dare say positively how many, but I saw a number of different pictures, there must have been two or three dozen anyhow.

Q Did you see a book of pictures; did they present to you a book filled with pictures?

A Yes, they had a book there with pictures in it.

Q So that you went through a book filled with pictures that was handed to you for that purpose? A Yes, sir.

Q Then in addition to that two or three dozen pictures that were not in a book? A Yes, sir.

Q Do you know about how long after the robbery it was that you identified these pictures as Mr. Theodore Bentz?

A Oh I would say maybe two or three weeks, two weeks anyhow.

MR. DETHERS: You may take the witness.

CROSS EXAMINATION BY MR. PARSONS:

Q How did you know it was the picture of Theodore Bentz?

A Seen the man, saw the man in the bank.

Q Well how do you know now that the picture that you identified as being the picture of one of the robbers was the picture of Mr. Bentz? A How do I know now?

Q Yes. A By his likeness, of course.

Q You pointed out a picture which you now say looked like this man and told them that was a picture of the robber?

A Picture-- it was his picture.

Q How do you know that; did they tell you that?

A No, they didn't tell me that; when I see a man's picture, why your picture or my picture, I know whether it is you or isn't you. I am not blind.

Q They showed you a lot of pictures and you pointed to

one of them and said "this is one of the robbers."

A I picked him out as one of the man that was in our place of business.

Q And you pointed to another picture and you said "this is one of the robbers." A Yes, sir.

Q And you never have seen that other man that you picked out. A I haven't been able to run on to the others, of course.

Q But you now say-- A The little short fellow I haven't been able to run on.

Q But you now say one of the pictures you point out is a picture of him? A Yes, sir.

Q And do you remember the occasion when a man by name of John DeKoster of Grand Rapids called at the bank some time after the robbery and talked with Mr. Welling and Miss Meschke about the bank, about the robbery? Were you there at that time? A Why Yes, I think I was, I was in the bank; he come in there at one time.

Q Did you take any part in the conversation with Mr. DeKoster at that time about this robbery?

A Personally, no.

Q Did you hear the conversations? A I heard them talking; didn't pay any attention to it, what they had to say.

Q But you never picked out Mr. DeKoster and said he looked like one of the robbers? A No, sir.

Q You don't think he does look like one of the robbers, Mr. DeKoster? A No, I wouldn't say that he does. I didn't pick him out for one of the robbers.

Q Doesn't he look like Mr. Bentz, the respondent here?

A No.

Q He doesn't in fact look like him at all. A I don't think he does.

Q Did you hear the conversation that took place at a later occasion about this same matter with Mr. Webster, at which Mr. Lawrence DeWit was present?

A No, I didn't hear the conversation.

Q You didn't hear that? A No, sir.

Q About - on this exhibit now, Mr. Hellegrom, about how far in feet would you say it was from this desk-- you were at which desk, this one here?

A No, sir.

Q You were here? A I was over at this desk there. (Indicating)

Q About how far in feet would you say it was from the point where you were to this vestibule door here where these men first came in?

MR. DETHMERS: That map is drawn to scale.

A The scale is right there and it will give it to you. It is two feet for every inch, you can figure it right out; don't have to do any guess-work.

Q Fine. Well then I guess it shows on here that 34 feet, practically, is that right, John, 34½?

MR. DETHMERS: You have got the wrong part of the rule.

MR. PARSONS: Strike that out then. (Making measurement) Well between 18 and 19 feet then, is that right?

A I would say so, yes, sir; according to the rule.

Q And between you and the door as these people came in, is some grill-work here? A There is grill-work, nothing but lattice work of the cages.

Q There is lattice work or cages, whatever they are, and they intercept the line of vision between the heads

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of these men as they came in and your head?

A No.

Q Could you see right over the top? Could you see right over the top of the grill work and see these men as they came in? A Look right through the grill-work.

Q Well you had to look through the grill-work, that is what I am getting at. A You look right through here, yes.

Q Did you pay any particular attention to those first two men who came in, as they were going over to this teller's window here? A Nothing more than them going up to the window.

Q You saw two men go up to the window? A Yes, going up to the window.

Q And at what point in their progress was it that you first took any particular notice of the face of the men that you now see, or Mr. Craig?

A Well when we were ordered to hold up our hands.

Q And that was at the time when the short man --

A --and Mr. Craig was at that window.

Q Where in that window? Then you would be looking through the grill-work by the teller's window at which they were, is that right? A Yes, sir.

Q And did they stand side by side at the window?

A Mr. Craig was on the south side of him. In other words, the little short fellow stood here and Mr. Craig was on this side and worked around this way.

Q How long did they stand there? A Enough so they ordered us to hold up our hands.

Q In other words, they walked to that window together, and immediately upon arriving there the short man asked for some change, isn't that right? A He asked for some change.

Q Did you hear that? A No, I didn't hear that.

Q You don't know that, only as you heard that?

A Only as I was told.

Q And they walked over there and immediately after they got there you heard somebody say "Step back, this is a hold-up!" something of that kind?

A Yes, sir.

Q And immediately after that happened then Craig then walked over to this position here near the back door?

A He walked down to the savings room window there over to that desk.

Q With the side of his face toward you as he went?

A Part way, yes, till he got down to the east side of the building, then I seen the back of his head.

MR. DETHMERS: I didn't get that. (answer read)

Q At that time as Craig, as the man you said was Craig, started to go away from the teller's window, had you at that time seen these other two or four men?

A Yes, the other two come in and went into the front office.

Q And how long did you stand there observing this short man in the window and the other bandits that had come up there, before you were told to lay down on the floor? A Well it was only a matter of a few minutes, I imagine, after they got us all lined up and had us all hold up our hands, we were told to lie on the floor.

Q It all happened with great rapidity did it not?

A With great rapidity, yes, sir.

Q How much training have you had at guessing at time or minutes when you are not looking at a watch or a pendulum, have you ever tried that? A I dontt think I have had any more training than the average man has possibly.

Q What would your best judgment be as to the length of time that elapsed from the time these first two men came in, to the time you got up off the floor and were herded out of the bank?

A From the time we were allowed up and the time we were herded out of the bank?

Q Yes. A Possibly fifteen, twenty minutes, maybe twenty-five minutes.

Q Did you testify at the examination on that subject?

A I don't know exactly how long it was, I didn't time it, I don't know; I know it seemed like that (snaps fingers), and in and out, I mean.

Q That would not be fifteen, twenty, twenty-five minutes would it? A I don't know how long it took; I know what they did; they did their job and got out.

Q You testified at the examination you thought it was about three minutes, did you not? A Three minutes what?

Q That this matter took, inside of the bank.

MR. DETHMERS: What page?

A Three minutes to hold up the bank?

Q Yes. A That is an error, that is not right.

Q All right, let us find it. (Looking through transcript of examination)

A They spent more than three minutes there.

Q Oh yes, that is my error. You testified that it was about three minutes after the first two men came to the teller's window, it was about three minutes from the time they came in before you were ordered to lay on the floor. Is that about right? Page 16.

A Well I imagine that is about right; I would say it was, yes.

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Q Might have been even less than that?

A That might have been a little longer.

Q But it was just a short time? A Yes, sir.

Q Just long enough for these two bandits to walk over to walk over to this window and call on Mr. Welling to step back, walk over here, this one walked over here, and immediately after that you were told to lie on the floor. A Well the other two fellows walked to the front office or came around, they got in back there pretty close to where I was.

Q Did they come around rapidly? A Sure, they covered between there, the others went right in there. (indicating on chart)

Q When this man you identify stood over there by this wall desk where I indicate, how long was that before you were told to lie on the floor? Almost immediately after he got there were you told to lie on the floor?

A After he got over there -- we were told to hold up our hands, we were all holding our hands up, and after that all they said, they told us to lay on the ground, or made us come around in back here and lay on the floor.

Q And that happened almost immediately after this man got to this position over here, did it not?

A Yes, sir, or shortly after that.

Q And while you were looking at this man, were you also observing the man who stood where Peoples' Exhibit 8 shows the teller's window, were you looking at him?

A I was watching bothof them to the best of my advantage.

Q How far apart would you say they were after that man got to his station back here? A What distance, do you mean?

Q Well how far would a straight line be from this little short fellow that stood at the teller's window to this desk over here at that desk?

A Measure it; you have got a rule.

Q It says around 18 or 19 feet I believe, Mr. Dethmers.

MR. DETHMERS: Yes.

Q And at the same time this man first arrived here eighteen or nineteen feet from this teller's window, where were Doyle and the other robber? A Doyle went into the front office.

Q How far would he be from this desk you were at at that time? A Doyle?

Q Yes. A I am not guessing. You can measure it.

Q Whereabouts would that be, just show us here.

A There is the desk where Mr. Bolt was standing near the telephone, right here.

Q That is where Doyle was? A Doyle came in and held him up, told him to stick them up. An inch represents two feet.

Q John (Mr. Dethmers), said one foot. A Well those are half inches.

Q Well then wait a minute. Are we right about this distance over here?

MR. DETHMERS: One inch is two feet, but this is one inch, two of those marks.

Q Then we weren't correct here. Oh yes, that is right.

A Right in here is the desk. Here is where he was standing

holding up Bolt, right down here; here is a cage where Mr. Lindemulder was, and I was right here.

Q About 17 feet away. A Right here at the corner of this here desk, working. I was right in line with this man's gun here, this man had me covered there; he had Welling covered at the same time.

Q And these men over here, you had gotten a pretty good look at them so you feel you could identify both of them if you saw them again, at the same time you got a similar look at this man over here, is that right?

A I can identify -- well Doyle is one of them and Ed Bentz is the other. I can identify Ed Bentz if I ever see him, yes.

Q And he was here with Doyle? A He come through there with Doyle.

Q How long did he stand there before you got a good look at him, before they told you to get on the floor?

A He didn't stand there very long. I was down here, Doyle was in here first; Doyle was in here the first thing I knew I was looking at the top of a machine gun, I saw the gun; he got around in the cage.

Q After you lay down on the floor you didn't see this man come over here again until you saw him outside?

A I didn't see him again until I saw him outside.

Q And then you say you saw the back of his head?

A Just the back of his head as he was walking around, going out with the crowd. There was quite a crowd of people in there.

Q You never had seen this respondent you now identify, or any of them, before in your life, had you, so far as you know? A Not to my knowledge.

Q And if Mr. Craig or Mr. Bentz was the man, after you

saw him in the bank robbery, you didn't see him again until you saw him here in jail? A No, I didn't see him since he left the bank, I didn't see him until he was arrested, and come up and identified him in the jail out of a bunch of maybe seven or eight others.

Q Before you identified him had you seen a picture in the paper of the man they had arrested?

A Seen a picture in the paper -- I don't know as I have. I had seen a picture, we identified him, we picked him out, the man we wanted, the man we had in our bank.

Q Before you identified him at the jail or identified his picture, had you seen in the paper any photograph that purported to be a photograph of the man they had arrested? A I don't recall.

Q This man that you now identify to be Mr. Craig here, do you know whether he stopped at the savings teller's window too? A Savings teller's window?

Q Yes. A No; no he walked right over to the east wall; he walked down that way, but he kind of walked over to the east wall. Miss Meschke was right in front of the grill.

Q Who was at the savings teller's window?

A There was nobody at the savings teller's window. Miss Meschke is the savings teller but she didn't happen to be there.

Q Do you know who instructed all to lie on the floor?

A Yes, this man, Mr. Craig.

Q This man here is the man you say who made all lie down on the floor? A Yes, sir.

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Q When did he do that? I understand your testimony that he left this point here and went here. Now where is the savings teller's window from here; that is the place you saw him. A Here is the savings teller's window, over in here. He walked down this way, come over here, stood over here. I wouldn't say whether, just how many feet or anything, but he walked over here and he had a gun.

Q And from there he ordered this lady to lie on the floor, is that right? A She was not in there, she happened to be inside in front of the vault door, just inside of that grill.

Q He didn't go inside here at all that you saw, did he?

A No, he didn't go in.

Q Did he give here an order from this point here to lie down on the floor? A From which point?

Q Where he stood, wherever he was. A From wherever he was he ordered her to lie down; when he ordered her to lie down he made her lie down right there inside of the grill.

Q Do you know what kind of weapon he had? A Sir? No, he had a gun, that is all I do know.

Q After this robbery in question, Mr. Kellegrom, did you describe to anybody the bandits, for anybody?

A Did I describe the what?

Q Describe the bandits to anybody, attempt to describe them after the robbery? A Oh, I don't know as I did, I can't recall.

Q Were you interviewed by representatives of the public press and asked to describe the robbers?

A I don't recall whether I was or not. There was plenty

of newspaper people around there taking pictures, if that is what you refer to.

Q Do you know whether any of them asked you to describe the robbers? A At that time when it happened?

Q Yes. A No, I don't think they did. We hadn't gotten settled down yet.

Q You say that outside, after this shooting occurred, the last you saw of the respondent was as he was going away? A Yes, sir; walking toward Franklin Street.

Q Going on a run or slowly? A Oh they were walking along pretty lively; I don't recall them really running.

Q Where was the one you describe as Ed Bentz?

A Ed Bentz?

Q Yes. A At what time?

Q At the time that you last saw the respondent.

A Where was Ed?

Q Yes. A Why he was one of the three I imagine that was with the gang; he must have been one of the three that was with the gang, going toward Franklin.

Q And was that the same time that Doyle was being captured? A Well they were ahead of Doyle.

Q They were all ahead of Doyle? A Doyle was the last one, and--

Q And at the last you saw this respondent, as you say, you didn't see the other bandits, other two bandits at all then did you, is that right?

A After the last time I saw him?

Q Yes, he was the last one you saw? A He was the

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last one I paid any attention to ahead of me, yes; I know the other two was out.

MR. PARSONS: I think that is all.

RE DIRECT EXAMINATION BY MR. DETHMERS:

Q Just for the sake of clearing this up, I show you Peoples' Exhibit 3, and will you indicate on that picture about where Mister--as you call him Mr. Craig, was standing as he ordered Miss Meschke to lie down?

A Well he stood right-- he was right in here. There is an alleyway and he could have guarded that alleyway.

Q Near the wall desk? A Near the wall desk, near the desk that stood near that door.

Q Where was Miss Meschke? A She just happened to be here (indicating on picture), and when we were ordered down she lay down just inside the grill. We were told to lie face down.

Q Before you lay down on the floor these two men that came into the entrance, did they come into this room where you were? A Oh yes.

Q So you had opportunity at that time to see Doyle and the one you call Ed Bentz? A Doyle come and Ed Bentz, yes, sir.

Q Came into this room, but you were laying on the floor?

A Well one of them did. It was Ed that came in, and it was one of them came in here, stood with a machine gun, I am pretty sure, because we were ordered to lay down on the floor. I lay down there, (indicating).

Q Where was Ed Bentz when you saw him? A The last time I saw him he had gone to lock the back door, I think that is what he did, because from there he went back into the vault.

Q Did you see him in this room at all, around the desk where you were working? A I saw him walking up and down in here (indicating), I saw him--the best look I had at him was when he was going along in here.

Q Toward the vault? A No he was walking this way.

Q Toward the rear directors' room?

A Toward the rear directors' room to look that back door.

Q Part of the time in answering questions you referred to Theodore Bentz and then in response to questions by Mr. Parsons you called him Theodore Craig. In both instances you were referring to the same person, were you not? A They are the same person. We identified these fellows always supposing their names were Bentz and Bentz brothers, found out afterwards they go by the name of Craig. I don't know how many more names they have.

Q But both times you were referring to this man here?

A To this man here.

MR. BETHMERS: That is all.

RE CROSS EXAMINATION BY MR. PARSONS:

Q Mr. Pellegrom, how was this man you now identify as Mr. Craig or Bentz, how was he dressed on that occasion? A Had on a sort of grey suit, wore a white straw hat.

Q Glasses? A No glasses to my knowledge.

Q About how tall was he? About how tall do you think he is? A Sir?

Q About how tall?

MR. BETHMERS: He is a little hard of hearing.

Q About how tall would you say he was?

A Well about as tall as I am I guess; I am five ten, five eleven.

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Q Well he was considerably taller than the man who stayed there at the window? A He was taller than the little fellow, yes, he was.

MR. PARSONS: That is all.

MR. DETHMERS: That is all.

MISS MARTHA MESCHKE, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Miss Meschke, you are employed at the Peoples Savings Bank in Grand Haven? A Yes, I am.

Q And you were on the 18th day of August, last year?

A Yes, I was.

Q What is your capacity in that bank? A I am savings teller.

Q And you were on this 18th day of August? A I was.

Q Were you working in that bank that particular day?

A Yes, I was.

Q And were you present at the time during which Mr. Pellegrom has testified when certain bandits entered the bank? A I was.

Q And where were you when you first noticed anything unusual in connection with it? A I had just finished the posting at a desk inside of the bank and had walked over past the--was going to walk over past the vault door and put the deposit tickets on the spindle.

Q You were walking in the alleyway here? A Yes, sir.

Q And you were going where? A Just past the desk, I got just about up to where this man came rushing in with a gun, pointed it at me.

Q Where was this man when you first saw him?

A Just coming running up here.

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Q Going in this direction down toward here? A Yes, sir.

Q Then you were over here? (Indications on exhibits.)

A Yes, sir, right there.

Q I show you here Peoples' Exhibit 3, and ask you if you can show on this picture where you were at that time?

A Right here.

Q Just about where you are shown in this picture?

A Yes, sir; right there.

Q And this man was coming right toward you? A Uh,huh.

Q And past the edge in there? A Past the window.

Q And then as he came toward you he pointed a gun at you, what happened next?

A I saw him coming and he said "stay right where you are, don't move; if you do I will shoot, if you attempt to press any button I will shoot," and he told me to lie down and I did.

Q Where was he when you saw him after that? Did you see him then from there on? A No, the last I say him was here, but I imagine he walked over to this place.

Q You didn't see him go over to that place?

A No, because I was down on the floor.

Q Is he the one that ordered you to lie down? A Yes, he did.

Q And then you did lie down on the floor there?

A Yes, I did.

Q And do you know what happened after that?

A No, I don't, I don't know what happened; I heard a scuffle.

Q Weren't you peeking? A No, I didn't look at all.

Q Then what is the next thing that happened that you know about?

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A After they had taken money and things they wanted, I heard one of the bandits say " get the girls, where are the girls," then the other one said " get all of them out," so we were all ordered up off the floor and went and filed out the back door.

Q That is, you went from where you were lying, in which way? A Right this way toward the back door.

Q And were you in the group then with the employees of the bank, in care of these robbers? A Yes.

Q Then you all went out of the back door?

A Yes, I didn't go outside.

Q What did you do? A There was one bandit in front of me and one in back of me. I was the last one out, I would have been the last one out, except for the one behind; there was a lot of shooting going on outside, and this bandit just kept right along, told me to go out, I stepped back of the door, going out.

Q Right back of that door? A Right back of that door.

Q And just as you were about there you stopped behind that door? A Yes, sir, as I was going out.

Q You stayed there until it was all over?

A Until it was all over.

Q As this man came rushing toward you, pointing a gun at you, did you have an opportunity to observe him?

A Yes, I did.

Q Look at him? A Yes, I did.

Q And have you seen that man since? A Yes, I have.

Q Where did you next see him? A Well I saw a picture of him first, and after that we saw him at the county jail.

Q How long after the robbery was it you saw a picture of him? A I imagine about two weeks afterwards.

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Q How did you come to see his picture? A We were shown any number of pictures to select from.

Q How many would you say you saw? A I would say there were three or four books of them.

Q Books? A Because they were large books that we went through and also such pictures in groups that came in from time to time.

Q How many pictures would you say in all you looked over?

A I looked over I imagine a hundred or more.

Q And then you selected a picture as being the picture of the man that rushed toward you? A Yes, sir.

Q And when did you first see that man after the robbery?

A In the county jail.

Q And when did you next see him? A This morning.

Q Do you see him here today? A Yes, sir.

Q Where is he? A Seated over there at the desk.

Q You refer to Mr. Theodore Bentz seated at the table here? A Yes, sir.

Q Are you sure that is the man that rushed toward you with a gun? A Yes, I am sure.

Q Is there any doubt about it? A No.

Q Are you positive? A Yes, I am.

MR. DETHMERS: You may take the witness.

CROSS EXAMINATION BY MR. PARSONS:

Q When you first saw this man coming toward you, Miss Meschke, how far away do you think he was?

A Well he came rushing toward the grill and I was just inside the grill, he pointed this gun at me right through the grill.

Q He stopped there then, at the window right in front of the grill? A Yes.

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Q And pointed a gun, and stuck the barrel through the window? A Well I wouldn't say he stuck it through, but he pointed it right at me, so he could very nicely have, if he wanted to.

Q He said to you "lie down on the floor," or "stand where you are," whatever you have testified? A Yes.

Q How long after he said that to you was it before you lay down on the floor? A I lay down immediately when he told me that.

Q So that your observation of him consisted of no more than that he came rushing up to the grill, threatened you with a gun, ordered you to lie down, and you obeyed immediately? A That is right.

Q And you never saw him before? A No, not that I know of.

Q And you never saw him again unless this is the man?

A That is right.

Q Did you see any of the other bandits there?

A No, I did not.

Q This is the only one that you would undertake to identify? A That is right.

Q When you lay down on the floor he was real close to the grill window? That is right up to the window, that is the last you saw him?

A That is the last I saw of him.

Q How far do you think it is from the grill window over to the well desk, the desk on the east well?

A It is not very far; I imagine from what I learn, he moved over there just a little bit to guard the others and get a better look at the rest of the bank.

Q That happened after you lay on the floor? A Yes, that is right.

Do you remember a time when John DeKoster came in the bank, after this robbery? A I do.

Do you remember the conversation that was had with John DeKoster about this robbery, after the robbery? A Yes.

Is it a fact that you were of the opinion that Mr. John DeKoster looked like this particular robber who ordered you to lie down behind the window? A No, that is not right.

That is not true; and didn't you tell Mr. DeKoster that he looked like one of the robbers? A He looked like one of the ones that came in, the first two, Mr. Bentz and another one, and he was supposed to have resembled the other one that came in.

Well you didn't see only one of those robbers, so you can't tell what he looked like? A No, I didn't know what he looked like.

That was the only one you saw, just one. A Just one.

And whether or not Mr. DeKoster looked like any of the other robbers you wouldn't be able to say? A No, sir.

And if you thought from your own knowledge that he looked like any of the other robbers, it would have to be the one that stopped at your window? A Yes, sir.

But you say now you never claimed to Mr. DeKoster or anybody that he looked like this robber you saw? A Never.

Were you there at the time Mr. DeWitt came down to the bank and talked with Mr. DeKoster about his resembling one of the robbers? A I remember Mr. DeWitt being there, but I don't believe I was in on the conversation.

And you never was in on or heard any conversation at which anybody in the bank told Mr. DeKoster that he looked like the robber? A I heard them talk about it, and talking about that he resembled one of the bandits that came in first.

Q But that conversation as you remember it, had no relation to the resemblance to the one that was identified this last time? A Not at all.

Q Nor you didn't hear the conversation between Lawrence Deditt and Mr. Dekoster and the others so as to know just what it was? A No, I did not.

Q Now at the time you identified the picture, whether or not any one else had previously also identified the picture in question? A You want to know whether any one had?

Q Yes, A Before I did?

Q Yes. A We didn't look at it at the same time, at least we weren't together when we picked it out, the one that we thought was the one.

Q Did they have names under them, on the pictures?

A No.

Q Just the picture? A Just the picture.

Q Was anybody else from the bank present at the time you made your identification? A They were all present.

Q They were all present; that is, you made your identification in the presence of Mr. Kellegrom and Mr. Welling?

A I looked over the pictures and picked out one that I thought was the man.

Q And they were there, Mr. Kellegrom and Mr. Welling were there at that time when you did that? A Yes, they were there in the bank at the time.

Q Did they also make their identification at the same time?

A I believe they did.

Q You all made the identification at the same time?

A Not at the same time, because we each--

Q On the same occasion? A On the same occasion.

Q Each was present when the other made the identification?

A Yes.

MR. PARSONS: I think that is all.

RE DIRECT EXAMINATION BY MR. BATHERS:

Q When you made that identification, witness, would each one see which one the other person pointed out or picked out? A No, sir.

Q How was it done? A We were just shown the pictures, the officers were there, and at last I showed them which one I thought to be the man, and the rest would likewise; they all had a chance to see them separately.

Q What do you mean by that?

A We didn't all look at them in one group; we weren't just standing there saying "this is such and such man," whatever it would be; I picked out the man I thought was the one, and after I picked it out the others picked it out also.

Q And before Mr. Pellegrom and Mr. Welling picked out the man did they see which one you had picked out? A No.

Q Or before you picked it out did yousee who Mr. Welling or Mr. Pellegrom picked out?

A I don't believe so. We, after we had all selected ours, we of course knew it was the same man, each one picked the same one.

Q When did you find that out, after you had picked your man out, or did you know before hand which one they had picked out? A No, I didn't know which one they had picked out.

Q And when they selected one, did they know which one you had picked out? A Not that I know of.

Q Now you say that the man you claim is Mr. Theodore Bents here is the onlyrobber you saw well enough to identify?

A That is right.

Q And at the same time you answered Mr. Parsons that you knew that this little man came in, the man they claim was with

Mr. Bentz, who is supposed to resemble Mr. DeKoster?

A That is what I heard the others, they were talking about him and said he resembled Mr. DeKoster.

Q Had Mr. DeKoster been coming in the bank at stated intervals before the robbery? A Yes, sir.

Q What did he come in for? A I believe he is a staples salesman.

Q In other words, Mr. DeKoster is a man that came in the bank every once in a while? A Yes, sir.

Q And the conversation in the bank was that one of these robbers resembled Mr. DeKoster? A That was all there was to it.

Q Was there any conversation there to the effect they believed that Mr. DeKoster was one of them? A No.

Q Just that one resembled him? A Just that one resembled him, just in an off-hand way.

Q Was there any conversation thatwould indicate that the man who ordered you to lie down looked like Mr. DeKoster?

A Never.

Q To make this clear: Mr. Parsons asked about pointing a gun at you through the grill window. Is there any grill window there where you stood? A No, it wasn't through the grill, it was just through these bars.

Q How far apart are they? A That far apart, far enough apart so you can get a good look.

Q Are those bars far enough apart so you can stick a hand through? A Yes, sir.

Q And it was through that you saw Mr. Bentz? A Yes, sir.

MR. DETHMERS: That is all.

MR. PARSONS: That is all.

THE COURT: I will say to the jury you should not discuss the case with anybody; better not discuss any matter with anybody during the noon hour, not talk with anybody about the case at all. We will take a recess until 1:30.

AFTERNOON'S PROCEEDINGS

Arthur Welling, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr Welling, on the 18th day of August, last year, were you employed in the Peoples Savings Bank, Grand Haven, Michigan?

A I was.

Q What was your official capacity in that bank?

A I was commercial teller.

Q And were you in the bank on that particular day?

A I was.

Q I show you here Peoples' Exhibit 1, and ask you, do you recognize this as a floor plan of the bank in which you were employed? A I do.

Q Will you state to the jury and indicate on this map at which window you were located as such teller?

A This window.

Q And were you located at that window shortly before closing time on that particular day? A I was.

Q And then what if anything occurred? A Shortly before closing time two men entered the bank and come up to my window, and one of these men asked for some change, and when they asked for the change--

Q Speak up louder. A One of these men asked for some change, and when he asked for change I gave him two dollars

in nickels and then when he wanted two dollars in dimes, and I started to work out the dimes, and all to once he said "back up."

Q What if anything was he doing when he said that?

A I looked up and there was a gun, I was looking into the hole of a gun.

Q When this man came up to you and asked you for change, was he alone? A He came in with another man.

Q Did they both come up to your window? A Yes.

Q Then when he asked for change do you know what the two men did from then on? A When they came up, these two men came up together and when he asked for this change this second man snickered and started to move on down the lobby.

Q Did you hear him snicker? A Yes.

Q Then will you indicate where you saw him go, what course you saw him take? A I didn't follow him beyond-- he was right here when I saw him, and I didn't follow him down.

THE COURT: He was right where?

A These two men came in together, and--

Q This is your window here? A Yes; then the shorter man was on the left.

Q That is, on whose left? A On my left, and the taller man was on the right, and the taller man started to move on down the lobby and as soon as I started to give this shorter man the change---

Q Well did this man that later moved down the lobby, did he step up to your window at all with the short man?

A Yes, he came up to the window with the short man and hesitated while the short man asked me for change.

Q Now you say that this short man first asked you for two

dollars in nickels? A Nickels.

Q And you gave him that? A Yes, sir.

Q Then he asked for change in dimes? A Yes, sir.

Q And at what point in that proceeding would you say that it was the taller man left your window?

A Well it was while I was working-- I was working on the machine to get the dimes out.

Q I forgot which he asked for first. A Nickels.

Q You had already given him the nickels? A Yes, sir.

Q Then it was while you were working the machine for the dimes that this taller man left the window? A Yes, sir.

Q Did you have occasion to observe this taller man at that time? A I did.

Q As he left your window you say you didn't watch just where he went at that time? A No.

Q Did you have occasion to see him after that again?

A I saw him later when I went into the vault.

Q Well now when this shorter man pointed the gun at you, what happened? A Well before the shorter man pointed his gun I was-- I didn't know him, and the fact that the party with him snickered and moved on down the lobby made me somewhat suspicious, and I just put my foot up near the alarm bell, and then when the short man said "back up," I looked up and saw a gun and kicked on the alarm and backed up.

Q You set off the alarm with your foot at that time, is that right? A Yes, sir.

Q Then when you backed up what happened next? A Well this man just kept saying "back up, back up, and anybody that touches a button I'll plug ---" when I went back, when I reached the back of my cage, I noticed everybody else going on the floor, and I did too.

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Q And when you reached the point where you got to lie down on the floor, was this short man still on the other side of your window?

A No, he come around the rear of my cage.

Q What is that? A He came around to the rear and he was one of the man who tried to pull me off the floor and make me go into the vault.

Q That was this short fellow who pointed the gun at you?

A Yes, sir.

Q Then after you lay down on the floor what happened? Did you see anybody take any money or anything? A Well after-- as soon as I got--went on the floor, I lifted my head and watched two of the other men and they had gone-- they had gone on beyond and gone to the back door.

Q Now as you were at your window there, to what point did you back up? A I backed up directly to there and lay on the floor here.

Q And then where did you see two men go? A I saw two men, there was a man lying here, and they jumped over him and they went back to this back door.

Q That is, that would be down there at the directors' room?

A Yes.

Q Of those two men, was one of them the short man that had pointed a gun at you? A No, two different men.

Q Two different men. Then what happened next after that, as you remember? A As I remember, they asked for the cashier and they took me for the cashier, and the two, the shorter man and one other man came up there, one from behind and one from in front and started to pulling me off the floor, and they asked "are you the cashier?" I said "no." And Mr. Bolt was on the floor there also and he said "I am

the cashier," and they put me down again.

Q So they let you down again; then what happened next?

A Well Mr. Bolt had gone into the vault and shortly after he came out of the vault with these men who had taken him into the vault and they asked for Welling, and when they asked for me I started to get off the floor, and one of the men stepped up to me and pulled me off the floor.

Q Was it at that time that you again saw this man who had stepped up to your window with the short man? A Yes. That was at the time I was walking to the vault.

Q So you got up from a point up here where you were lying?

A Yes, sir.

Q And walked over toward the vault door? A Yes, sir.

Q Then where did you first see this man who had been at the window? A He was standing in here.

Q Inside of the iron railing? A Inside of the iron railing.

Q What was he doing, if you remember?

A Just standing there with a gun to keep me from going on by the vault.

Q Then did you go in the vault? A Yes.

Q Then after that did you again see this man who was standing here and who had formerly been at your window?

A No, I didn't.

Q So you saw this particular man on two occasions then, at your window-- A Yes.

Q --- and later he stepped inside the grill here as you went inside the vault? A Yes.

Q Then did you emerge out of the bank with some of the other employees? A Yes, sir.

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Did you have occasion either during the time you were walking out of the bank or after you got outside, to see that particular man again? A No.

When you got in the vault what did you do?

A When I got into the vault I went to the safe and started to run the combination, and I knew that the alarm was already in, and this man said "hurry up," and when he said "hurry up," I was just about ready to open the combination, and it occurred to me that it would be wise to stall, so I went on by the combination and I told him I missed it, and he put a gun at my side and said "well hurry up," and I swung over the combination again and opened it up.

When you set off this alarm, was there anything that could be heard inside of the bank? A These men were talking or commanding us so loud so it is very likely they didn't hear it.

I mean what was this you set off, some bell in the building or outside of the building? A It doesn't set off any bells near the building, it sets off the alarms in the building, next door and in the police station.

So the alarm that was set off by your touching this button, or whatever it was with your foot, it didn't create some sound inside the bank that became noticeable there?

A No, sir.

Then after you opened the safe what happened?

A Well as soon as I had opened the safe this man that had me there inside he said to the fellows outside "take care of this man."

How did he get the money? A Well he stayed inside, and escorted me to the door of the vault.

When you opened the safe did he take out the money?

No, sir.

Q What then? A He just told me to get away.

Q Did you see any money taken out of the safe?

A No, I didn't.

Q You didn't see him take the money out?

A I just opened the safe and left.

Q Then what did you hear somebody say? A He said "take care of this man" when I came out.

Q Did you see anything taken from the bank that day, either in paper or money or bonds, travelers' checks?

A No, I didn't.

Q Now Mr. Welling, after this man that you saw step up to your window with the short fellow and then go on toward the back of the lobby, and whom you claim you later saw standing here inside of the grill at the time you were going into the vault, have you ever seen that man since that day? A Yes, I have.

Q When did you next see him? A I saw him the next time at the county jail.

Q And have you seen him since then? A Yes, I have.

Q When did you next see him? A I saw him this morning.

Q And have you seen him since this morning? A Yes, I have.

Q Do you see him now? A Yes, I do.

Q Where is he? A Sitting next to Mr. Parsons.

Q Are you positive that is the same man? A I am.

Q Do you have any doubt in your mind? A Not at all.

Q Are you convinced beyond all doubt that is the same man?

A Yes, I am.

Q That is, you are referring now to Mr. Theodore Bentz or Craig? A I am.

Q Did you have some pictures submitted to you by the

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officials for the purpose of examination?

A Yes, we had numbers of pictures.

Q And did you at some time or another pick out some pictures from those submitted to you? A Yes, I did.

Q Do you know about how long after the robbery that was?

A I would say within two weeks.

Q Do you remember about how many pictures were submitted to you in all? A We had books of them and then from time to time they brought in, there might have been a dozen or two in a lot.

Q How many pictures did you select? A Two.

Q Two. And was one of those pictures the picture of the man whom you now believe to be Bentz? A It was.

Q And was Miss Meschke and Mr. Pellegrom present when you picked out Mr. Bentz' picture? A No, they weren't. They were all in the bank at the time, but they weren't. They were all in the bank at the time, but they weren't with me while I was looking over the pictures.

Q Did you see them pick out any pictures?

A No, I didn't.

Q Well when you picked out this picture you claim is Mr. Bentz, had you been informed that picture had been selected by anyone else? A No, I had not.

Q Did the officers suggest that picture to you? A No.

Q Did they suggest any picture to you? A No, they didn't.

Q And did you pick that picture out of the first batch of pictures that were submitted to you?

A They had already submitted a number of pictures before.

Q Previous to that you hadn't identified any one? A No.

Q And what other picture did you pick out? A Of Ed Bentz.

Q Who? A Ed Bentz.

Q You haven't seen pictures of any others that you have identified so far? A No.

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Were either of those pictures suggested to you by any person? A No, they weren't.

Q You picked them solely on the basis of your recollection of what you had seen on the day of the robbery? A Yes.

Q And you say you saw Mr. Bentz next in the county jail?

A Yes.

Q Did you see him on that day in a line up? A Yes.

Q Do you remember about how many were in that line-up?

A I think there were eight or nine, I am not positive as to the number.

Q How did the rest of them in that line-up compare with Mr. Bentz, in build or size? A They were much the same build.

Q Was it a line-up composed of men of about the same build?

A Yes, sir.

Q And did you select from that line-up one whom you claimed was one of the bank robbers? A Yes, sir.

Q Who did you select? A His name at the time was Thompson, from Detroit, Mr. Bentz.

Q Was that his name? A It was under the alias of Thompson.

Q That was the name given to you? A Yes, sir.

Q Was that this same Mr. Bentz? A Yes, sir.

Q When you selected him did you know in advance that he had been selected by others? A No, sir.

Q And did you have any difficulty in selecting him out of that line-up? A No.

Q Did you recognize him at all? A Yes.

Q Did I understand you to say you had already stuck your foot under that alarm proposition before the gun was pointed at you? A Yes.

Q So you were all prepared for that? A Yes, sir.

Q Or was that solely because of the circumstance of this man snickering and their attitude that you did that?

A Yes, the fact that I didn't know either man and their actions were suspicious.

Q After that you had opportunity to observe them further?

A Yes.

MR. DETHMERS: You may take the witness.

CROSS EXAMINATION BY MR. PARSONS:

Q Did you notice how these two men were dressed that stepped at your window? A They had business suits on; I didn't take any particular notice of their dress except that they had business suits on, and one man had a distinctive way of wearing a straw hat.

Q Which man had on a straw hat? A The little man.

Q The little man. A Yes.

Q What kind of hat did the other have on? A I don't know.

Q You are sure that one of them had a straw hat? A Yes.

Q And that was the little one? A Yes.

Q And what kind of a hat did this man whom you now say is Mr. Bentz, what kind of hat he had on you don't remember?

A No.

Q You didn't notice at that time? A No.

Q But they didn't both have on a straw hat? A I don't remember.

Q Could you identify the small man if you saw him again, do you think? A I think I could.

Q What color suit did the taller of the two men have on?

A I don't remember.

Q Did the taller of the two men or either of them have on glasses? A No.

Q What? A No.

Q Now at the time you identified this man, this respondent, in the line-up, had you already seen pictures of him in the

newspapers with his name and so on as having been arrested charged with this robbery? (Question read)

A From that, Mr. Parsons, do you mean that when I saw Mr. Bentz in the line-up I had seen pictures of him before in the newspapers?

Q Yes. A Surely, there were pictures in the newspaper that I had seen after our identification, two weeks after the robbery.

Q About two weeks after the robbery you had identified from some books, a picture of this man? A Yes.

Q Then were those the pictures that you saw in the newspaper?

A What do you mean by "those".

Q Pictures, copies of the one you had identified? A Yes, sir.

Q They were the ones that were published?

A Yes, copies of the ones that we identified.

Q When these two men came in, did this larger man stop and stand at the window there while you were counting out these nickels? A Yes.

Q And you were not paying any particular attention, or were you paying particular attention to either of them while you were counting out nickels? A Yes, I paid particular attention when they both walked up to the window.

Q You saw two of them? A I saw two of them.

Q But your attention of course was really directed to getting the right number of nickels in the machine there?

A They come in bundles.

Q Bundles? A Yes.

Q And how long did the men stand there, just while you were counting nickels? A Yes, sir, just while I was counting nickels and started working on the dimes.

Q You had more than one dollar's worth of nickels in the roll? A Two dollars.

Q And you had to break a roll open? A Yes, sir.

Q Then how much of an operation is it to count these nickels out? A To pick them out of the tray and hand them over.

Q That is all? A Yes.

Q And you handed them all over then yourself without opening them up? A Yes, sir.

Q And that is what you mean? A Yes.

Q And while you were doing that this tall man stood there and--

A And snickered.

Q And snickered, and as soon as he snickered and while you were reaching for the dimes, he started walking away?

A Yes.

Q And then at that time the man in front of the window, the short man, confronted you with a gun? A I took the dimes out of the changer, and put them on the counter, as we count them because they come loose, and when I had my head down then he pulled the gun on me.

Q Did you see the other two bandits there at that time?

A The other two that went through the office?

Q Yes. A I didn't see them at that time.

Q You saw them during the progress of the hold-up?

A Yes.

Q And did you see the man that you identified as Ed Bentz?

A Yes.

Q You think you would identify him if you saw him?

A I could.

Q Was he larger and taller than the other bandits or not?

A He was.

Q He was larger or taller than these bandits. Was he larger and taller than this respondent? A A little.

Q A little. You say the larger and taller of these two men who snickered and walked away; that was about the time you were working on these dimes; how far had you gotten with the dime business when he did that?

A When he left?

Q Yes. A Just during the operation.

Q During the operation, and as he walked away was his face visible, did you watch him as he walked away or were you watching the one in front of you? A I was watching the dimes.

Q You wasn't watching him after that? A No.

Q And you didn't see him again after that until you saw him behind the grill work, is that right? A Yes.

Q And for how long a time did you observe him behind the grill work? A When I came up to the vault he was standing just beyond the vault.

Q Inside? A Inside.

Q What doing? A Standing there with a gun, apparently to keep me from going beyond the vault.

Q Did he say anything to you? A No.

Q You to him? A No.

Q You walked past him? A No, I didn't walk past him; I walked into the vault.

MR. DETHMERS: Let me ask for verification; when you say inside, what do you mean?

MR. PARSONS: I mean inside, there is a grill that separates the part the public is admitted to and the part that the public is not admitted to. He was

inside the place where the public is not supposed to go, is that right, and he got through there by going through the door in the corner of the railings?

A I don't know how he got in, he might have got in that way.

Q That is you didn't see him get in, but you saw him in there? A Yes, sir.

Q How close were you to him? A I would say within about six feet.

Q And your attention then was directed to getting in the vault? A Yes, sir.

Q And who was accompanying you there of the bandits, these other two that had come in? A One of the other two.

Q Was Ed Bentz one of them? A Yes, sir.

Q What about this man Doyle, where was he?

A Doyle, I think was at the back door.

Q Then when was the last time you saw the man you now identify as the respondent, where was he then when you last saw him? A Around the vault when I went into the vault.

Q You didn't see him again? A No.

Q And you didn't see him again until you saw him in the county jail? A No.

Q Your answer is "no"? A "No", yes.

Q Now you and Mr. Bellegrom and the lady here, Miss Meschke, you have talked over and discussed this identification some before the trial of this case, have you not? A We haven't talked, by that do you mean that we have just talked over?

Q You have discussed your identification, and whether you were mistaken about it or not and how sure you were of it

and so on, among your selves?

A When we left the jail at that time we were told not to talk to anybody. Personally I haven't.

Q You don't mean to tell me you never have discussed it after that, you never discussed this identification with Mr. Fellegrom or Miss Meschke or anybody else?

A No, I haven't.

Q Never have talked it over at all? A No.

Q Never have talked with anybody there in the bank as to the possibility as to whether you might be mistaken or how sure you were? A No.

Q Never talked that over at all; and haven't talked at all with the officers or with anybody?

A The officers asked us at the time and they came down later and asked us about it and we told them.

Q Now were you there when this man, what is his name, DeKoster, came into the bank? A Yes.

Q That is after the robbery? A Yes.

Q And about how long after the robbery did you have any talk with Mr. DeKoster, if at all, about this robbery?

A I wouldn't be certain about the time; he comes in from time to time.

Q And you made the statement, did you, that he looked like one of the robbers? A Yes, sir.

Q And like which one of the robbers did you think he looked?

A Like this shorter man.

Q Like the shorter man that was with Mr. Craig, as you say? A Yes, sir.

Q Like this shorter of the two that came up to your window? A Yes, sir.

Q And that would have to be--- that would be Ed Bentz?

A No.

Q That would be a man whose name you don't know?

A Yes.

Q And it isn't a fact then that you stated to him that he looked like the respondent here? A No.

Q And your testimony is now that you never said to him or anybody that he looked like the man you had picked out?

A No.

Q Well you had the Chief of Police come down and look at him, did you not, the Chief of Police did come down?

A I saw the Chief of Police; they come down there to get an idea of what kind of a man we were looking for.

Q And the resemblance between Mr. DeKoster and this other bandit, the shorter of the two men, was quite a striking resemblance was it? A Yes, facially especially.

Q Facial resemblance was very striking? A Yes.

Q Did you hear the taller of the two bandits at your window say anything or make any sound except this snicker that you testified to, say anything at all?

A At the time he was at my window?

Q Yes. A No.

Q Did you notice where he went, where he stopped when he left your window? A Went down the lobby, I couldn't tell where he went.

Q You don't know where he went? A No.

Q Did you hear him say anything to Miss Moschke?

A Well they both were then telling us to back up, and he said he would plug anybody that would touch the button.

Q You heard that said? A Yes.

Q But could you see the savings window from where you were?

A No, sir.

MR. PARSONS: I think that is all.

RE DIRECT EXAMINATION BY MR. DETHMERS:

Q As to this short man that was at your window, in your opinion does he resemble DeKoster in height? A No, he is probably a little taller than the short man.

Q What? A Mr. DeKoster is quite a bit taller.

Q Mr. DeKoster is taller than the short man?

A Yes, he is bigger.

Q Did you know Mr. DeKoster before this bank robbery occurred? A Yes, sir.

Q And at the time these two men and especially this short man stood in front of your window, what if anything occurred to you? A At the time nothing occurred to me except that when he told me to back up, his facial expression made me think of Mr. DeKoster, resembled it.

Q Mr. DeKoster was somebody you already knew then?

A Yes, sir.

Q And this day when Mr. DeKoster came in, did you tell Mr. DeKoster you thought he was one of the bank robbers?

A I told him that he resembled one of the bank robbers, yes, I knew Mr. DeKoster personally.

Q Did you ever think Mr. DeKoster was one of the bank robbers? A No.

Q Did you ever have any doubt since you saw the picture of Mr. Bentz here that he was one of them? A No.

Q That Bentz was one of them? A No, I didn't.

Q Have you ever, as yet, seen a picture which you picked out as being a picture of the short man in front of your window? A No, I haven't.

Q Who was it that told you at a certain time not to talk to anybody about this case? A At the time when we left

the jail they told us not to talk to anybody.

Q Didn't I come to see you at the bank one time and tell you that too? A Yes, sir.

Q And wasn't that just shortly after the bank robbery?

A Shortly after the bank robbery, or after the alignment-- I mean that was shortly after the line-up, you mean?

Q I mean shortly after the bank robbery, didn't I go over to the bank and talk to you then?

A I think you have the bank robbery and the time we looked this man over here in jail mixed up, haven't you?

Q At any rate I did tell you one time not to discuss this with the people didn't I. A Yes.

Q At any rate you saw four men come into the bank, is that correct? A I didn't see them all come in, I saw them after that.

Q I mean you saw four in there all together?

A Yes.

Q And you have identified one of them as Mr. Theodore Bentz? A Yes, sir.

Q And you have identified one from the picture as being Mr. Ed Bentz? A Yes, sir; he was the man that took me into the vault.

Q And you saw and recognized Mr. Doyle? A Yes.

Q The fourth one is which one of those men? A Is the short man that came up to my window.

Q You don't know yet who he was? A No.

Q But his facial appearance resembled somewhat Mr. DeLoster?

A Yes.

MR. DETHMERS: I think that is all.

RE CROSS EXAMINATION BY MR. PARSONS:

Q Did the officers at any time tell you, any of the

officers, the sheriff or the sheriff's force, police force, that this respondent or a man pictured to represent this respondent, whether the man had cashed some travelers' checks that had been stolen from the bank?

A Yes.

Q When did they tell you that? A They told us that when these travelers' checks were cashed; we would get wires from the Old National Bank and they told us at that time that the checks were being cashed.

Q Was that before or after you had identified these pictures?

A It was after.

Q Was it before or after you had identified this man in the line-up? A Before.

Q But you had identified the pictures before you identified the man in the line-up, that is correct, isn't it?

A Yes, sir.

MR. PARSONS: That is all.

RE DIRECT EXAMINATION BY MR. DETHMERS:

Q When you identified the picture of Mr. Ed. Bentz and the one of Theodore Bentz, did you know as you selected those two pictures you were selecting the pictures of brothers?

A No, I didn't.

Q Were there names on the pictures so you could see that?

A They weren't on the front of the pictures, they were just blank pictures.

Q So you didn't know that, as you selected those two pictures?

A No.

MR. DETHMERS: That is all.

RE CROSS EXAMINATION BY MR. PARSONS:

Q When did you find out about that? A They told us; they had the description and the names on the back of the pictures.

Q You didn't look at the back of the pictures before you looked at the front? A No.

Q They didn't tell you when they showed you the pictures who these men were? A No.

MR. PARSONS: That is all.

MR. DETHMERS: That is all.

CHARLES BUGELSKI, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q What is your occupation? A Assistant Manager of McClellan Stores.

Q And that is located where from the Peoples Savings Bank in Grand Haven? A East of the Peoples Savings Bank, across the street.

Q Which direction? A West.

Q In other words the bank and the store are across the street from each other? A Yes, sir.

Q And both the bank and the store face the north, is that correct? A Right.

Q I show you here Peoples' Exhibit 1, and ask you whether you recognize that as being the rear side entrance to the bank?

A Yes.

Q And is it a fact that the McClellan store also has a rear entrance? A Yes, sir.

Q Where is that with relation to the rear side entrance of the bank? A Directly across.

Q Across the street from each other? A Yes, sir.

Q Do you remember this 18th day of August, 1933, when the robbery of the Peoples Savings Bank occurred?

A Yes, sir, it was the biggest business on Friday we ever had.

Q What is that? A We did bigger business that Friday than we ever did.

Q And you were in that store on that day? A Yes, sir.

Q What was the first you noticed, if anything, unusual?

Q Well I went out the side door to see what time it was; we usually bank about three o'clock.

Q Where would you have to look to see what time it was?

A Look out of the side door at the town clock.

Q That is above the First Church here? A Yes, sir. I looked outside at the clock, about seven minutes to three; I looked across the street but didn't notice anything wrong until I heard somebody holler "what are you going to do, Kink?" "Shoot the dog?"

Q Who is "Kink?" A Kinkema, the undertaker, he came across the street with a shot gun in his hand.

Q Where was Mr. Kinkema when you first saw him?

A Came across the street behind the bank going towards the alley of the store.

Q He was coming from behind the bank toward where you were? A Yes, sir.

Q Did you see who it was that asked Mr. Kinkema that question? A No, somebody from back of the Elks.

Q And the Elks' Hall is south or behind the store in which you are located? A Yes, sir.

Q Then what did you see next? A Then I got my gun and went to--

Q Where was your gun? A Up in the office of the store.

Q What did you have in the nature of a gun?

A I had a 32 Colt.

Q That is a pistol? A Pistol.

Q Then where did you go? A I went to, I thought if I go downstairs and out the back way, I could come along the back of the building there and get a good shot at them, but when I got up there I turned to my right and looked down the alley and there was a Kroger truck back there with a fellow at the wheel; he saw me have a gun in my hand and he fell on the floor; I looked to my left, there was a big car parked there with the motor running.

Q Where was that car standing? A Facing east.

Q Standing where? A Directly behind the store.

Q In the alley? A In the alley, and when I approached the car somebody moved in the front seat, I could see the arm out of the window, so I made up my mind I wasn't in a very good place, so I slid down the gang plank, slid down there and went up to the side door.

Q That is you went back into the basement of the store?

A Yes, when I got there I heard the car move, I heard somebody shift the gears, so I went up to the door of the store and there I stood at the time Kinkema came.

Q Which door was that? A Side door.

Q And is that door directly across the street from the rear side entrance of the bank? A Yes.

Q Then what happened when you got there?

A Then they came out of the bank, there was Miss Correll, and this Meschke girl, and I saw four bank-- the bandits, and Mr. Bolt, and this oil man, Van Lopik, and when they came out they said " the car, where the hell is the car?" They hollered, you could hear them quite a ways, and then Kinkema came running in.

Q From where? A From the outside; he must have been in the back and he joined me.

Q And he came running? A In the doorway.

Q Did he run up the sidewalk?

A Yes, he got on the south side of the entrance; I got on the north side.

Q That is, inside?

A Inside of the door. Well then they started shooting and there was one man with a machine gun, and he got off the curb, right off the curb outside of the bank door, and he pointed the gun up in the air and he didn't seem to make it work, because he would keep pulling it up and down, it only fired once and then stopped, and then he would ram it and then start shooting again; when he got it going, why it was too hot, so we had to keep ducking. Every time he would shoot, the glass would fly out of the door, and then one of them fired a revolver and that broke the glass; Kink fell down on the floor, I thought he was dead; he got up, he said "this is worse than war." We kept ducking in and out; he said "let us go upstairs." As we started up out of the entrance of the store the bullets came through the door; one of them went over my head, one went through the wall, and people started scattering back and forth, and one lady, she weighed about 150, came right out to the door when a bullet came through and she fainted in my arms and I pulled her back to the step and I went back to the door.

Q Did you go upstairs or what did you do?

A No, we tried to go upstairs but couldn't, there was a bullet came through.

Q These things you saw happening out on the street there when the shooting was going on, just where were you?

A Right in the entrance of the door.

Q Behind something? A Behind nothing.

Q Were you standing right in the open?

A We had our choice behind the door fastenings, that is all.

Q Is that a brick wall there?

A No, that is plaster; the outside wall is a brick wall; there are two doors; a back door about eight panes of glass, and then our door, a wooden door, but that door was open.

Q And you were standing back of the wall looking around the corner, is that the situation? A Well we were exposed but when they were shooting they were off inthis direction; they couldn't get a good shot at us, the bullets would come alongside us.

Q You mean they were not directly across from you?

A Not at first.

Q Which direction were they from you?

A They were, let me see, north west.

Q As you were looking out the door you were looking east, were you not? A Yes, sir.

Q Which direction were they from you as you were looking east? A Which direction were they?

Q Yes, from you? A They were east.

Q And north? A Yes, sort of an angle. Then they kept moving until they got directly in front of us, then they switched, they started going south to Franklin Street, but the man with the machine gun kept moving right along side the curb.

Q Have you ever seen any of those men since?

A Yes, I have.

Q Which one was it that you saw of that crowd?

A There was one man in a gray suit, and he had a straw hat.

Q What did you see him doing that day?

A Oh, when he came out of the bank I didn't know at first he was a bandit, I didn't know what he was, because he was dressed up, and after he got out of the bank he went out towards the lawn, alongside the sidewalk, and I got a good look at him, he had a revolver in his hand.

Q Was he the man with Mr. Bolt?

A He was the man that struggled with Mr. Bolt and Mr. Ainkema.

Q Is that the man you later learned was Doyle?

A No, it was the man I learned was Mr. Craig.

Q What did you see of this man you learned to be Mr. Craig, what did you see him do? A He moved, he kept moving toward Franklin Street.

Q Did you see him struggle with Mr. Bolt? A I just saw him at first as they come out of the door, that is all, Then everybody started running toward the bushes, Van Lopik run toward the bushes, that was the last I seen of him.

Q Who was struggling with Mr. Bolt? A Oh, that was Doyle, the man that they got.

Q The man you saw dressed up and with a straw hat, was that Mr. Doyle that you saw? A No.

Q The man you saw that was dressed up, with a straw hat, is that the man you now know as Mr. Craig? A Yes.

Q And he didn't struggle with Mr. Bolt?

A No; it was Doyle.

Q What did he do? A He moved toward Franklin Street.

Q Did he have anything in his hand? A He had a revolver in his hand.

Q See him carrying anything besides a revolver? A No.

Q What was the last you saw of him that day?

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A As he moved out of the doorway I was directly across from the doorway, as he moved out; we ran out into the open and one of us got behind one car and one behind another one and then they moved toward Franklin Street, but they were half running and half walking towards the corner, that is the last I saw of him.

Q Did you have some pictures submitted to you, to select a picture? A Yes, sir.

Q How long after the bank robbery was it that you identified the picture? A About three weeks.

Q And whose pictures if any did you select?

A There were two. One of the man in the gray suit and straw hat, and a man that is slightly shorter than him, were supposed to be Ed Bentz, the short one is supposed to be Ed Bentz, and the tall one was Theodore Bentz.

Q And have you seen any of those men since, besides Mr. Doyle? A Yes.

Q Where did you next see one of those men?

A In the county jail.

Q And where in the county jail?

A In the bull pen.

Q And was anybody else with him? A I don't know if the other fellows were in the bull pen, taking a good look, but there were two other men in there when I went to see him.

Q You didn't see him in the line-up? A No.

Q Have you seen that man since that time? A Yes.

Q When? A I was up to the jail later on, Labor Day.

Q Did you see him since then? A Not until today.

Q Do you see him today? A Yes.

Q Where is he? A Sitting right there.

Q Are you sure that is one of the men that you saw?

A I am positive.

Q The day of the bank robbery; any doubt in your mind?

A No, there isn't.

Q The other picture you identified, were they full length pictures? A No, sir.

Q Or just the face? A They were half.

Q That is, you could just see the chest, shoulders and head? A Yes.

MR. DETMERS: I think you may take the witness.

CROSS EXAMINATION BY MR. PARSONS.

Q When you first saw this respondent, Bentz, that you now identify as this respondent, where was it?

A Where was it?

Q Where was he, when you first saw him? A Directly across the street from me, before this shooting started.

Q By directly across the street from you, where would that put him with reference to the bank? A At the side door.

Q What was he doing? A He just came out of the bank and had a gun in his hand. Well he was behind-- there were two girls in front of him, he was behind them.

Q You were then across the street in the store?

A Yes, sir.

Q How wide is that street there? A I don't know.

Q Well it is at least sixty-six feet isn't it?

A Probably that.

Q You say there were two girls in front of him? A Yes.

Q He was behind them? A Yes.

Q Any persons on the street between you and him?

A No.

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Q Then he began to go down the sidewalk, is that correct?

A Yes, sir.

Q And were these other people still with him, or was he alone when he went down the sidewalk?

A He was the second one to go down the street.

Q Was he running? A No.

Q Half running, half walking? A Later on he was, but while he was just a little ways from the door he was walking. He was facing me with his back toward the bank, walking sort of sideways.

Q Sideways then? A Yes, sir.

Q Kind of stepped along sideways? A Yes.

Q Was there any apparent reason for that?

A Well, we were shooting and his fellowmen were shooting.

Q Was he shooting at you? A I don't know if he was shooting at us, the bullets were going rather high, either to scare us or--

Q Well do you think he saw you there in the door?

A Well he must have, he either saw us or else heard us.

Q He was sort of going sideways in a southerly direction?

A Yes, sir.

Q This car that you had seen with a man in it, where was that at that time? A That disappeared.

Q That had gone already? A Yes, sir.

Q How far did this bandit go in a sidelling direction or manner there before he turned and started to run south?

A Well he was at the -- into the bank property. There is a house right directly back of the bank, there is a driveway, and after they got right near the driveway then they started running.

Q That is about how far from the point where you first saw him?

A About twenty feet.

Q So this sort of sidewise progress covered a distance of about twenty feet? A Yes.

Q Where were the other bandits at that time?

A They were all going toward Franklin Street, except the man with the machine gun, he was the last man.

Q Where was Doyle? A Doyle was working toward the curb, he was backing up.

Q And was Kinkema there with you at that time? A Yes.

Q And did you assist in the capture of Doyle?

A I don't know as I assisted any, but when Kinkema run out of shells, Doyle was crawling on the ground and Kinkema and Deputy Sheriff Rycenga hollered at me to kill him, and the man kept on moving, so I cocked the gun and put it up against his head and that stopped him. He said "don't kill me, my leg is broke, I can't get away."

Q And at this time these other bandits had gone?

A Yes.

Q And you came across the street after Doyle as soon as the man that you identify as the respondent had gone on down the street? A Yes.

Q Are you related in any way to Mr. Melling? A No, sir.

Q Or to Mr. Pellegrom or any of the other employees of the bank? A No, sir.

Q Your store banks there at this bank? A No, sir.

Q Do you bank there yourself, personally? A No.

Q You had never seen this particular robber before?

A No, sir.

Q Before you identified these pictures did you talk with anybody about what they had discovered, or whether there were any discoveries or not? A No, sir.

Q What did you do, just go down and were shown some pictures, and finally you pointed out a picture and said " That is one of them."? A Yes.

Q How many of them did you identify that way? A Two.

Q Did they show you Doyle's picture? A No.

Q And two of them, as far as you know, the other one you say is Ed Bentz? A Yes.

Q At the time you identified the respondent in the jail here, how many other men were in jail with him? A I think there were three.

Q And how did they compare, did they look anything like him at all? A No, they didn't.

Q The same size and weight? A There was one man was practically the same size.

Q Didn't look anything like him at all? A No.

Q And have you talked with the officers about whether or not they had some evidence by way of travelers' checks, something of that kind? A No.

Q When did you first learn about these money orders?

A Today.

Q Have you discussed the matter of this identification at any time with Mr. Pellegrom or any of the other people there in the bank? A No, sir; they told me to keep my mouth shut.

Q Who told you that? A The prosecuting Attorney, Dethmers.

Q And you thought you shouldn't talk the matter over with Mr. Pellegrom or Mr. Welling or any of these? A No, sir.

Q You say now you never have discussed the matter of identification with either Mr. Pellegrom or Mr. Welling? A No, sir.

Q And you never have commented to them or they to you on the fact that you agreed you were all correct about it, anything of that kind? A No.

Q Never any such talk? A No.

MR. PARSONS: That is all.

MR. DETHMERS: That is all.

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MR. FREDERICK C. BOLT, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr. Bolt, you are the Cashier of the Peoples Savings Bank of Grand Haven? A Yes, sir.

Q That is a Michigan banking corporation, located in this city? A Yes, sir.

Q And were you such cashier on the 18th day of August, last year? A Yes, sir.

Q Were you present in the bank at the time that the robbery occurred? A I was.

Q And where were you located in the bank the first you knew anything about it? A I was standing at my desk, I had just finished a telephone call to the Beers Motor Company.

Q That is you were standing in this front room here marked "Cashier's Office? A Right behind the desk.

Q Behind this desk? A Yes, sir.

Q And what was the first thing that occurred that you noticed?

A The first thing I knew Ed Bentz was around the corner of the door to my office and had a gun right in my middle.

Q Through this door? A Yes.

Q When you say Ed Bentz, how do you know it was Ed Bentz?

A That is the one I identified when the picture was shown to me.

Q You are not referring to this respondent?A I am not referring to this man.

Q But you are referring to a man whom you identified by picture as being Ed Bentz? A Yes,sir.

Q Did any one else come into your office? A No, sir.

Q Are you able to identify anyone aside from the one you say is Ed Bentz? A No, the little fellow that has not yet been identified.

Q But you feel that if you saw his picture or saw him that you could identify him? A I feel reasonably sure I could.

Q But you do not claim to be able to identify this respondent?

A I never saw that man.

Q And you didn't see all four of them that day?

A I did not. Three of them.

Q So your failure to identify Mr. Theodore Bentz here is not because you don't remember or know what he looked like that day, but because you didn't see them all?

A Didn't see them all.

Q And did you make a check-up after this robbery as to what was taken away by these robbers? A I did.

Q And will you state to the jury approximately what was taken and its value? A The cash amounted to approximately $3500, and there was seven Chicago, Milwaukee, St. Paul & Pacific railroad bonds taken; the current market at the time was around twenty-five, therefore they had a value of about $1750; and on the basis of those two figures the American Surety Company of New York reimbursed us for those two amounts.

Q Was there anything further taken besides that?

A Travelers' checks of the Mellon National Bank and of the American Express Company.

Q And do you know approximately the amount of those?

A The American Express were a little over three thousand dollars, and the others, after checking up, were found to be a little below three thousand dollars, those of the Mellon National.

Q Mr. Bolt, I show you here some American Express Company travelers' checks; I don't know what you call these after they are paid and cancelled as ordinary checks; do you call them vouchers then?

A Probably cancelled vouchers.

Q Nevertheless, whatever they call them, I ask you to look them over and indicate whether or not from their appearance you could tell that they are American Express Company travelers' checks that have been paid by the American Express Company?

A These have been paid by the American Express Company, apparently.

Q And can you identify those American Express Company Travelers' checks by their numbers and the list of numbers that you have, as to whether or not those are the American Express Company travelers' checks that were taken from your bank on the 18th of August, 1933, by the bank robbers?

A They are the ones that the American Express Company charges us with having in our possession at the time of the robbery.

Q And from that record and the fact they were missing after the robbery, you know that these are American Express Company travelers' checks that were stolen from your bank on that day? A Yes, they show in our records.

MR. DETHMERS: There is quite a number, I don't know how we should proceed to mark these, that is, to mark each one of them, or put a rubber band groundthem, or mark the whole bundle.

THE COURT: It seems to me that would do.

(Bundle marked Peoples' Exhibit 4)

MR. DETHMERS: I ask to introduce this.

MR. PARSONS: I would like to ask what is claimed for them. Is it claimed this respondent had these in his possession; are you going to prove that?

MR. DETHMERS: I will say this, before I will offer them, I will proceed with some other fact, then I will clear the whole thing. For the purpose of identification mark this.

MR. PARSONS: I suppose it is competent to prove those things were stolen from that bank, and that it is competent to prove they were cashed.

MR. DETHMERS: On that ground we will ask they be received, and further, we will have a stipulation.

THE COURT: I understand you agree both of those should be received?

MR. DETHMERS: They should be received in evidence.

MR. PARSONS: Yes, as part of the property that was stolen from the bank, as part of this robbery.

Q I show you there a letter from the Mellon National Bank, signed by Theodore E. Morton, Assistant Manager of the Travelers' Checks Bureau, and ask you if that is a letter you received from the Mellon National Bank? A It is.

Q And that letter sets forth the numbers of the travelers' checks that you were supposed to have in your possession on the date of the robbery, is that correct? A Right.

MR. PARSONS: Is it you claim, Mr. Dethmers, you had some arrangement with Mr. Osterhous, whereby it was not going to be necessary to produce this witness to prove these checks, is that right?

MR. DETHMERS: It is the claim of the People that we had an agreement to this effect: Well I don't know as I should state this before the jury until I know that you are going to approve of it.

THE COURT: You better not.

MR. PARSONS: Before we go any further we will settle that.

MR. DETHMERS: All right, I think that would be a good idea, to settle that, not in the presence of the jury. I ask that the jury be excused. (Jury excused)

(Jury not present)

MR. DETHMERS: May it please the Court, the People have here a number of American Express Company travelers' checks, together with a letter from the American Express Company, setting forth the numbers of the American Express checks which this bank had at that time; likewise a number of photostatic copies of Mellon National bank checks, together with a letter indicating the numbers of the Mellon National Bank checks, travelers' checks, that the bank had on that date. Now the People claim that an agreement was entered into between myself as the prosecutor, and Mr. Osterhous as attorney for respondent, that it would not be necessary to obtain as witnesses the officials of the American Express Company, nor the Mellon National bank to come here and identify these checks as having been the checks that were allotted to the Peoples Savings Bank of Grand Haven; nor to testify that these had been cashed and paid; and further that it would not be necessary for the People to bring here witnesses from the State of Indiana who had cashed a few of these checks and who identified this respondent as the person who cashed those checks. The understanding with Mr. Osterhous was that the respondent would admit that he had cashed them, and although not part of the agreement, the understanding was that the fact that the respondent had those checks in his possession and had cashed them would be explained, and so with that understanding the People did not bring here witnesses from the Mellon National Bank of Pittsburg, nor from the American Express Company of Chicago, nor witnesses who cashed them, from Indiana, although we have here now and brought in today one of the witnesses from Indiana who cashed one of these checks. That is the matter of agreement which we claim we had with Mr. Osterhous, and that I assumed would still be in force and effect.

MR. PARSONS: I probably would be bound in the trial of this case by any agreement which was had with Mr. Osterhous in connection with the proofs that might be introduced in lieu of the witnesses that the prosecutor mentioned, and I feel that under those circumstances I should not object to the testimony relative to matters which would otherwise be incompetent.

MR. DETHMERS: I will say this, your Honor, that it is a rather embarrassing thing for me to have to make my statement in general language here, what the agreement was without Mr. Osterhous present to corroborate it. I would much prefer if he could be reached, because sometimes we lawyers think we have agreements and what we have is misunderstandings. So if he can be reached I would like to have that done. I wouldn't want to assume the responsibility of things on my say-so.

MR. PARSONS: I am perfectly willing the prosecutor should proceed with the evidence on the statements he makes as to the understanding he had with Mr. Osterhous.

THE COURT: Well of course the situation is this: Mr. Osterhous has withdrawn from this case; he is not connected with it at all, and agreements or anything else that you had with him are not binding on the respondent now, and Mr. Parsons is responsible for the conduct of the defense of this case now.

MR. PARSONS: Well in view of the nature of the proof in question, that it consists of testimony of witnesses to identify particular documents, and in view of the fact that it will be necessary for the People to ask for a continuance if I refuse to live up to this agreement, and that a continuance may make it necessary for me to have at the trial, when resumed, certain witnesses whose presence here is voluntary, I

feel that I should consent to the arrangement that Mr. Osterhous made. I do consent to it.

THE COURT: Well you better talk it over with your client. We don't want any misunderstanding about these things afterwards or talk about them.

MR. PARSONS: I will say, if the Court please, I will waive the production of the witness from the Mellon National Bank. What else do you want me to waive, Mr. Bethmers? You can introduce that letter in lieu of the witness.

MR. BETHMERS: My understanding was that it would be agreed that these American Express travelers' checks were the checks that were stolen from the Peoples Savings Bank of Grand Haven, and that these photostatic copies are photostatic copies of Mellon National Bank checks that were stolen from the Peoples Savings Bank of Grand Haven on the day in question.

MR. PARSONS: All right; it is so agreed.

THE COURT: That is admitted is it, Mr. Parsons?

MR. PARSONS: Yes.

MR. BETHMERS: The agreement went further than that, but I am willing to stop at that point, because we have a witness here from Indiana.

THE COURT: Of course, you will have to go over this again before the jury, but it is admitted?

MR. PARSONS: Yes.

(Recess)

MR. BETHMERS: May it please the Court, I understand then that it is agreed that this bundle of American Express Company travelers' checks which have been marked Peoples' Exhibit 4, and this bundle of Mellon National Bank travelers' checks,

marked Peoples' Exhibit 5, that it is admitted that the Travelers' checks contained in those two respective bundles and constituting those two respective exhibits, that those were travelers' checks or photostatic copies of travelers' checks in the possession of the Peoples Savings Bank of Grand Haven, on August 18, 1933, and that they are checks or photostatic copies of the travelers' checks that were stolen from that bank on that day by the bank robbers who perpetrated the robbery of the bank on the 18th day of August.

MR. PARSONS: That is admitted.

MR. DETHMERS: You may take the witness.

CROSS EXAMINATION BY MR. PARSONS:

Q Mr Bolt, you didn't see the fourth one of these robbers?

A That is correct.

Q How many of the robbers did you see? A I saw three.

Q You didn't see the first two that came in together?

A I didn't see them come in at all.

Q Didn't see them come in at all. Where was the first standing that you saw? A That proved to be the bandits, were two men in overalls coming in just as I lay the telephone down, between the front wall of the bank and the front door, and in about one second the one was inside with his gun.

Q And the other one that came in with him, he went where?

A Then I started to move towards the back where he told me to get.

Q And the other overalled bandit that came in with this one, where did he go? A I don't know where he went or what he did. Later on he wasthe one that had hold of my shoulder from the time I got up off the floor and came to

the back door, with one hand, the other one had hold of a gun, opened the back door, and shoved me through it; from then on many things happened.

Q Which one was that one, was that Doyle?

A That was the one that had his hand on my shoulder, in overalls.

Q And the third, where did you see him? A The third one stood alongside of me, as I was lying down, after I came out of the vault after three unsuccessful attempts to open the safe, after they called the cashier.

Q This third one you saw did not come in with the two, that one of them held you up? A What do you mean, the third one?

Q You say one stuck a gun against you, was that Doyle?

A Not the first one; the first was Ed Bentz.

Q The first was Ed Bentz. You saw Ed Bentz and saw Doyle and saw a third one? A Yes.

Q Where did you see the third one? A Standing outside the vault door to the north west corner.

Q Was he a short man? A He was a short man.

Q You didn't see this man at all then? (Indicating respondent)

A I did not. I was watching my step when I had that other fellow's gun in my back, to get into the door without making a mistake.

Q You wasn't interested in making the identification of anybody? A I was interested in getting in the vault door.

Q Where was Mr. Lindemulder? A At the time this robbery occurred Mr. Lindemulder was at his window, which is the first window next to the front office.

Q Nobody went up to his window; no bandits went up to his window so far as you know? A Not as far as I know.

Q Whether he was lying down on the floor or not?

A He did afterwards, they told me.

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Q Did you see him? A No, he was back of me; I stepped through the aisle behind him before he did.

Q Whether he had an opportunity to see and get a good look at these bandits? A I don't know what all he saw.

Q When they got outside you were mostly occupied with this man Doyle? A He was occupied with me, I was watching that gun he had alongside my ear pretty close, or in that neighborhood.

Q Well you didn't pay attention to the others? A I did not.

Q And do you know where they went ? A No, for the reason the other three bandits went down the sidewalk towards Franklin Street, because they were meat for me, their disappearance depended upon what was going to happen next.

Q Well now at what part of your body did this man point this gun, you say the middle?

A The first one, Ed Bentz?

Q Yes. A I would say he would take me through the middle just as slick as a whistle.

Q Then Doyle had a gun and was pointing it at your head?

A Doyle had me on the shoulder and on my side; I made a good effective shield for him, coming out the back door, when we came out of the back door he shoved me through. He saw Kink, and I presume he saw him, it didn't take him but a second to bring his gun up past my ear.

Q So far as what happened to the rest of them, you say they disappeared down Franklin? A The three got out toward Franklin Street beyond the bushes, then there was an opportunity to take care of Doyle.

Q Have you identified at any time the picture of this man Ed Bentz? A I did.

Q And Doyle of course you saw. Did you see the other employees of the bank lying on the floor? A Yes, I lay between

Miss Correll and Mr. Welling, and I happened to jump over Mr. Welling to get over to the vault, and Miss Keschke was lying alongside the grill.

Q And you didn't see at that time these four bandits?

A I did not. I had seen enough.

Q This man Ed Bentz, how large a man was he as compared to this respondent?

A He was a pretty good sized fellow when he came in with a pair of jumpers on, we didn't know until afterwards he had a steel vest on, that is what Doyle had; you can't tell a man's size some times; of course when they came in rather hunched over he looked like a rather good sized man. I think if he walked straight he would be in the neighborhood of six feet or weigh in the neighborhood of a couple hundred pounds.

Q How did he compare with the first respondent?

A Not a whale of a lot of difference, there is some difference, they weren't exactly the same build, not while he was going through the operations he was engaged in during the hold-up.

Q You had a pretty good chance to size him up?

A I had a dandy chance to size him up.

Q He was the biggest one in the bunch?

A Well I am telling you just about how he appeared.

MR. PARSONS: I think that is all.

MR. DETHMERS: That is all.

MR. GEORGE EVANS, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr. Evans, where do you live? A I live at Calumet City, Illinois.

Q Where are you employed? A I am employed in Hammond, Indiana, the firm of Rotchild & Hirsch, clothing store.

Q Were you employed there last fall? A I was employed there last fall, yes.

Q I show you here, taken from Peoples' Exhibit 5, a photostatic copy of Mellon National Bank Travelers' check, being number D751292 in the amount of $20.00, payable to Rotschild & Hirsch. A Yes.

Q Is that the name of your employer, Rotschild & Hirsch?

A Yes, it is.

Q I will ask you whether you have seen the original travelers' check of which this is a photostatic copy? A I accepted it, yes.

Q And how did you happen to accept that travelers' check?

A Well a man walked into the store, he wanted to buy a hat, so I sold one to him, took about fifteen minutes to do it, and in payment of the hat he offered this check.

Q TThis twenty dollar travelers' check? A Yes.

Q And did you see him sign that name to the check?

A He did right in front of me, yes, sir.

Q It bears the name A. F. Kruse. A That is the name, I believe, but I am not sure.

Q You saw him write that? A I saw him write that in Rothschild & Hirsch.

Q And did you fit a hat on to this man? A Yes, sir, I did.

Q What operation did you have to go through to do that?

A Well when a man comes in for a hat we usually find out what size he wears, he wanted a gray one to match the gray suit he had on, and I got a very good opportunity to size him up, and see his face and contour, etc.

Q Have you seen that man since that time? A Yes.

Q When? A Today; this morning is the first time.

Q Do you see him here now? A Yes, that is the man over there.

Q The man seated at the table here? A Right.

Q Are you sure he is the same man? A Positive.

Q Any doubt in your mind at all? A Not a doubt.

Q And at that time you had some conversation with your employer about whether you should accept the travelers' check? A Yes, we did, we have a rule in the store in which I work that any checks, money order or personal check or travelers' check, has to be o.k.'d before I accept.

Q Do you remember about when it was you received this travelers' check from Mr. Bentz? A Well it was about the last of August, 29th or 30th.

Q And do you remember receiving any other Mellon National Bank travelers' checks?

A That is the only one I received.

Q In how long a time would you say? A I don't remember ever having received one before or afterwards.

Q This is the only one you ever remember receiving?

A That is right.

Q And you received that from Mr. Theodore Bentz? A That is right.

MR. DETHMERS: Take the witness.

CROSS EXAMINATION BY MR. PARSONS:

Q What size hat does he wear, do you remember?

A The size was seven and three eights, I believe, but it might be a quarter; three eights, I am sure it was.

Q And what kind of hat was it? A The make of the hat is

unknown. We put our own labels and particular band on. The price was three dollars and a half.

Q You never saw the man before? A No, I didn't.

Q And you never saw him since, until today?

A That is right.

Q And that was about a year ago, at what date?

A The last of August when I sold the hat to him.

Q Little over a year ago? A Little over a year.

MR. PARSONS: I think that is all.

MR. DETHMERS: Is this witness excused now?

MR. PARSONS: He is so far as I am concerned.

MR. DETHMERS: I don't know whether we have asked that this Peoples' Exhibit 5 be received in evidence or not, but it is offered.

MR. PARSON: No objection.

MR. DETHMERS: And Exhibit 4 has already been recieved; I believe that is correct.

THE COURT: All right, both are received.

MR. DETHMERS: I will call John Lindemulder.

JOHN LINDEMULDER, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr Lindemulder, you are an employee of the Peoples Savings bank of Grand Haven? A I am.

Q What is your official capacity in that bank? A Auditor.

Q And were you working in that bank on the 16th of August, last year? A I was.

Q And do you remember the bank robbery that occurred there?

A I do.

Q What was the first you saw of it? A The first I saw?

Q Of anything unusual, that you remember?

A I was working, I was waiting on Mrs. Sargent.

Q I show you here Peoples' Exhibit 1. I ask you to indicate to the jury which window you were standing at.

A (Indicating)

Q And you were waiting on Mrs. Sargent, you say? A Yes, sir.

Q And then what did you notice. A Well I happened to be working out a little rent problem for her and I had my head down, and I didn't notice anything until somebody hollered "back up."

Q Then what did you notice? A Then I saw a bandit hold up Mr. Bolt, and the first thing I knew--

Q Where did you see this bandit on this chart?

A Well I was standing here at my window, and I looked through the glass, there is a glass here; I saw a large man come crouching through here, pointing a pistol at Mr. Bolt, and the next instant there was one pointed at me.

Q Where was the man standing that pointed one at you?

A Right here. (Indicating)

Q And then what happened after that? A Well then they ordered us to put up our hands, and lie on the floor.

Q Where did you lie on the floor? A I lay right here. (Indicating)

Q Did you see the two men that came in and go to Mr. Welling's window? A No, I did not.

Q Have you ever identified Mr. Bentz here?

A No, I have not.

Q Did you see him that day? A I did not.

Q How many of the robbers did you see? A I saw four, that is, no, I didn't see four, I saw one, two, I saw two of them.

Q And where did you see them?

A I saw them as they came in, and I saw them again when I was outside.

Q And have you identified some pictures of any of those you saw?

A Yes, sir.

Q And whom did you identify? A I identified a man by the name of Edward Bentz, and of course, Doyle.

Q Those are the only two you saw? A The only two.

Q You say you do not identify Mr. Theodore Bentz. Is that because of uncertainty in your mind as to whom you saw, or because you didn't see the others that day? A I didn't see him.

Q These other two men, did you have a good opportunity to see them? A Yes, sir.

Q The two, that is, Mr. Doyle and Mr. Edward Bentz, you had a good opportunity to see them? A Yes, sir.

Q Did you have a good opportunity to see the other two?

A No, I didn't have an opportunity to see them.

MR. DETHMERS: That is all.

CROSS EXAMINATION BY MR. PARSONS:

Q These other two, you know from what you have heard since, the two you didn't see, were the first ones that came in, is that right, Mr. Lindemulder?

A I don't know if they were the first ones that came in; they were the first ones I saw.

Q I mean that two you didn't see were the two that came into the bank first, you understand that now, do you not?

A I believe, yes.

Q And you think possibly the reason you didn't notice them is because you were engaged in business with a lady at the window? A Mrs. Sargent was standing in front of me, and

it just happened she had to pay eight days rent; when you take eight thirtieths of fifteen, it made quite a problem, and that took my attention, of course.

Q And you didn't he r this transaction or see this transaction that Mr. Welling had at all? A I did not.

Q Did you see Mr. Welling lie down on the floor?

A No, Idon't remember of seeing it.

Q How far would Mr. Welling be from you in the bank there?

A Oh I would say about ten or twelve feet.

Q To your right? A To my right.

Q Straight down? A That is not straight down. His window is - there was Mr. Welling and here was I. (indicating)

Q There would be acounter here, a counter here, and this grill would be sort of in the way? A Yes.

Q You would have to look through the two grills in order to see what was going on at the Welling place? A That is right.

Q You didn't notice anything that happened down here at the savings window here? A No, that would be beyond my vision.

Q Did you see the four robbers at all, any more of them, after you got outside? A No, I didn't.

Q Did you see these two that you had previously seen?

A Yes, I did.

Q That is, you saw Doyle and Ed Bentz? A Yes, sir.

Q And where the others were at that time you couldn't say? Did you know at that time that there were two others?

A Well I know there were others because I could see the backs of them as they were filing out in the rear.

Q And you did see that there were more than just those two, but not so as to identify them or tell what they looked like, or to be sure they were bandits? A That is right.

Q But you thought at that time that there were more than just

those two you had encountered? A Yes, sir.

MR. PARSONS: That is all.

RE DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr. Lindemulder, it is correct is it not, you have lost the sight of one eye in the war? A Yes, sir.

MR. DETHMERS: That is all.

MR. LAWRENCE DE WITT, being first duly sworn by the Clerk, testified as follows:

Q Mr. DeWitt, you are Chief of Police of the city of Grand Haven, and were last year in August? A Yes, sir.

Q And did you go to the State of Maine in the interest of the extradition proceedings to bring Mr. Bentz to this state?

A I did.

Q And have you had some conversations with Mr. Bentz about this case, about certain travelers' checks involved in this case? A Yes, sir.

Q Did Mr. Bentz make any statement to you about the travelers' checks that were taken from the Grand Haven bank?

A Yes.

Q And such statements as he made to you, were they the result of any promises or threats made by you to him? A No.

Q Were such statements voluntarily given? A Yes, sir.

Q And what statements, if any, did Mr. Bentz make to you concerning travelers' checks that were taken from the Peoples Savings Bank of Grand Haven?

A Well in our conversations at various times we asked him how much of the Grand Haven checks, American Express Company checks they got in the Grand Haven State Bank, and he said something like between nineteen hundred, and two thousand of the Mellon National Bank travelers' checks.

Q And how did he tell you that those travelers' checks,, stolen from this bank in Grand Haven, came into his possession?

A He claims he got them from his brother Ed.

Q Ed Bentz? A Ed Bentz, yes, sir.

Q He has never admitted to you he came to the bank here and got them himself? A No, sir.

Q But has stated that his brother, Ed Bentz, gave them to him, is that right? A Yes, sir.

(Peoples' Exhibits marked 6 and 7 respectively)

Q Mr. DeWitt, I show you here Peoples' Exhibit 6 and Peoples' Exhibit 7; I will ask you if you have seen them before?

A Yes, sir; I have.

Q Where did you first see these? A Those were found about nine or ten miles south of the city of Grand Haven.

Q Where? A On Sheldon road, the old lake shore road, under the eaves of a barn, together with a machine gun and rifles.

Q Where were they in the barn? A They were on the outside of the barn, laying right against the side of the barn, covered up with some boards and some roofing paper, in a vacated barn.

Q It was a vacant barn? A Yes, sir.

Q When was that that you found those there? A I am not positive about the date unless I go and look at my records.

Q Do you know about how long after the robbery occurred?

A Yes, it was, I think the week of the 15th of October.

THE COURT: What date?

A The week of the 15th of October.

Q That would be about two months after the robbery? A Yes, sir.

Q What were those covered with, did you say?

A Some old boards and a piece of roof.

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Q And what else did you find besides these two exhibits?

A There was a machine gun there and two rifles and an automatic pistol.

MR. DETHMERS: I don't know whether to offer them or not; it is pretty remote.

MR. PARSONS: I don't think they have anything to show some bearing on this robbery.

MR. DETHMERS: Well at least for the time being I won't offer them, until I can find out more about them. You may take the witness.

CROSS EXAMINATION BY MR. PARSONS:

Q Now Mr. DeWitt, you are Chief of Police of the city of Grand Haven, are you? A Yes, sir.

Q And you say this respondent told you that Ed Bentz gave him these checks, these Mellon travelers' checks?

A Yes, sir.

Q And did he say what for, how he came to give them to him? What the reason was? A Why he claimed that Ed owed him some money.

Q He claimed that Ed owed him some money and that he gave him these checks in payment of that? A Yes.

Q You are still looking for this man Ed Bentz, one of the bandits in question, are you not? A Yes, sir.

Q How did you happen to suspect the respondent here of being one of the robbers? Was it through these travelers' checks? A No, he was identified before any of these travelers' checks were returned.

Q His picture was identified by some of these witnesses who have testified, is that right? A Yes, sir.

Q And that was before anything about the travelers' checks came up?

A That was before any of the travelers' checks had been cashed.

Q Did they also identify the picture of Ed Bentz at the same time, these same witnesses? A No, I think Mr. Bolt identified Ed Bentz.

Q Now did you interview the people whose car was taken by the bandits after the robbery? A You mean at the robbery of the bank, the car that was taken at the bank?

Q Well there were two cars takenwere there not, in the get-away? A Yes.

Q And have you interviewed the people whose cars were taken? A I interviewed one party whose car was taken.

Q You made a very thorough investigation of this matter in an effort to locate anybody that could identify any of the robbers, is that right? A Yes.

Q And so far as you have been able to locate them, Mr. Welling, Mr. Fellegrom, and Miss Meschke, and Mr. Bugelski are the only people that identify this respondent, is that right?

A Yes, sir, to my knowledge.

MR. DETHMERS: What is that?

A To my knowledge.

Q To your knowledge. There were a great many people about there on this date? A I think there were a lot of people present.

Q You were not in the city on the occasion that the robbery occurred? A No, sir.

Q So also with the sheriff, Mr. Rosema, was he out of town that day? A I heard he was.

Q You don't know? A I don't know.

Q Did you get a description from the people that work in the bank, Mr. Welling, Mr. Fellegrom, Miss Meschke, did they

give you any description of these robbers shortly after the robbery? A Yes, sir.

Q Were these descriptions verbal, or were they written up and signed? A They gave a description and I wrote them down on a piece of paper.

Q You wrote them down. Did you preserve those descriptions?

A Yes, sir.

Q And have you got them now? A I have them at my office; I haven't got them with me.

Q Have you examined them lately? A No, I haven't seen those.

Q Do you remember how they tally with the descriptions that you now have of the bandits in question? A Yes.

MR. DETHMERS: I will say that if counsel desires, we can have the witness go and get these. We would be glad to have them introduced.

MR. PARSONS: Well I don't think it is excessively important. They are general descriptions of the people, as to their height, weight, complexions and clothes they were wearing and so on, is that right?

A Yes, sir.

Q General descriptions of that kind are not of a great deal of value in identifying individuals of that general class are they? In other words, if you describe a man weighing two hundred pounds and six feet tall, light complexion, and at the time wearing a derby hat, that description might fit ten hundred men might it not? It isn't of very much value except as to specify the particular shape and features of the man, that is true, isn't it?

A No, I think the descriptions are very valuable.

Q Well they can't describe features? A Well, facial features may be hard to describe, but a man's height, and

color of his hair, and general complexion can be described very easily.

MR. PARSONS: I think that is all.

RE DIRECT EXAMINATION BY MR. DETHMERS:

Q Now Mr. Dewitt, I understood in response to Mr. Parsons' question that you say you did interview a woman whose car these bandits took on Franklin Street, just away from the bank? A No, I didn't interview her. I interviewed the people that had their car taken out on U. S. 31, south of the city.

Q And did you show them some pictures? A I did.

Q Were they able to identify anybody? A They were not.

Q Have you learned anything about that woman's condition or anything like that?

A Yes, Mr. Thompson told me--

MR. PARSONS: I object to what was told him. I think they asked him if they made any effort to see other witnesses that could identify these bandits and that question is all that is competent, that is all I am interested in. I object to any hearsay.

THE COURT: Objection will be sustained to what somebody told him.

Q Was she able to give you any description at all? A None. The only thing that she saw was a gun about that long (indicating), and somebody got her by the arm and jerked her out of the car.

MR. PARSONS: I object to that as hearsay and ask it be stricken.

THE COURT: Objection sustained. It is stricken.

Q Was her husband able to give you any description?

A He was not. Her husband was on a farm.

Q And you didn't interview the person who had the car here

in town, this woman with her child?

A I did not. I understood some other officer was interviewing her from some other department.

Q In your conversation with Mr. Theodore Bentz, the respondent here, did he ever make any statement to you about his brother Ed Bentz, aside from the fact that his brother Ed had given him those travelers' checks? A Yes. He told me that on the 14th, and 15th, or the 15th and 16th of August, 1933, he went to his brother Ed's cottage at Long Beach, Indiana, and when they got there Ed wasn't home; and they stayed there in the afternoon, and when his brother Ed came back in the evening, why in the adjoining cottage he looked through the window and there he saw Earl Doyle, also was introduced to a man by name of Homer, and also a man named Jimmie, and he seen a man there by the name of Roy Nelso, I think a brother in law; th t in his conversations with his brother Ed that Ed had told him they were going to pull a job in south west part of Michigan, and also told him later to pack up and get out because they were going to take a ride.

Q Did he make any statement to you concerning his brother Ed, in relation to this bank robbery here? A Yes, that Ed had got the checks, the Mellon National Bank checks from the Grand Haven Bank.

Q So this respondent here has told you that his brother Ed was in this bank robbery, is that correct? A Yes, sir.

MR. DETHMERS: I think that is all.

MR. PARSONS: I think that is all.

MR. DETHMERS: May it please the Court, the People have endorsed on the information other witnesses, including the sheriff, Mr. Benjamin Rosema, whose testimony will be

largely cumul tive, the same as Mr. DeWitt's in substance, I think. He is present in Court and can testify if counsel for respondent wishes to call him. Then there is endorsed on the information the names of two other witnesses concerning whose testimony we have made a stipulation for the sole purpose of identifying these travelers' checks. They are not present in Court; they are in Pittsburg.

MR. PARSONS: Matheson and McCoy?

MR. DETHMERS: No, Mr. McCoy is another witness whose testimony would have been to the same purpose and to the same effect, if we could obtain him, as Mr. Evans, but he is outside of the state and we are unable to obtain him; so that is the Peoples' case, and we rest.

THE COURT: All right, Mr. Parsons, take the case.

(Opening statement for the defense)

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D E F E N S E

MR. PARSONS: May it please the Court and Gentlemen of the Jury: The defense in this case will resolve itself simply into this, thatit is the claim of the respondent that the Peoples' witnesses are misteken in their identification of the Respondent and the evidence will be introduced to establish that claim, that on that day in question he was, at the time of the robbery was being committed here, in the city of Chicago, at an apartment, which the witnesses will identify and testify to; that he was not in the city of Grand Haven but was in that place in the city of Chicago, and therefore could not have committed the robbery in question. I think that briefly, gentlemen, is the sum and substance of the defense, and to establish that defense the Respondent will produce witnesses who will testify here before you.

I would like to call as the first witness, Mr. Bailey.

I would like to add to my opening statement one other thing, and that is that we will show not only that the respondent was in Chicago and therefore could not have committed the crime, but we expect to show by another witness who was present at the robbery and participated in it, that this respondent was not one of the gang, and had nothing to do with the robbery.

MR. LONNIE BAILEY, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. PARSONS:

Q Mr. Bailey, you are a resident of the City of Chicago, are you? A Yes, sir.

Q And what is your present business or occupation?

A Present business, interior decorator and upholsterer.

Q Were you living in the city of Chicago in August, 1933?

A Yes, sir.

Q On the 18th day of August, 1933, were you living there?

A Yes, sir.

Q Do you know this respondent, Mr. Craig, or Mr. Bentz?

A Yes, sir; I do.

Q And when did you first -- or where did you first see him in Chicago in August, 1933? A Well the place I seen him in Chicago, was on August 18th, in the afternoon.

Q And at what place in Chicago? A 7905 Luell Avenue.

Q What kind of place is that? A Apartment building, kitchenette apartment.

Q What is downstairs under that apartment? A Drugstore.

Q Who runs that drug store, or who ran the drug store at that time, if you know? A Who ran the drug store at that time? The druggist name is Mr. Shugan.

Q And who were some of the people that worked in there at that time? A I don't know his name but he is here.

Q What were you doing in that apartment on the 18th day of August, 1933? A Cleaning.

Q When did you begin to clean there? A I stopped work at 12, and went back quarter to 1 and quit at 4:30.

Q And who employed you? A Mrs. Rhodes, she is the agent of that building.

Q She had charge of that particular apartment? A Yes, sir.

Q Did she employ you? A Yes, sir.

Q What was the nature of the work you were doing there?

A Nature of the work was cleaning floors, cleaning walls, cleaning tile in the bathroom giving a general cleaning of windows and things like that.

Q How many rooms are there in the apartment? A Well we have some from two to three to four room apartments.

Q Do you remember how many there were in this one?

A Bedroom and a living room and a dinette and kitchen all combined.

Q When you came there to begin work that day, who did you find in possession of the apartment? A Mrs. Craig and her husband.

Q Is that this man who sits here? A Yes, sir.

Q And did you announceto them that you had come to clean the place? A Yes, sir, me and Mrs. Rhodes came up together.

Q And did you start in working? A Right away, immediately.

Q In what room? A First I started in the closet, you know, where it goes in the next room, first I tried to clean the tile.

Q Did you see the respondent here, there at that time?

A Yes, sir.

Q Where was he? A In the living room.

Q State whether or not he left the apartment while you were there that afternoon, and if so, at what time? A I was working around in the apartment; he was kidding me along while I was working there, up from quarter after three, I started, until 4:30.

Q You say that this man, the respondent, and his wife were there? A Yes, sir.

Q During the afternoon, before you left, what were they doing? A She was fixing lunch.

Q What was she doing the rest of the time? A The rest of the time?

Q Yes, did you see what she was doing? A I didn't notice any of it because I was busy.

Q Did the respondent talk to you while you were working?

A He did, he talked with me a lot, kidding me along.

Q You say three o'clock. What variety or kind of time did you have in Chicago in 1933, in August? You know there are several kinds of time, standard time, do you know what the practice of Chicago was with regard to the time in August, 1933, whether it had Eastern or Central or Western Standard time there?

A Well I couldn't say; all I go is by my time.

MR. DATHMERS: I will make a concession on the record on that.

Q Same time that we have is it not? A I go by my own time.

Q Whatever it was in Chicago then? A Yes, sir, any time we have, that is what I have to go by.

Q And you say you left there about, I should say reached there about three o'clock, something after three, and you worked there until about four? A Yes, I have to work to 4:30 to make my day's work up.

Q Then you left? A Yes, sir.

Q The lady who was in charge of this apartment and for whom you worked, does she live in the apartment? A Yes, sir; she lives down stairs.

Q Did you get your pay that day? A No, sir; Saturday.

Q And this day of the 18th, was that - what day of the week?

A That was on a Friday.

Q And you say you got your pay the next day? A Yes, sir.

Q And what was the amount of the pay and the sum of it?

A $7.12.

Q And where did you cash that check? A Right downstairs in the drug store, I had the pay right down stairs.

Q Now after that did you see the respondent at any time?

A After that?

Q Yes. A Not after that time I didn't see him any more.

Q But whoever was in possession of the establishment at that time, that was the man that stayed around there and you identify him as this respondent? A Yes, sir.

Q And could you identify his wife? A Yes, sir.

Q Have you seen her since? A Sure.

Q You saw her here did you today? A Yes, sir.

Q Any question in your mind about these two people that were in the apartment there? A No.

MR. PARSONS: Take the witness.

MR. DETHMERS: May it please the Court, at this time I will ask that all other alibi witnesses be excluded from the court room.

MR. PARSONS: I object to that on the ground that I haven't asked for any witnesses to be excluded, and I have proceeded on the theory that the witnesses were not to be excluded. I allowed all the Prosecutions' witnesses to sit here.

THE COURT: Well you didn't have to; you could have made the motion.

MR. PARSONS: I could have but I didn't care to.

THE COURT: I think I will grant that motion. Everybody that is a witness here from Chicago will step out into the hall and stay outside until you are called to testify.

MR. PARSONS: Now that I may not risk losing the testimony of those witnesses from Chicago, the respondent's wife is going to be a witness too.

MR. DETHMERS: I don't ask that she be excluded.

MR. PARSONS: There are just two of them that went out, is that right?

MR. DETHMERS: Yes.

CROSS EXAMINATION BY MR. DETHMERS:

Q Mr. Bailey, how old are you? A 27.

Q Are you a married man? A No, sir, never had a chance to marry.

Q Didn't have a chance? A I never had a chance; I had to make money for my grandmother and mother, that is why I couldn't marry.

Q And you say that the owner of this apartment is Mrs. Rhodes?

A No, she is not the owner; she is the agent of the building.

Q She is in charge of the place? A Yes, sir; Mr. George Heilback is the owner.

Q And she acts for the owner in the conduct of the apartment?

A Yes, sir.

Q And you were in reality working for her? A Well I couldn't state definitely how long, but ever since she has been in that building I have been taking care of it. You see the building is in the hands of a Receiver.

Q When did that go into the hands of a receiver? Or strike that. When did she start taking care of that building?

A I think she had the building just about a year.

Q About a year ago now? A I think so.

Q So that you think that she got charge of that building some time in September, 1933? A Something like that, yes.

MR. PARSONS: Just a minute, September, 1933?

MR. DETHMERS: That would be just about a year he said.

MR. PARSONS: This happened, he testified, in August.

MR. DETHMERS: I know, I realize that, but the witness has testified she had that building about one year.

Q Is that right? A Yes, sir, I think; also I am not sure now, about a year now, because I didn't keep up a record of that.

Q How long have you worked in that building, cleaning up apartments, as you have described? A I have been working for the owner six years.

Q For six years? A Yes, sir.

Q In other words, you were mistaken when you said you started working there when Mrs. Rhodes got charge of the place? A When she started the place it was in the hands of a receiver, when she took charge of it, but I don't know what date she took charge of it.

Q When I asked you when you started working there and you said you started when Mrs. Rhodes took charge of the building, you were mistaken about that? A I have been working for the man--

Q Answer the question: You were mistaken about that? A Yes, sir.

Q When did you start working then? A What do you mean, how long I been working for the owner?

Q How long did you work cleaning up those apartments in that building concerning which you testified, and which is located at 7905 Luella Avenue, Chicago? A I said I been working for him for six years.

Q You have been cleaning apartments in that building for six years? A He has three apartments.

Q And you have been employed in cleaning those apartments for the past six years? A Yes, sir.

Q And during that time from whom did you receive your pay?

A From Mrs. Rhodes, she paid.

Q When did she start paying? A I can't definite the date I first started to work for her, I can't definite the time.

Q Who paid you before Mrs. Rhodes paid you? A Before Mrs. Rhodes had the building George Heilbach used to pay me.

Q At any rate you have been working there right along for six years? A Yes, sir.

Q And during that time you have been receiving your pay once a week, or how have you been paid? A Well just like now, if they give me work two or three days I come, sometimes I have a whole month, or some times I have no work at all in that building, then he has work right across the street and he pays me.

Q You usually get paid on Saturday? A Yes.

Q Ever since you did any work you got paid on Saturday?

A Every time I done work for him I got paid on Saturday.

Q Now this check that you say you cashed in the drug store, concerning which Mr. Parsons asked you, who gave you that check? A Mrs. Rhodes.

Q And has she given you any checks since that time?

A Well we haven't had very much work; I mean this year, so far.

Q Has she given you any checks since that particular one?

A Well I have had some other checks since then, but I don't know what time of the day it was, I don't know the date.

Q Have you had checks from Mrs. Rhodes since that? A Yes, sir.

Q Had you had checks from Mrs. Rhodes before that?

A Yes, sir; because I was working for her.

Q Now do you remember Friday, the 11th of August, 1933, You remember that, don't you, Friday, August 11, 1933?

A I didn't keep track of all the dates.

Q You don't remember Friday, August 11, at all, do you?

A They had me down there for working?

Q What is that? A They had me down there for working?

Q I don't know; I am asking you do you remember that date?

A I haven't kept track of everything I did.

Q Why did you keep track of this? A I keep track of my other business, I work at different places, but to come down to dates or the buildings, I don't keep track of.

Q What dates have you kept track of? A To the present time?

Q Yes? A 5324 Mason.

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Q What about that? A That is some work I did there later.

Q Later? A Yes, sir.

Q Never mind addresses. Do you have any particular dates in August of last year in mind, as to where you were those dates? A I haven't got no particular dates, but the agent has all the different dates, has all the records.

Q So you don't know what days you were in that apartment? Do you? A Well she keeps the records.

Q Well do you know? Do you know what dates in August last year you worked in this apartment? A Well Mrs. Rhodes keeps the--

Q Do you know? A I say she keeps those for me.

Q I say could you tell this jury now what days you worked in August, last year, that you worked in that apartment building? A I couldn't say definitely because I don't keep the dates; she keeps the dates.

Q So you don't know of your own knowledge, do you?

A She kept the dates.

Q Then answer my question ; You don't know of your own knowledge do you what days in August of last year you worked in that apartment, do you? A I tell you the fact that--

Q Answer that, do you, yes or no? A Well I don't know.

Q That is what I thought. For how long a time did you say Mr. And Mrs. Bentz were in that apartment?

A How long?

Q Yes. A I seen him once, I haven't seen him anymore.

Q Only that one time you saw him there? A Yes, certainly.

Q You didn't see him the day before? A No.

Q Did you work there the day before? A Worked there a couple days, made $7.12.

Q And you worked there after that too? A Didn't work, just fiddle around is what you would call it.

Q So only once you saw Mr. Craig there? A Once.

Q Did you work there on Thursday?

A Thursday and Friday.

Q You worked there both those days? A Yes, different apartments around there.

Q Did you work there Wednesday? A No, I don't think I did work there Wednesday.

Q Where did you work Wednesday? A Not in that territory at all.

Q Do you know where? A No, I don't.

Q How did you see Mr. Bentz there on that Thursday?

A I was in another apartment that day.

Q You say you worked in that apartment Thursday and Friday, don't you? A Different apartments there.

Q How do you know which apartment you worked in on Thursday and which one you worked in on Friday? A How I know?

Q Yes. A Because I finished up the last apartment-- finished up in their apartment last, I know that.

Q Finished up there? A Yes, sir, the last one.

Q What date was that? A 18th.

Q How do you know? A How I know?

Q Yes. A Because 19th is when I got paid.

Q How do you know it was the 18th you worked there?

A I started there on the 17th, Thursday and Friday.

Q Well didn't you work there the week before on Thursday and Friday? A I said I couldn't keep all dates, she keeps the dates.

Q How do you happen to know it was this particular date?

A How do I happen to know?

Q Yes. A Well I got paid that Saturday.

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Q Well you don't know whether you worked there the week before or not, do you? A I said before I didn't keep all the dates like she does; she kept the whole record.

Q Sure so you may have worker there the week before, on Thursday and Friday for all you know, isn't that right?

A I couldn't say positively because I don't keep dates.

Q For all you know you may have? A I couldn't say that.

MR. DETHMERS: I will ask the Court to instruct the witness to answer my questions.

THE COURT: Don't you understand the Prosecutor is asking you now about the week before?

A Well Judge, your Honor, I didn't keep track of all the dates.

THE COURT: Well do you know you did work the week before or not?

A Well Judge, your Honor, you know it is pretty hard.

THE COURT: Well you answer the question. You answer the questions the Prosecutor asks you from now on.

A Yes, sir.

Q For all you know you may have worked Thursday and Friday of the week before too? A Yes, sir.

Q And if you did you would have been paid on that Saturday before, wouldn't you? A Yes, sir.

Q If that is true, how do you know which one of those Fridays it was you saw Mr. Bentz in that apartment?

A Well I talked with him.

Q How did you know which date that was?

A How I know the date?

Q Yes. A Well the date was the 18th.

Q How do you know? A Looked at the calendar.

Q When? A See, when I am working I always look at the

calendar, and the next week, and some weeks I don't work, and then we start to ask Mrs. Rhodes--

Q When did you look at the calendar? A When I looked at the calendar?

Q Yes. A AT my home that day.

Q That day? A Yes, sir.

Q How did you happen to be looking at the calendar that day?

A How did I happen to be looking at the calendar that day?

Q Yes. A I always look at the calendar.

Q What is that? A I look at the calendar every day.

Q All right, you look at it every day. You may have worked in that apartment the week before, isn't that right? A Could have been.

Q Did you look at the calendar that time too? A Every day.

Q Then how do you know it was the 18th you talked to Mr. Bentz? A Well he was kidding me along.

Q Yes, and what about that? A Well, kidding me about my work and different things.

Q And you would say because he kidded you you happened to look it up and see what date it was? A No.

Q Then explain to the jury how you know it was the 18th you saw Mr. Bentz there in that apartment?

A How I saw? Well I was working in the apartment.

Q How do you know it was on the 18th? A I was working on that day, that is why I know it was on the 18th.

Q For all you know you were working the Friday before, that was August 11th. How do you know it wasn't August 11th you saw him in that apartment?

A That could be true.

Q And you only saw him there once, isn't that it?

A Just once.

MR. DETHMERS: That is all.

RE DIRECT EXAMINATION BY MR. PARSONS:

Q Witness, have you made any effort to find out from this woman that paid you, what day it was you worked there and when you saw the respondent? Did you go and ask her to see the record or check up in any way? A No, I didn't because I figured she should send the record up here.

Q And the only record you have on that question is your recollection? A Yes, sir, I figured she would send the record up here, that is why I didn't see it.

Q You haven't the record yourself? A No, I trusted her to send the record up here.

MR. PARSONS: That is all.

RE CROSS EXAMINATION BY MR. DETHMERS:

Q Do I understand you have never seen Mr. Bentz any other place? A That was the first time.

Q And is that the last time too, until today? A Yes, sir.

Q How did you have a chance to get a good look at him that day?

A When I looked, just once, that is all.

Q Answer the question: Did you get a good look at him?

A Once, I know him from now on.

Q And you are sure this is the man you saw? A Sure.

Q You are sure about that? A Sure.

Q You saw him here, you never saw him again, after that day?

A No, not after that day.

Q You didn't know him when you saw him that day?

A Didn't know him when I go in the apartment the first time I looked at the person's face.

Q Did you know him when you saw him then? A Know him by name?

Q Yes. A No, I didn't.

Q You never had seen him before? A No.

Q You are sure from having seen him that one time, you are sure that is the same man? A Yes, sir.

Q Even though that is over a year ago, is that right?

A Yes, sir.

MR. DETHMERS: That is all.

MR. AARON SHUGAN, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. PARSONS:

Q Your name is Shugan? A Yes.

Q You live in the city of Chicago? A Yes, sir.

Q You lived there in August, 1933? A Yes, sir.

Q Speak a little louder please. What is your business or occupation? A Druggist.

Q Was that your profession or occupation in August, 1933?

A Yes, sir.

Q At what place were you employed in August, 1933?

A That was my store at 2233 79th.

Q Is there an apartment above over that store?

A It is the same building, 7905 Louella.

Q Do you remember of Mr. Bentz or Craig coming there in August, 1933? A Yes, sir, I remember the day he moved in.

Q Remember what kind of car he had? A Well it was a new car, it was a British Columbia license, that is all I noticed of it.

Q Did you notice how long he stayed there and when he moved out? A He was there about three weeks or a month.

Q And during the time that he occupied that apartment did he come into the store downstairs with anyfrequency?

A Yes, sir, every day.

Q And what did he do there when he came in on those days?

A Well he - do you mean on the--

Q Come into the store, what did he do, buy anything?

A He would buy a paper every day.

Q What paper would he buy? A The American.

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Q The Chicago American? A Chicago American.

Q You say you remember when he moved in there. What date was that? A The 16th of August, 1933.

Q Have you made some effort to refresh your recollection since coming here as a witness? A Yes, I have gotten the information as to what date from the manager of the building.

Q And your remembrance of when he first came there, did that check with that information? A That checked.

Q Does that refresh your recollection? A Yes, sir.

Q Of the date it was. What date do you first recall?

A 16th of August.

Q Then on the 16th of August he would have been there two days, is that right? A Two days.

Q And what day was the 16th of August? A On a Friday.

Q Friday. Do you remember his coming in there on that day?

A I remember him coming in.

Q And remember what time of the day it was? A In the afternoon, about 1:30, to be exact.

Q Did he have any habit as to about the time of day he came in after the paper? A Well he could talk around, shin around.

Q You say you remember he came in there? A He came in there that day.

Q And that was in the afternoon? A In the afternoon, 1:30.

Q How long a time did you see him during the afternoon?

A Well I remember selling him some medicine that afternoon, he wanted something for his wife, and I mixed something up and he went upstairs.

Q Was that what he got a counter prescription?

A Counter prescription.

Q Do you keep any record of those? A No, I can tell you

what it was if you want to know.

Q And what? A Hayden's Viburnin compound; it is a dark green color, very bitter, hard to take.

Q You remember making that up for him? A Yes, sir.

Q Do you remember the witness Bailey, this colored man, from Chicago? A Yes, I do.

Q Do you remember his being there on that day or on the next day? A Well I remember him coming in at noon time usually, came in for root beer.

Q Did he come in on Friday, on the same day? A Yes.

Q Did you see him the next day? A I saw him the next day.

Q And what did he ask you to do for him if anything, the next day? A He owed me a little bill, I cashed a check for him for seven dollars and some change, I don't remember definitely what it was, seven dollars, took out what he owed me and gave him back the change.

Q Whether or not you remember positively that that was the week end that these people moved in there?

A Absolutely.

Q First week they moved in? A Yes, sir.

Q Did you see them around there frequently while they stayed there? A Quite frequently.

Q Who else was in the store with you at that time?

A My clerk, Mr. Knuth.

Q Knuth. Are you related in any way to this man, the respondent? A Not at all.

Q Can you now identify him as the man who was there in that apartment at that time and came in there and got the prescription? A Yes, sir, absolutely I remember that.

Q And did you see him after that a number of times?

A Quite frequently every day.

Q And saw his wife also? A Yes, sir.

Q Do you know the colored boy, Bailey, that came in there?

A I have known him for three years.

Q Did he work in that apartment there at that time?

A Yes, sir.

Q Have you any interest whatever in the outcome of this case, any personal interest? A No interest whatsoever; perfect stranger to me.

Q You weren't interested in the apartment? A Not at all.

Q You are not related to them in any way? A Not related.

MR. PARSONS: You may cross examine.

CROSS EXAMINATION BY MR. DETHMERS:

Q How long has this Lonnie Bailey, the colored boy, worked in those apartments? A About three years I imagine.

Q How long have you been in the drug store there?

A Three years.

Q And who at that time was in charge of those apartments?

A Mrs. Rhodes.

Q And for how long has she been in charge of those apartments?

A Well at least a year, might be a little longer, might be less, but about a year.

Q You don't know how long? A Not exactly.

Q For how long did Mr. Bentz stay in that apartment?

A Three weeks or a month.

Q And during all that time he came into your place every day?

A Every day for a paper.

Q And you saw him every day? A I saw him every day.

Q Now on Friday, August 25th, at what time did Mr. Bentz come in your store? A Friday August 25th, he came in at afternoon time.

Q And what time did he come in the following Friday?

A I wouldn't remember the following Friday off hand, I have to figure it out.

Q You would have to figure that out? A Yes, sir.

Q How would you figure it out? A If I had some way of figuring or remembering the different things that led up to it.

Q At what time did he come in on Thursday, August 24th?

A At noon time.

Q At noon time. A I seen him practically every day at noon time.

Q In other words, you say that because you saw him practically every day at noon time? A Because he used to come in for the early edition of the Chicago American; that comes about twelve o'clock.

Q So you make that statement, not from your memory of that particular day, but because of the fact that you know he usually came in at noon? A No, from my memory.

Q The Thursday, August 23rd, do you remember that particular day, or August 24th, I should say, Thursday, August 24, do you remember that particular day? A I don't remember off hand.

Q But you remember his coming in on that day?

A I remember him coming in every day.

Q So you remember he came every day about noon?

A Yes, sir, I remember that.

Q But you don't remember that particular day, Thursday, August 24? A Not that particular date.

Q So that your statement that he came in that day about noon is based on the fact that you recollect he came in every day about noon, that is the reason for your saying that? A That is not the only reason.

Q What other reason have you then? A I remember the date he moved in.

Q I am talking now about Thursday, August 24th.

A The day he moved in was the 16th, I absolutely remember

he came in every day.

Q What time did he come in on Thursday, August 17th?

A At noon time.

Q Then what happened, he bought a paper? A Well I don't know what happened every day. Usually talked to my man in the back.

Q Do you know what he talked about that Thursday, August 17th? A I didn't talk to him then.

Q Did he buy any medicine on Thursday, August 17th?

A No, he bought it on Friday.

Q None on Thursday? A None on Thursday.

Q Do you remember an occasion of his coming in on Saturday, August 19th? A Not definitely.

Q You don't remember that definitely? A Not definitely, no.

Q Well do you definitely remember his coming in on Thursday, August 17th? A What was the last question?

Q Do you definitely remember his coming in on Thursday, August 17th? A Yes, I remember the 17th.

Q But you don't remember definitely August 19th, which was Saturday? A I don't definitely remember that.

Q But you do very definitely remember all those dates, Friday-- A Those three dates, the 16th, 17th and 18th.

Q Those three you have in mind particularly, and you remember his coming in? A Yes.

Q What time did he come in on Wednesday, August 16th?

A Wednesday, August 16th? I saw him in the evening, that is the first time.

Q So he didn't come in at noon? A He didn't come in at noon time that day.

Q But you just particularly remember that he moved in on August 16th in the evening? A Yes, sir.

Q And the next two days you can remember those two visits.

to your store with great particularity?

A Coming there at noon time, yes, sir.

Q And expecially August 16, and Friday, you remember that day? A Yes, sir.

Q That day you remember particularly? A Yes, sir.

Q Have you got any record with you to show that is the date you sold him the medicine? A Well ---

Q Answer that; have you? A Not with me.

MR. PARSONS: He testified they do not make records of those counter prescriptions.

Q The fact is that you have no record of that sale that date. A No.

Q That is just from your memory? A That is just from my memory.

Q When were you first asked about this prescription?

A About ten days ago.

Q That is the first that you knew that you were to come here as a witness on this matter? A Yes, sir.

Q And that is the first time you were asked to think back about August 18th? A Yes, sir.

Q Of last year? A Yes, sir.

Q And all the rest of that time, since August 18th until about ten days ago, you never gave another thought to anything that happened on August 18? A No.

Q And in particular that sale of medicine that day, you didn't give that much thought, did you? A Before that?

Q After that and before ten days ago.

A Well I remember selling the medicine, that is how I -- remember the date.

Q But you first called that to your mind again some ten days ago, when you learned you were to come here to testify? A Yes, sir.

Q How many prescriptions as a general rule do you fill in a day? A Oh, sometimes none and sometimes two, and some times three.

Q What would you say, as an average?

A About three a day.

Q Now what other prescriptions did you fix up on Friday, August 18th of last year? A I fixed up, I remember filling one prescription, I can't recall.

Q Remember who it was for? A Yes, I think I do.

Q Who was it? A I know where she lived, Paxton Avenue.

Q What did you fix up for her? A It was a patent that I have to take the label off from salts.

Q In other words, it wasn't anything you mixed up; patent mixtures, you took the label off it and put your own on?

A That is what I remember.

Q Do you know of any others on that day? That is all.

Q What prescriptions did you fix up on Saturday, August 19th?

A Well I remember fixing a hospital prescription.

Q On Saturday, August 19? A Yes, sir.

Q How do you know you did that on Saturday, August 19?

A Prescriptions are very few, that is why I can remember.

Q How do you remember that it wasn't Saturday, August 25, or 26th rather? A Where the prescriptions are not plentiful, I happen to recall that, the next day.

Q In other words, this prescription you fixed up for Mrs. Bentz, that was quite an unusual event in your life, and for that reason it stood out and you remember everything you did the next day as well? A That brings everything to my memory, the prescription.

Q All right; what prescription did you fix up the day before, Thursday, August 17th? A I don't think I filled any at all.

Q You don't remember one? A I don't remember filling any.

Q What did you do on the 4th of July of last year, 1933?

A I worked in the store.

Q You remember that day, don't you? A Yes, sir.

Q That was enough of a celebration so it stands out in your mind? A Yes, sir.

Q If that is true, do you remember what prescriptions you filled out the next day, July 5th? A No. The 4th of July is just an ordinary day to me, I had to work anyway.

Q So you don't remember what prescriptions you filled July 5th? A No.

Q In other words, the 4th of July wasn't of significance to you that it helps you to remember what prescriptions you filled out on the 5th? A No, the 4th don't mean anything to me.

Q But Bentz moved up in that apartment on the 16th, and that is such a significant fact that you remember everything you did for the next three days? A I put my mind on it.

Q Did you anticipate there was going to be a case like this at that time? A No.

Q Why did you put your mind on it? A Well I have to recall.

Q How many apartments are there up there?

A About eighteen or twenty.

Q And at that time had most of those people lived in there for a year or more? A No, there were a lot of people moving in and out on account of the Fair in that particular summer.

Q In other words, people moved in and out almost every day?

A Not every day, no.

Q But frequently? A Every three weeks and every month. They would stay for a month at least.

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Q During that summer you had eighteen different apartments that were being filled or emptied? A No, some were residential. Some stay there for years. There were only about five or six apartments available for tourists.

Q And now one would be moved into and one would be moved out? A About six.

Q And every time somebody moved into one of those apartments was that quite a significant event in your life?

A Well I remember I would be anxious to get more business and I would want to make their acquaintance.

Q And every time somebody would move into one of those a apartments would you remember what happened the next few days in your drug store? A I would think so, if I recall.

Q Well do you recall? A If there was anything came up that I have to remember, have come back to remember, I imagine I would.

Q In other words, if it is necessary you can go back and remember most anything for any date, is that what you mean?

A When thinking, yes.

Q Yes, that is what I thought too. What time did you get up on the morning of August 18th?

A I got up about ten, ten-thirty.

Q What did you have for breakfast? A Coffee.

Q What else? A And a roll.

Q And what else? A That is all I eat.

Q In other words you eat that each morning?

A I eat that each morning.

Q That is how you know that is what you had for breakfast?

A That is true.

Q Do you remember a Mr. J. J. Becker that lived in one of those apartments there? A Yes, sir.

Q Where is he now? A I don't know.

Q What is the last you heard of him? A He moved out.

Q That is all you remember. Remember Mr. James Barry?

A Barry, yes.

Q When did he live there? A Previous to Mr. Becker.

Q When did Mr. Barry move in? A In the summer time.

Q What was the date? A Of the year before, that is the year before, I don't remember two years ago.

Q You don't remember the date? A No.

Q Did you get any prescriptions the next day after he moved in?

A Mr. Barry?

Q Yes. A Yes, he got some - it wasn't Mr. Barry, Mr. Becker.

Q What date was that? A That was a year and a half ago, that was in February.

Q What was the date in February? A The middle of February, I don't know exactly the date.

Q You don't remember whether the 14th or 15th?

A No, no incident leading up to it.

Q Well he moved in just the day before? A Who, Mr. Becker?

Q Mr. Becker? A No, he didn't get one the next day, I can't say that.

Q How many days was it after he moved in that he bought a prescription? A About a week after.

Q Where is Mr. Becker today, do you know? A I can't tell.

Q Do you know where Mr. Barry is? A No.

Q Do you know what happened to either one of those two gentlemen? A No.

Q You haven't had to testify for them have you?

A No.

Q What did you have for lunch on Friday, August 18th, 1933?

A I had a sandwich in the store.

Q What kind of sandwich did you have?

A I usually like a toasted cheese sandwich, I must have had that.

Q In other words, you don't remember the sandwich today, you are just going by the fact you usually have it.

A Yes.

Q And what did you have for supper or dinner, or whatever it is you eat in the evening? A That is hard to remember.

Q You don't remember that at all? A I never gave that a thought.

Q Did you work that evening in the store? A I worked that evening.

Q Until what time? A Until closing time, 12.

Q And where did you go from there? A I went home.

Q You are sure of that. You always workeduntil closing time? A I always work until closing time.

Q Do you have any record with you as to what the prescription was you sold to Mr. Criag?

A Do I have a record?

Q Yes. A Well I remember that --

Q Well do you have a record of what you sold to Mr. Craig?

A No, that is a counter prescription, don't have a record. I remember it in my mind.

MR. DETHMERS: That is all.

MR. PARSONS: That is all.

THE COURT: Just a moment. One question I wasn't very clear on; did I understand you to say that you went to the owner of the apartment to find out what date that Mr. Craig moved in?

A Yes, sir.

Q Did he have a book?

A Not the owner, the manager.

Q The manager, this manager's name--

A Rohrer.

Q That is Mrs. Rohrer? A I phoned her.

Q And she told you what date it was? A She told me the date.

Q When did you phone her? A Last Friday.

Q You did not remember what date it was and that is why you called her up? A I wanted to be sure, positive.

Q She isn't here? A No, she is in Chicago.

THE COURT: All right.

RE CROSS EXAMINATION BY MR. DETHMERS:

Q From whom did you get that information?

A Mrs. Rohrer.

MR. PARSONS: I will say, if the Court please, we have made an effort to get that witness and that record. I have correspondence showing we can't get it. I have a copy of what purports to be a copy of the record and a letter which accompanied it, that is all I have in my files; I find I have left it, carelessly or recklessly left it in my office.

MR. DETHMERS: I will be willing to agree you can make use of that.

MR. PARSONS: I will bring it tomorrow and offer it in evidence, together with the letter accompanying it. We made an effort to get the witness here. They say they haven't got the money to make a photostatic copy.

THE COURT: What I wanted to find out from you is this: You got this information, did you, as to when they moved in, you got it from Mrs. Rohrer?

A Yes, sir.

THE COURT: Would you pretend to remember without having gotten that from her?

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A I remember the middle of the month; I didn't know exactly on the 18th, I wouldn't be positive in other words.

THE COURT: You would not have been positive unless you had called her up would you?

A I remember the incident, I remember they come down, I remember the 18th positive.

THE COURT: I wanted to ask you, could you remember it positively without having called up Mrs. Rohrer?

A Yes, there is a way I could remember.

THE COURT: That is all.

MR. CHARLES L. KNUTH, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. PARSONS:

Q You reside in the city of Chicago? A Yes, sir.

Q Did you so reside in August, 1933? A Yes, sir.

Q Where were you employed at that time? A In the South Shore Pharmacy.

Q Was that in the same pharmacy with Aaron Shugon?

A Yes, sir, he was the owner.

Q He is the owner, you were employed by him? A Yes, sir.

Q Do you remember in August, 1933, seeing this respondent coming to the drug store there? A Very well, yes, sir.

Q And do you remember about what part of the month, as to whether it was the middle or near the first or latter part of the month that he came there first?

A Well I - there was a very little episode and I noticed just about the time he came there, about the middle of the month.

Q About the middle of the month? A Sure about the 18th, I believe the 16th.

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Q Have you made, or did you make an effort at any time recently to refresh your recollection on that subject, to find out when it was that they moved in? A Yes, sir.

Q What was that effort; what did you do to refresh your recollection?

A I went to Mr. Shugan and we checked up from - Shugan checked up with Rohrer, Mr. Shugan checked up with Mrs. Rohrer, I knew about that time indefinitely, that is the lady I mean who managed the building.

Q Did you check with her to find out when he moved in?

A Mr. Shugan. I didn't do it personally. I looked up the calendar and Mr. Shugan checked up and I knew, I remember very distinctly the time he moved there.

Q And this was on, I want to be certain as to the week, as to the week in August, whether it was the week of the 18th or not? A Yes.

Q And do you remember seeing Mr. Bentz or Craig in the store that Friday? A Yes, sir.

Q What time of day? A About the middle of the day, about 1:30.

Q And did he buy anything from anybody in the store?

A Yes, sir.

Q What? A He came--consulted, I heard the consulation, it was, about in regard to a strong mixture, in regard to his wife.

Q And who waited on him? A Mr. Shugan furnished it.

Q Talk to you about it first? A I heard the conversation, it was his mixture.

Q What did Mr. Shugan do for him? A Well he compounded it for him, if I remember right, I guess he charged him one dollar.

Q Can you swear now positively that occurred on Friday of the week that they moved in? A Yes, sir; absolutely.

Q Did you see the car that they drove over in there?

A Yes, sir.

Q What kind of car was that as to the license number, make, color? A I couldn't just exactly tell the license number, but had a British Columbia B. C. license on it, and if I remember correctly it was, must have been rather late model Whippet, but I won't be sure.

Q Did you see this respondent after that for some time there? A Yes, sir, daily.

Q Did he comein the store? A Yes, sir.

Q Now are you any relation to this respondent? A No, sir.

Q Or his wife? A None whatsoever.

Q And have you any interest in this case personally?

A No, sir.

Q Had you ever seen this respondent before he moved into the apartment? A No, sir.

Q And after they moved away from there did you ever see him again until today? A Today is the first time., I saw him, yes, sir; the timehe lived there I know him about three or four weeks.

MR. PARKS: That is all.

CROSS EXAMINATION BY MR. DETHMERS:

Q Did you see Mr. Bentz there every day while he was there?

A Practically every day, yes, sir.

Q What was that? A Practically every day.

Q And where would you see him? A Sometimes he got a paper during the day, and in the evening, around evening, him or his wife come down and I served them at our fountain, and they had a refreshment; naturally, they lived overhead in the same building, and they comethere in the evening,

many times he would come in, and have quite a chat with Mr. Criag.

Q Where would you do that? A He would come in the store, you see, sometimes ten, fifteen minutes, or longer.

Q Did you see him in the middle of the afternoon quite often?

A Yes, sir.

Q Or in the middle of the morning? A Yes, sir.

Q In other words, he wasn't going somewhere to work was he?

A I couldn't tell you that, because I know I saw him most generally during the day, when he picked up- I think he read the American paper.

Q You say you would see him during the middle of the afternoon quite often? A Yes, see him around lunch time.

Q And would you say you saw him during the middle of the morning quite often? A Not so often in the morning.

Q Sometimes? A Once in a great while.

Q Did you understand he was employed at that time?

A No, I didn't.

Q In other words you understood he was not employed? A No.

Q What did you understand? A All I knew, he was living there, that is all I knew about it, and carried a little brief case with him once in a while when I saw him, when he come home.

Q What name did you know him by at that time? Ted Gray?

A Ted Craig.

Q What is that? A Ted Craig. Did you understand me? I said Craig, I didn't say Gray.

Q What did you say? A C r a i g. I can't pronounce it.

Q Now what day of the week did Mr. Bentz move into this apartment? A About the 16th.

Q What day of the week did he move in about?

A About Friday.

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Q Moved in about Friday? A No, not Friday, it was the 16th, that was Wednesday.

Q Well to start figuring this all out, what day of the week was it, do you remember? A About the middle of the week.

Q Oh about the middle of the week. You are sure it wasn't Monday? A No.

Q What day would you say it was? A Wednesday.

Q You would say now it was Wednesday?

A Yes, sir, middle of the week.

Q Well the middle of the week couldn't be Thursday, could it?

A I don't think so.

Q What day do you call the middle of the week?

A Six days in a week, and, of course, Sunday.

Q Which is the middle day of the week to you? A Wednesday.

Q That is the middle of the week. That is the day he moved in, are you sure about that? A Yes, sir.

Q How do you know that? A Because I was right there in the store.

Q What? A Because we happened to be in the store there when his wife came in the store the very afternoon they moved there.

Q And you kept track of it ever since that was Wednesday?

A Yes, sir.

Q And isn't it a fact you learned of this date, the 16th, from Mr. Shugan, and then went to work on the calendar to see what day of the week that was, is that what you did?

A No.

Q What did you mean when you testified that you had Mr. Shugan check it up on the calendar, what did you mean by that?

A To get the exact date, I knew it was the middle of the week when they moved in there.

Q What did you have to look at the calendar for after Mrs.

Rohrer told you what date it was?

Q To make positive, to know what time of the day it was.

Q What time of the day it was? A Yes, sir.

Q Did you have that on the calendar?

A No, I knew he moved in the afternoon some time.

Q You didn't have to look at the calendar then to find out what time of the day it was? A No, sir.

Q What did you look at the calendar for?

A Get the exact date when he moved in.

Q Did it say anything on the calendar when he moved in?

A No.

Q Then how could you tell from the calendar?

A I could check up and knew it was the middle of the week, when he moved in there, that was on Wednesday.

Q Yes, so what did you have to look at the calendar for?

A I never looked at the calendar until about two weeks ago, week ago.

Q What did you look at the calendar for then?

A To get the exact date.

Q For what? A The time they moved in.

Q Was that on the calendar? A No, sir.

MR. PARSONS: Just a minute; if the Court please he has been asked that a half dozen times.

MR. DETHMERS: He hasn't explained it yet.

MR. PARSONS: I object to it.

THE COURT: You have been over that; he says it wasn't on the calendar.

Q Well then why did you look at the calendar?

MR. PARSONS: He has told him why.

THE COURT: You may answer it, why did you look at the calendar, you may answer that.

A To get the proper date, get the exact date.

Q And how would you get that from the calendar?

A Well by looking at it, looking up the exact date, because he moved in the first - the middle of the week.

Q How do you know it wasn't the week before?

A I knew that.

Q How? A Through checking up on Mr. Shugan.

Q In other words, that is how you discovered the date then, not from the calendar, isn't that right?

A I know, I knew the people the first day they moved there, and I knew that was there after that every day.

Q And you rememver now what date it was they moved in?

A Yes, sir, just by his coming down.

Q And would you have known that date even if Mrs. Rohrer hadn't informed Mr. Shugan and your

A Justabout, couldn't tell exactly.

Q What was the date that they moved out?

A About three or four weeks later.

Q What day of the week did they move out?

A I couldn't exactly tell you.

Q You don't remember that? A Not exactly.

Q You don't remember the day of the week nor the date do you? A They was there about four weeks.

Q Do you remember the day of the week or the date they moved out? A Not exactly the date they moved out, but I know the date they moved in.

Q What were your hours in the store last August?

A Eight in the morning, some times stayed to closing, to ten at night.

Q Every day? A Every day.

Q Do you remember seeing Mr. Bentz on Thursday, August 17th? A Yes, sir.

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Q What time of day did you see him?

A Well it was in the evening, he most generally came in in the evening.

Q You "most generally" saw him in the evening?

A No, he came mostly about, when he goes out in the evening and middle of the day, he most generally called for his American paper.

Q What time would he "most generally" call for that?

A Around lunch time.

Q Well when you say "most generally", you mean he didn't do it every day? A Yes, practically, just as regular, every day.

Q When you say "practically", do you mean that he missed some days? A Well I know he called there pretty nearly every day.

Q When you say he "called there pretty nearly every day", that means he missed some days, doesn't it; is that right?

A Well naturally I know he was there.

Q What was that - "naturally," did you say?

A He was there.

Q For all you know he missed some days? A No.

Q During those four weeks he lived there?

A No, he got his paper every day.

Q Why did you say "practically" every day then, and why did you say "most generally"? How do you happen to remember that it was on August 18th that he got this prescription?

A Well because he come down and said his wife was sick; well I can tell you what the illness was.

Q How do you know that was August 18?

A Because it was right a couple days right after they moved in there.

Q That is how you know, because it was shortly after?

A Yes, sir.

Q How do you know it wasn't the 19th?

A No, it wasn't.

Q How do you know? A I know it wasn't the 19th.

Q How do you knowit wasn't? A Because the gentleman was right there.

Q What? A The gentleman was right there in person.

Q Well how do you know it wasn't the 19th; he was there in person? A No, it wasn't the 19th.

Q How do you know? A I know because I was there.

Q He was there on the 19th in the store wasn't he?

A At noon for the paper.

Q What time of day was it he got this medicine?

A That was about 1:30.

Q How do you know that wasn't August 19th he got the medicine? A Because this colored boy was working there the same day.

Q Did you have a talk about this thing with the colored boy?

A No, the colored boy was down in the store that day.

Q What day? A On Friday.

Q Was he there on Thursday? A No, sir.

Q Was that colored boy - the colored boy was in the store on Saturday, wasn't he? A Yes, sir.

Q What time of day was he there on Saturday?

A I don't just recall, about the middle of the day I believe it was.

Q And how do you know that wasn't the day that Mr. Bentz was in there for the medicine? A No, Mr. Bentz was in there the day before that.

Q How do you know it wasn't the 19th? A I know it.

Q How? A I can't remember that.

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Q You just remember it, that is all? A Yes, sir.

Q How do you know it wasn't on the 17th?

A No, sir.

Q How do you know it wasn't? A Well I am positive it wasn't because---

Q In other words you don't know how, but you just know?

A Yes, sir.

Q Do you fill prescriptions too? A Absolutely; I am a registered pharmacist.

Q You didn't fill the prescription for Mr. Bentz did you?

A No, I was right there.

Q Did you fill any for anybody else that day?

A Not that I know of, no.

Q You don't remember whether you did or not? A I don't remember.

Q How do you happen to remember this particular one?

A Well I counter prescribe quite a little, and I knew the time of his moving in there, I knew the people, got acquainted with them when they moved in there and he called for that medicine, I knew that.

Q And you remember it was the 18th because it was a couple days after they moved in? A Yes, sir.

Q Did you ever fill any prescription for Mr. Bentz?

A Only tonic orders here and there.

Q How many times did you fill a prescription for Mr. Bentz?

A I couldn't tell you. He got medicine from me once in a while.

Q How often? A Well when he happened to need it.

Q All right, give us the dates of those times you gave him a prescription? A I couldn't give you the exact dates.

Q You don't know those dates. Do you remember how many days after he moved in you gave him a prescription?

A I didn't give him a prescription that day; he just

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called and had a conversation and he gave him the medicine.

Q Did you give him a prescription on another occasion?

A Not regular practice; I counter prescribed when he called for medicine.

Q I don't care what he gave him, what did you give him?

A Well toothpaste and gargle and so forth.

Q All right, what was the date you sold him toothpaste?

A I don't recollect the exact date.

Q How many days was it after he moved there?

A He came in on different occasions.

Q How many times did he buy toothpaste of you during the time he was there those three weeks? A I couldn't tell you.

Q You don't know; do you remember the first tube you sold him? A I couldn't tell you what date it was.

Q And what kind was it you sold him?

A I don't remember that either. Repsodent.

Q Repsodent; that is the kind Amos and Andy advertise, isn't it? A Must be.

Q And do you remember how many days after Bentz moved in it was that you sold him the Repsodent?

A No, Icouldn't tell you.

MR. DETHMERS: That is all.

RE DIRECT EXAMINATION BY MR. PARSONS:

Q Now on your cross examination, is there any doubt in your mind at this time that on Friday of the week that Mr. Bentz moved into that apartment, that he was down there in that store in the afternoon?

A Yes, sir.

Q Is there any doubt about that in your mind at the present time at all? A Not at all; I know he was.

Q And the mere fact that you aren't able to tell everything that happened on each and every other day all the rest of

that summer, hasn't shaken your belief in the correctness of that statement? A No.

Q And I think you testified that you have no interest whatever either in Mr. Bentz, his wife, or in this lawsuit? A Absolutely not.

Q You are here at some inconvenience to yourself, are you?

A Some.

MR. PARSONS: I think that is all.

RE CROSS EXAMINATION BY MR. DETHMERS:

Q In other words, that particular Friday is the only day that you do remember anything about that whole summer?

A No, sir.

Q What other day? A Well I know he dropped in every day, and then his wife and himself dropped in in the evenings for a sociable talk, sit there and talk a while or for their refreshments.

Q You remember that because it happened every day?

A Yes, sir, and he always called for his paper every day.

Q But this particular Friday out of a whole summer is the only date you can give as a particular date that something in particular happened on that day? A It happened on Friday right in the beginning, I know that truthfully; I know that is the truth.

MR. DETHMERS: That is all.

MR. EARL DOYLE, sworn by the Clerk, testified asfollows:

THE COURT: You may step in the jury room five minutes.

DIRECT EXAMINATION BY MR. PARSONS:

Q Mr. Doyle, you are brought here as a witness in this cause by the officers here, from Jackson? A Yes, sir.

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Q And you are one of the men who was involved in this bank robbery on the 18th of August, 1933, here in Grand Haven? A Yes, sir.

Q And you know, do you not, and are acquainted with the identity of all of your associates in that robbery?

A Yes, sir.

Q You had known them for a sufficient length of time previous to the robbery so that there would be no doubt of your ability to identify them, all of them, at any time or any place where you might see them, is that right?

A That is right.

Q You see this man who sits here. Stand up. (Respondent stands)

A Yes, sir.

Q Was this man one of your associates in that bank robbery on the 18th day of August, 1933?

A He was not.

Q Have you any personal interest in this man or any reason for testifying to protect or assist him?

A No, sir.

MR. PARSONS: You may cross examine.

CROSS EXAMINATION BY MR. DETHMERS:

Q Have you ever seen Mr. Theodore Bentz before today?

A No, sir.

Q This is the first time you ever saw him?

A To my knowledge; yes, sir.

Q How many accompanied you on this robbery? A Four.

Q Four? A Yes, sir.

Q So that there was five of you all together?

A That is right.

Q Who were the other four?

A Well that I refuse to reveal.

Q What is that? A I refuse to reveal that.

MR. DETHMERS: That is all.

MR. PARSONS: That is all.

MR. DETHMERS: I just want to ask you:

Q You were captured at that time, at the scene of the robbery, were you not? A Yes.

Q And you were later sentenced by this Court to life imprisonment in the State Penitentiary in Jackson?

A Yes, sir.

MR. DETHMERS: That is all.

RE DIRECT EXAMINATION BY MR. PARSONS:

Q You say you refuse to reveal, you wouldn't want to say whether the man named Edward Bentz, who has been identified by certain witnesses as one of the robbers, as the brother of this man?

A I didn't get the question.

Q You say you refuse to tell who they were. Do I take it that means you also refuse to say whether or not a man by the name of Ed Bentz, who has been identified by witnesses as one of the robbers on that occasion, and who is a half-brother of this man, whether or not he is one of the robbers, that also includes him?

A Yes, sir.

Q You don't care to say whether he was one or not?

A No, sir.

MR. PARSONS: Very well, that is all. I have one more witness, if the Court pleas, but the testimony will take some little time for cross examination.

THE COURT: You will have them here tomorrow morning?

MR. PARSONS: Yes, that witness will be here tomorrow morning.

THE COURT: I will say to the jury, as you know this case has been more or less discussed publicly, and it is important that you decide this case yourselves. No other person has any right to help you decide it, and you have no right to allow them to. For that reason I am saying to be careful not to discuss the case with anybody tonight, nor let anybody talk to you about it. Don't talk about the case nor anything connected with it. You are excused until nine o'clock tomorrow morning.

PROCEEDINGS OF SEPTEMBER 25, 1934, 9 A. M.

MR. JOHN DEKOSTER, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. PARSONS:

Q Mr. Dekoster, you reside where? You say you reside in Grand Rapids? A Yes, sir.

Q You are acquainted with various officers and officials of the Peoples Savings Bank of Grand Haven?

A I know them by sight, yes, sir.

Q You call on them in a business way? A Yes, sir.

Q You had been calling on them in a business way for some time before August, 1933? A Yes, sir.

Q Do you remember hearing about the robbery of that bank which occurred in August, 1933? A I read it in the paper, yes, sir.

Q And did you talk with anybody in the bank, employed there, about the robbery after it occurred?

A Yes, I was in there about two or three months after it happened.

Q And whether or not anybody there in the bank made any statement to you relative that you showed resemblance to one of the robbers? A Yes, sir.

Q Who was that? A This gentleman right here I think. (indicating)

Q Mr. Bolt? A Well, it was one of the cashiers.

Q One of the officers in the bank? A Yes, sir.

Q And what did he say to you?

A Well I walked in there and asked him if - how the stapling machines were working, that was the first conversation, and he says "there is a slight resemblance", he says, "to you and the man that held up the bank, although you are not quite as fleshy and not quite as tall as that."

Q Did he tell you which man? A No, he did not, sir.

Q Was any st tement made to you at any time as to which one of the robbers you were supposed slightly to resemble?

A No, sir.

Q Did you have a talk afterwards about it with the Chief of Police of this city, DeWitt?

A Well th t was about four months later.

Q And were any of the bank officials present at that time?

A Why the gentleman that I talked to in the first place, yes, sir.

Q Was any st tement at that time made by that gentleman or in his presence by anybody, as to your possible resemblance or slight resemblance to one of the robbers?

A No, sir.

Q What was the conversation? A Well the Chief of Police came down and asked me how tall I was and how much I wieghed and that is about all that was said.

Q And was anything said about your resemblance to the robbers at that time? A No, not at that time.

Q And you don't know now then and never have known which one of the robbers in question you were supposed to have slightly resembled? A No, sir.

Q Of course this gentleman knew who you were and it was just a question of fixing some known person that slightly resembled one of the robbers?

A I imagine that is what it was.

MR. PARSONS: Well I think that is all.

MR. DETHMERS: No questions.

MRS. CHRISTINE CRAIG, being first duly sworn by the Clerk, testified as follows:

DIRECT EXAMINATION BY MR. PARSONS:

Q Mrs. Craig, you are the wife of the respondent in this case, Theodore Craig? A I am.

Q Do you remember when you and your husband came to Chicago in 1933? A Yes, I do.

Q What date was it? A We got to the outside of Chicago on the 13th of August.

Q Where had you come from? A We come from the west, British Columbia.

Q How long had you been in British Columbia?

A Well practically all my time, from the time I come from Scotland.

Q And you say you arrived near Chicago on the 13th of August? A Yes, I do.

Q And when did you establish a residence, as it was, or I take it a temporary residence in Chicago?

A On the 16th of August.

Q At what address? A 7905 Louella Avenue, Apartment 3-A.

Q Whom did you see, or your husband, about arranging for that apartment? A The Manageress, Mistress Rhodes.

Q Was she located in the apartment, residing there?

A Yes, she had an apartment there as the Manageress, she had an apartment.

Q Was your apartment on the ground floor?

A On the ground floor.

Q What other person or place if any was located on the ground floor? A Well along the front there was a meat shop, there was a cleaner's shop, and there was a National Tea Store, and there was a drug store, and a hair dresser.

Q Did you make the acquaintance of the people in the drug store? A Yes, sir, with all the people in all the shops I was acquainted with.

Q Did you make the acquaintance of this gentleman who testified here yesterday, Mr. Knuth, and Mr. Shugan?

A Yes, I did.

Q And where were they and in what business were they engaged?

A Mr. Shugan, he owned the drug store at the time, or owned the business rather and the time we rented the apartment.

Q What did the other gentlemen do?

A He was just a clerk there.

Q Did you see this colored boy Bailey who testified here as a witness? A Yes, sir, Mistress Rhodes brought him up when I was about, around one or half past one.

Q Which day was that? A Friday the 18th of August.

Q You say you moved into the apartment on the 16th of August?

A I do.

Q That would be what day of the week?

A That was on Wednesday.

Q Whether or not the apartment was in a condition that it required some cleaning? A Pardon?

Q Whether or not the apartment was in a condition such that it required some cleaning?

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A Oh yes, it was, well it wasn't awfully dirty, but as a general rule they clean apartments when new tenants come in.

Q And so you say this colored boy Bailey came there to work on Friday after you moved in, is that correct?

A Yes.

Q And was he there working at any other time while you were in the apartment? A I saw him on the Thursday cleaning another apartment down in the hallway.

Q I am speaking now of your own apartment that you occupied?

A No, he only cleaned it on Friday, that is all.

Q On that date whether you were in the apartment, and whether Mr. Craig, the respondent, was in the apartment when this colored boy Bailey came there and started cleaning?

A Well he came out there a little after one o'clock, and Mrs. Rhodes brought him up and she said "you don't mind this fellow working in the apartment, around the apartment," and I said "no", and he came and started in the apartment; I was making lunch at the time, and she went downstairs, and Ted was there.

Q And whether or not either you or your husband left the apartment that afternoon? A Yes, we did leave it, but it was after three o'clock we left.

Q Did you leave it together?

A Yes, both of us left together.

Q And whether or not the colored boy was there working at the time you left?

A Well he must have because - I suppose he must have because when we come back it was shortly after five; I would say around about half past five we come back to the apartment.

Q Did you notice he was there still working at the time you left.

A Yes, he was, because I left him in the place because my husband said to him, he said "if you like something to eat, just go to the ice box and you will find it." One of the meat men, I got an affidavit from him.

That is all right, we can only use here the witnesses that are brought here to testify.

MR. PARSONS: I will say at this time, if the Court pleas, that it is my understanding that the prosecutor consents to the introduction of this paper which I hold here, as a copy of the record from this apartment house, relative to the receipt that was given or signed by this colored boy Bailey. There are certain circumstances relative to inability to procure the original that would justify the request that this be received.

(Document marked Exhibit A)

Owing to the tabulated form of part of the exhibit, I will not read it into the record. It can be copied and used on the argument.

MR. DETHMERS: Well the People will consent to the introduction of this paper for the purpose of showing that this purports to be a record of the fact as alleged, that the lease by T. Craig of the apartment at the address which they have described is dated August 16, 1933. For that purpose we will admit it and nothing further.

MR. PARSONS: It also shows that it ran at least as far as August 24.

MR. DETHMERS: That is right.

MR. PARSONS: And so far as the receipt that is on the--

MR. DETHMERS: I don't care for all the information about occupation and all that stuff.

Q Where did you go after you left; you say you and Mr. Craig left three o'clock to go some place in Chicago.

A We just drove up to 73rd and 71st street, I don't know Chicago very well, but I know some of the streets, and we drove along the parks by the drive around South Shore Park, then come back again, and we did some driving along 71st, and then we came right back home again, and Ted-- we came to the apartment and he stopped the car right outside of the apartment, and there was a policemen setting there with his car, and Ted, he had seen Ted when he first got there, and they got pretty well acquainted and Ted sat in his car and I was upstairs first, and I was in the apartment, and Ted came up a little later, he had been talking to the policeman because Ted was interested in radios, and he was talking about his radio in the car.

Q Then Mr. Craig was with you in the city of Chicago all of the afternoon of the 18th day of August, 1933?

A Yes, we were.

Q And excepting in August, 1933, I take it you never lived or had been in Chicago?

A No, except - pardon me, except on one visit only, and that was when I was visiting my sister in Toledo.

Q When was that? A Three years ago.

MR? PARSONS: Cross examine.

CROSS EXAMINATION BY MR. DETHMERS:

Q Mrs. Craig, when did you marry this respondent, Theodore Craig? A I married him in November.

Q What year? A Last year.

Q November, 1933? A Yes, I did.

Q How long a time had you been living with him before that?

A I wasn't living with him before that; I just come with him from British Columbia.

Q So you were not--

A Because I was making a trip home to see my mother at present in Scotland.

Q You were not living with him on the 18th day of August, 1933, in this apartment? A No, I was not.

Q Where were you living? A I was living in 7905 Luella Avenue, in Apartment 3-A.

Q Where was Mr. Craig? A He was there too,

Q He was? A Yes, he was.

Q He lived in that same apartment? A He did.

Q So you were living in the same apartment? A Yes.

Q On the 18th of August? A Yes, we were.

Q So you were mistaken then when you said you were not living with him? A You said living in the same apartment.

Q Were you together or weren't you? A Well we were living in the same apartment.

Q Was there any one else living in that apartment besides you and Mr. Craig? A No, just Mr. Craig and I.

Q Do you remember the afternoon of Friday, August 25, 1933?

A Yes, I do.

Q What did you do on that afternoon?

A Well we went to the Fair.

Q Where? A The World's Fair.

Q How many days did you go to the World's Fair?

A Well we went one, two, we went three days, and then we went back again.

Q Which three days? A Because I remember that was the sole purpose we come to Chicago was to see the world's Fair.

Q Which three days did you go to the World's Fair?

A Well the whole of that next week we didn't go.

Q The whole-- A At least not until the end of the week,

and I remember some day around that too we went to the Fair, and--

Q Just a moment; what three days did you go to the World's Fair? A Well just let me think a minute, just the same as you would have to think too.

Q Think as long as you wish.

A Yes, it was just around that time I was to the Fair the 25th.

Q Which three days did you go to the Fair, Mrs. Craig?

A That would be around the next Friday I went to the Fair, because I know, because I wasn't well, I wasn't feeling well at all.

Q Then that was the day you had to have a prescription, was it? A Yes, on the 18th I was very sick in the morning.

Q Which day did you go to the World's Fair?

A Well we must have gone around about Wednesday, Thursday and Friday, and I know after that we went.

Q Which week? A The next week following after we arrived in Chicago.

Q So that you say then that you went to the World's Fair on the Wednesday, Thursday and Friday following Friday the 18th? A Yes, that is around that time I went because one afternoon I remained at home.

Q Do you remember what you did the afternoon of Tuesday following Friday the 18th? A Tuesday following Friday the 18th?

Q Yes. A Well, just let me think. Well we didn't do very much. I know I slept late and by around about maybe eleven before I got up, and--

Q You mean that was the usual rule? A Yes, in the apartment, yes, because I had nothing to do, and then I would get up and make some breakfast.

Q Will you tell us what you did the afternoon of that Tuesday following the 18th of August? A Well I suppose we went out, I know that I wasn't long there and we went out to see the Zoo.

Q On that Tuesday? A Yes, because I hadn't seen Chicago and it was quite interesting to me to see those large--

Q Was that Tuesday afternoon you went to the Zoo?

A Well I couldn't quite definitely state.

MR. DETHMERS: No further questions.

MR. PARSONS: All right; that is all. Respondent rests.

THE COURT: Anything further, Mr. Dethmers?

MR. DETHMERS: Yes, in rebuttal we call Mr. Rosema.

(Here follows the rebuttal testimony on behalf of the People)

R E B U T T A L

BENJAMIN ROSENA, being first duly sworn by the Deputy Clerk, testified as follows:

DIRECT EXAMINATION BY MR. DETHMERS:

Q Mr. Rosona, were you here in court when Mr. Earl Doyle testified yesterday? A I was.

Q And did you hear him testify that he had never seen this respondent Theodore Craig before yesterday?

A Yes, sir.

Q How do you remember when you had Mr. Earl Doyle in custody in the county jail here, almost a year ago now?

A Yes, sir.

Q Or a year ago? A Yes, sir.

Q And did you have any conversation with Mr. Earl Doyle at that time about this respondent Theodore Bantz?

A I did.

Q And will you state to the jury what that was?

MR. PARSONS: Just a minute, I object to it; this isn't impeachment.

MR. DETHMERS: It is for the sole purpose of impeachment.

MR. PARSONS: IT isn't proper then.

THE COURT: You didn't call Mr. Doyle's attention to that yesterday, to that statement, or to that conversation.

MR. DETHMERS: No, I didn't.

THE COURT: You didn't call Mr. Doyle's attention to that when he was on the stand yesterday, did you, to the conversation?

THE COURT: What is your objection to it?

MR. PARSONS: Well the witness Doyle wasn't asked anything about it yesterday; he said he never saw this

man, that is a fact, but he wasn't asked about any conversation that he had with this witness, so this isn't proper rebuttal.

MR. DETHMERS: MY theory is that the witness in response to direct examination testified before this court he had never seen this respondent before. The purpose of this testimony is to show that by conversation, with this witness, or my purpose is by showing that conversation, to refute the statement of Mr. Doyle.

MR. PARSONS: Not proper impeachment. If he had asked Mr. Doyle if he had told this witness something, he might go into it.

THE COURT: Objection sustained to it.

MR. DETHMERS: No further questions. The People will rest your Honor.

MR. PARSONS: May it please the Court, I desire to request at this time that the Court instruct the jury as to the law relative to the right of the respondent not to testify in his own behalf, and the consideration or lack of consideration of that fact which the jury have a right to give; this instruction to be in such form as the Court feels it ought to be.

MR. DETHMERS: And is it your request that that instruction be given at this time?

MR. PARSONS: No, in connection with the general instructions. I haven't submitted a formal request along that line.

(Arguments by counsel to the jury)

(During arguments)

MR. PARSONS: I don't think there is any evidence

to the effect as to what Mr. Dethmers is agruing and I want to object to that argument.

MR. DETHMERS: The fact itself that he sits here on trial is evidence of that.

THE COURT: Just a moment.

MR. PARSONS: I ask that it be stricken out and the jury instructed to disregard it.

THE COURT: I didn't get the argument prior to your objection. What was the nature of that argument? Mr. Parsons made an objection to your argument a moment ago.

MR. DETHMERS: Well, your Honor, my argument was this, that Mr. Parsons raised the question that the pictures which the witnesses had identified were not here placed in evidence, and therefore there was some question as to whether the pictures identified by the Peoples' witnesses were the pictures of this respondent. In answer to that I stated that the significant fact remains that after identification was made by pictures this respondent was arrested, and such identification of the pictures evidently led to the arrest of this Respondent.

MR. PARSONS: I object to that. There is no evidence of that fact.

THE COURT: Well I think that is a legitimate argument. You may proceed.

(Arguments concluded)

CHARGE OF THE COURT

Gentlemen, in this case the People claim that the Peoples' Savings Bank of Grand Haven, in this county, was robbed on the 18th of August, 1933; that is a matter ordinarily that would have to be proven just like any other part of the case. But so far as the robbery is concerned, a number of employees of the bank have testified to it, and the respondent has brought here a witness on the defense who has testified to it, and that he took part in it, so the first question that the bank was robbed, we may say is both proven by the People and admitted by the respondent. That is not a matter in dispute. You have no objection to that statement, have you, Mr. Parsons?

MR. PARSONS: That is a correct statement, your Honor.

THE COURT: The People further claim that on that day four men entered the bank and took part in robbing the bank; and they claim that the respondent, Mr. Theodore Craig or Theodore Bentz, as the name under which he is prosecuted here, was one of those four men. The People claim that this respondent was one of the four men that entered the bank and took part in robbing the bank on the 18th day of August.

Now the respondent claims that he is not guilty; he claims that he was not in the bank at that time or any other time. He claims that on the day in question he was in Chicago and he claims that he has an aliti, that is, that he was not there, but was in Chicago at the time the bank was robbed, and has brought here witnesses to establish his claim that he was not present.

Now the law of this state provides that any person who with intent to commit the crime of larceny, that means with intent to steal, shall threaten to kill, injure

or wound, or shall put in fear any person for the purpose of stealing from any building, bank, safe or other depository of money, bonds or other valuables, or shall by intimidation, fear threats compel or attempt to compel any person to disclose or surrender the means of opening any building, bank, safe, vault or any other depository of money, bonds or other valuables, or shall, whether he succeeds or fails in the perpetration of such larceny or felony, be guilty of a felony. So that law provides that if a person goes into a bank such as the institution here described, and by threats or putting anybody in fear in the bank, attempts to or does commit larceny in the bank, steal goods, the property of the bank, whether they succeed or not, if they just try it, then they are guilty of the crime that this respondent is accused of; whether they succeed or not.

But in this case the people claim that the bank was actually robbed and the property was stolen, and they did succeed. Now everybody that takes part in committing a crime, a felonly like this, that everybody who takes part in it is equally guilty. Every person concerned in the commission of an offense, whether he directly commits the act constituting the offense, or procures, counsels, aids or abets in its commission, may hereafter be prosecuted, indicted and tried and on conviction punished as if he had directly committed the offense.

So under the testimony in this case, if four men came into the bank, regardless of what part they took in it, if they were working together, four of them, then each one of those men are equally guilty of the crime here charged against the respondent.

The burden of proof in this case of course is

on the People, to prove that the respondent was there and took part in the robbing of this bank, and the burden of proof means that the party having it, that is the People in this case, must prove their case. The People have made the accusation; the People must prove by evidence sufficient to remove a reasonable doubt, every essential element of the offense charged. The burden of so proving is on the People. The Respondent is not required to prove anything; he is not required to offer any testimony or any evidence.

You are instructed that the respondent in law is presumed to be innocent and that it devolves, the burden is upon the People to prove by evidence, to the satisfaction of each of the jurors, beyond a reasonable doubt, that the respondent committed the crime as charged in the information and explained in these instructions, and if upon a view of the whole case you have a reasonable doubt of the respondent's guilt, you will give him the benefit thereof and acquit him.

But a reasonable doubt to authorize an acquittal on that ground must be a substantial doubt of the respondent's guilt, formed from a careful consideration of all the facts and circumstances proven in the case, and not a mere possibility of the defendant's innocense. The burden of proof is upon the People in this case to show the guilt of the respondent, and all of the presumptions of the law, independent of the evidence, are in favor of his innocense. The law presumes the respondent to be innocent until he has been proven guilty beyond a reasonable doubt; and in this case the Court instructs you that if after you have considered all the evidence in the case you then have a reasonable doubt as to the guilt of the respondent, then the respondent is

entitled to the benefit of that doubt and you should acquit him. The burden of proof never shifts from the People to the Respondent, but it upon the People throughout to establish every essential element of the offense.

Now there are only two elements in this case; First, that the bank was robbed, which is admitted; and the second, that the Respondent was present and was one of the robbers. Now in this case the People have offered here the testimony of three of the employees of the bank to the effect that they saw the respondent in the bank and that he was one of the robbers and that they positively identify him. They have also offered the testimony of a man working across the street in the McClellan Store; he testifies that he saw the respondent and the respondent is one of the men that took part in robbing the bank. Mr. DeWitt, the Chief of Police in this city has been called to testify, and he testifies in substance that the respondent told him that the respondent's brother was in the bank, was one of the robbers, and that his brother was indebted to him and in order to pay him off, turned over to him some nineteen hundred or two thousand dollars in cash of this bank. Mr. Evans, from Hammond, Indiana, testifies he cashed one of the checks in the store where he was employed in Hammond where he claims the respondent bought a hat.

Now the respondent here has offered the testimony of some six witnesses. He has offered the testimony of Mr. Bailey, Mr. Shugan, Mr. Knuth, to the effect that he was in Chicago at a certain apartment on this day in question and was not here at all. Now it appears that these witnesses testified positively that he was there in Chicago, and they claim that before testifying that they talked or called up, one of them did, Mrs. Rhodes or Rohrer, who had charge of the apartment.

Of course, if they rely upon what she told them that is hearsay and should not be considered by you, because Mrs. Rhodes would be the only person who could testify as to what her records show; but of course, if they remember the matter distinctly and remember it independent of their discussion with her, if you find that they do have such memory, then of course their testimony may be considered by you, and if you find that their testimony as to the date rests entirely upon the information that they got from Mrs. Rhodes, then I would say to you that their testimony is of no value and should not be considered by you.

Now Mr. Doyle, another witness, as you understand is imprisoned in the State Prison in Jackson, one of the men admittedly who had part , took part in the robbing of this bank; he testifies here that this respondent was not one of those that took part in the robbery. He refuses to give you the names of any of those that did take part in the robbery, and it would appear to me that his testimony is not entitled to great weight. However, his testimony is a matter for you to consider. You are to pass upon it; you are to give it such weight as you think it is entitledto, and regardless of what I think about it, doesn't have anything to do with it, you are the sole judges of what weight his testimony is to receive.

The testimony of Mr. DeKoster of course has no bearing, as I see it, on the matter at all. He was in the bank, was acquainted with the people of the bank, and one day when he was in there, he was there to show in some way that he had a resemblance to one of the robbers, but that in no way connects this situation with this respondent.

Now besides the testimony of these witnesses, Mrs. Craig has taken the stand; she testifies that although

she was not married to the respondent she lived in the same apartment with him at that time in the city of Chicago, that she was married to him later in November of that year, but in the month of August she was living with him and they were going to the Fair, they had come there from British Columbia, and she says she remembers they were living there on the 18th of August. Now, gentlemen, those are the witnesses that testified on behalf of the respondent. You are to weigh their testimony and consider what weight you think it is entitled to receive. You have these facts here that they testified to. Do they remember those things? Independent memory? If they do, are they telling the truth about it? These are matters for you to consider.

Another matter that I am requested to charge you concerning is the fact that the respondent did not take the witness stand. I think perhaps it is unnecessary to say anything about that. I have told you that the People must establish the case and all of the elements of the case beyond a reasonable doubt, and that the respondent doesn't have to prove anything. A Man accused of crime comes into Court clothed with the presumption of innocense; he doesn't have to prove a thing. He can testify, he has a right to take the witness stand and testify in his own behalf; he has a right not to take the witness stand and not to testify, and the jury have no right to consider why he did not take the stand. It is a matter that you are not to consider at all. You are to decide whether the People, from the evidence, the evidence offered in this case, have established the guilt of the respondent beyond a reasonable doubt, and you are not to take into consideration the fact that the respondent did not take the stand.

No inference can be raised or considered against him on that account; so I say to you, obey the law. Do not think about it, do not talk about it, why Mr. Craig didn't take the witness stand. It isn't a matter for you to consider. The law forbids you to consider it; so you and I are sworn here to give this man an absolutely fair and impartial trial, without fear or favor, from any source. Now let us do that; and under the law, the fact that he hasn't taken the witness stand is not a matter to be considered by you at all. No inference may be drawn from his failure to take the stand; it is not a matter for you to consider at all or to weigh at all against him. It is a matter not to be considered in any shape, manner or form. The respondent is entitled to the independent judgment of each juror. We have twelve jurors. The People must satisfy each one of you twelve men beyond a reasonable doubt of the respondent's guilt or else the respondent is entitled to a verdict of acquittal. If any of you have a reasonable doubt of the respondent's guilt it is the duty of that juror to vote not guilty.

If there are two theories, one of which points to the respondent's guilt and the other one points to his innocense, and if you have a reasonable doubt of which is true, then it is your duty to adopt that theory consistent with the respondent's innocense. You are to decide the case here on the testimony produced here in open court and the instructions I have given you. A man would never have a fair trial if he was to be tried upon rumors on the street or the statements in the newspapers, however accurate they may be at times. The testimony or statements made in newspapers are not evidence. Here in the court room every witness has to appear and testify, and his testimony is sifted by

the examination of the attorneys and the cross examination of the other attorneys, and you are not to consider any testimony nor any facts nor anything you have heard or seen outside of what appears right here in the court room. That is the right of the man on trial, and you are to accord that man, every man accused of crime, that right. So don't pay any attention to what has been said or written or that you have heard outside of the court room.

Also you are not to pay any attention to, nor consider whay may be the result of your verdict. You have nothing to do at all with the question of punishment. You have nothing to do with that. You are to determine whether the respondent is guilty. If he is guilty of the crime here charged against him and you so find from the evidence, then the question of what must be done about it and what punishment he must receive, if any, is left entirely to the Judge. That is not one of your burdens. That is the load that he must carry and you cannot assist him in it. So you simply determine the question of whether he is guilty or not guilty. On the other hand, you are not to consider how people around the community will feel toward you if you should find him not guilty. You go into the jury room and study the question of whether he is guilty or not, and if you find from the evidence and beyond a reasonable doubt that the respondent took part and assisted in the robbing of this bank in question at the time and place here in question, then your verdict will be guilty; in accordance with the facts as you find them to be; and on the other hand, if you find in this case that the people have failed to establish the respondent's guilt beyond a reasonable doubt, beyond all reasonable doubt, your verdict will be not guilty.

Now an officer will be sworn and then you will go with the officer to dinner; your dinner will be paid for by the county, and you will stay under the control of the officer until you have decided this case and brought in your verdict. The officer may be sworn.

(The officer was thereupon sworn at 12 o'clock noon)

Just a word. The respondent will not need to be brought back here until the jury are ready to announce their verdict. That is why I had the officer sworn before dinner.

(The jury goes to dinner and thereafter return to the jury room)

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(1:45 P. M.)

THE COURT: I understood, gentlemen, there was some question you wanted to ask. What was it?

THE FOREMAN: The date of issue of these Mellon National Bank certificates is August 30, 1933. We couldn't understand why that should be August 30, 1933, when they were stolen August 18, 1933. We would like to have that explained.

THE COURT: Well probably there is no harm in my explaining that to you. It is admitted here on the record by agreement of the attorneys that those are the checks that were stolen, you see. That is part of the record here. Now those were checks of the Mellon National Bank, were they?

THE FOREMAN: Yes.

THE COURT: Of course, I might just explain this much about a travelers check. You go to the bank and you buy the check, you buy those checks if you are going traveling and you sign your name at the top of the check in the presence of the banker where you buy them, and then any time that you

want to cash one of those checks you go-- you take the check down when you want to cash it, you take it and fill in the name of the man that you-- fill in the name of the man you want to pay it to and then you sign your name at the bottom in the presence of the man that you are issuing the check to, and he looks to see if the name at the top corresponds with the signature you have given at the bottom. Now so much for a travelers' check in general. Of course, it is claimed here by the people when those checks were stolen that they were all blank, the date was blank and everything was blank. They were just travelers' checks. They are not supposed to go out of the bank until the banker that you buy them of sees you write your name on the top. You write your name in his presence, and you pay your money for the checks when you get them. Now you take, when you want to pass them of course you must write the name on the bottom, and the man to whom you give the check is assumed then to see if the signature is the same as the one on top. Supposing they were stolen-- I am not saying they were-- suppose they were stolen on the 18th of August. Of course they wouldn't date that check until they wanted to pass it. Is that the idea of what you wanted?

THE FOREMAN: Judge, your Honor, I don't think you understand quite what we say. These checks are all marked, dated as August 30, 1933. All these Mellon checks are marked August 30, 1933, and they were cashed at different times. We can't understand why they should be marked a date of issue August 30, 1933, before the date they were stolen.

THE COURT: It is agreed here on the record they were stolen August 18.

THE FOREMAN: Yes.

THE COURT: They are all dated August 30.

THE FOREMAN: The date of issue.

THE COURT: Yes, well maybe I can make that a little plainer. Of course, these checks never were issued at all, you understand that?

THE FOREMAN: I understand.

THE COURT: They never were issued at all by this bank. Whoever had possession of these checks filled the whole thing out, he filled the date out and he could put any date in there he wanted to.

THE FOREMAN: Judge, I would just like to show these to you, probably that would be plainer to you.

THE COURT: I think I know what it is. All right. (Foreman hands exhibits to court)

THE COURT: Is that typewritten on it? Well, I want to make a little further statement about that. Now you understand, gentlemen, there is no evidence here that this respondent, Mr. Craig, passed any of these checks except that one check that Mr. Evans said he passed, you understand that. There is no evidence here that Mr. Craig had possession of any of these checks except that one. These checks were offered in evidence for the sole purpose of showing the property, some of the property that was stolen from the bank. These checks were stolen from the bank, that is in evidence here, but that doesn't prove or doesn't show that this respondent stole them. It doesn't show that he dated and passed them. But it only is to show that property stolen from the bank, this is property of that bank. Now I am going to reopen this case for the purpose of letting-- I don't consider it very material, but inasmuch as the question is asked, I think I was mistaken when I stated a while ago

that the man that passes the check puts in the date, but that isn't so I think. Whenever the check is bought in the bank, travelers' checks, and the man that buys them writes his name at the top, I think on that day the banker puts in the date, and they put in the same date on all of them. At any rate, you may call Mr. Bolt to the stand, Mr. Dethmers.

MR. DETHMERS: Will you be sworn, Mr. Bolt?

MR. PARSONS: He has been sworn.

MR. FREDERICK C. BOLT, recalled, testified as follows:

RE DIRECT EXAMINATION BY MR. DETHMERS:

Q I show you here, Mr. Bolt, one particular photostatic copy of a Mellon National Bank travelers' check, bearing number D751292, payable to Rothschild and Hirsch, and this photostatic copy is one of a bundle that was received into evidence as Peoples' Exhibits 4 or 5, if you will check that up, and I show you or indicate to you that portion of this photostatic copy of such check which reads: " Date of issue, August 30, 1953." I ask you this: At the time you receive such blank travelers' checks and received this particular blank travelers' check of which this is a photostatic copy, is such date of issue filled in when you receive such blank checks?

A There is never any date on it.

Q And when such travelers' checks are sold in due course of business by the bank to some purchaser of travelers' checks, when is that date of issue filled in?

A There is a difference in practice. Some put it in at the time they are sold, and others do not, leaving it for the maker to fill it in when he cashes it.

Q What has been the practice of your bank?

A We I would say uniformly do not date them. However, certain tellers might and certain others might not.

Q As to those Mellon National Bank travelers' checks that were in the possession of the Peoples Savings Bank of Grand Haven on the 18th of August, 1933, that were stolen from the bank on that date by bank robbers, were the dates of issue or was the date of issue filled in on any of those blank travelers' checks?

A Not on any of them.

Q And so if this is, as agreed on the record, a photostatic copy of a travelers' check stolen from the Peoples Savings Bank on the 18th day of August, then this date of issue as it appears on this check, August 30, 1933, was filled in at some time after the time of the robbery?

A That is correct.

Q And that August 30, 1933, as it appears here, is not part of the printed form? A No, it is not.

MR. DETHMERS: That is all.

MR. PARSONS: No cross examination.

THE COURT: Mr. Dethmers, there is one other check there that the juror shows me, with no date on it at all; it has evidently been cashed, but isn't dated. I think that is a different kind, the American.

JUROR: American Express.

Q (By Mr. Dethmers, resuming) I show you here an original American Express Travelers' check, bearing number A-9954768, which bears no date whatsoever. I ask you that same question relative to these travelers' checks. Is it usual to fill in that date at the time the bank sells those checks?

A Usual to leave the banker or teller do it himself. That shows the carelessness with which these things are handled. They are taken ordinarily as money; a ten dollar check passes as a ten dollar bill; the main thing being that the signature on the lower left hand corner compares with the upper left hand corner.

However, it is true that that date on these travelers' checks never appears on them before at least the time of sale? A Never.

MR. DETHMERS: Does that clear up the question? (No response)

MR. PARSONS: No cross examination.

THE COURT: Now is there any other question, gentlemen? (No response) All right. (Jury retire to the jury room.

(3:45 P. M. Jury report)

FOREMAN: The verdict is "Guilty."

MR. DETHMERS: May it please the Court, in this case in view of the verdict of the jury, the evidence as it developed before the jury in the trial of this case, the fact this case has already extended for some time and that the prisoner has been in the custody of the local officers for so great a length of time, I believe it would be wise that the sentence of the court be imposed upon the respondent. I so move the sentence be imposed upon the respondent at this time.

THE COURT: Any objection, Mr. Parsons?

MR. PARSONS: No objection that I know of. I haven't any in behalf of the respondent.

THE COURT: Do you understand that, Mr. Bentz?

MR. BENTZ: Your Honor, I have an objection.

THE COURT: What is your objection?

MR. BENTZ: I would like to talk to you first.

THE COURT: Well of course ordinarily I have tried to have a conversation with a man charged with crime, but here we have had a trial in open court. You and the sheriff together may step in, however, in the office. I would be glad to talk with you.

(Respondent and Court and officer step out)

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THE COURT: You may stand up here with the Sheriff. Anything you want to say on the record, Mr. Craig, why the sentence of the Court should not be pronounced in your case?

MR. BENTZ: What I have got to say is that I am innocent of this offense, and it will be on your conscience, boys, all your lives. I never robbed this bank, and it will be proven sooner or later. That is all I have to say.

THE COURT: Well of course, you have, as I stated to the jury, you had an opportunity to testify in this case; you didn't have to, and the jury didn't have any right to use any presumption against you because you didn't, and they probably didn't, but you saw fit to trust your case without denying that you were here. Now the law provides certain things for a man's protection. One is that the question of his guilt or innocense must be determined by 12 men, all men must agree upon your guilt or else he cannot be convicted. This case has been presented here to twelve men. Your witnesses have all testified. The witnesses for the people have testified.

I believe you had a fair trial by a jury of fair and honorable men. The testimony has convinced them and it has convinced me of your guilt beyond any doubt whatever. If I had a doubt of your guilt I would set the verdict aside and tell the jury I didn't believe you were guilty, and would set it aside, but I haven't any doubt of your guilt, and now as to what I should say to you I shall say very little. I do not believe that I ought to take advantage of you. You cannot talk back. You have nothing to say here. And I shall not take advantage of you. I believe in being a good sport on these matters. You boys with guns that go out and hold people up, you hadn't ought to sob when you get caught and get convicted, you shouldn't sob, you shouldn't whine like a child, you should take your medicine like men. That is my view point.

MR. BENTZ: Judge, I never robbed this bank.

THE COURT: That is what you say, briefly, but you haven't sworn to it, and besides all that, I think we are justified in holding you did. The jury believe you did. Four people here looked you in the eye and tell you they saw you there without any doubt. Anyway, the sentence of this Court is that you be imprisoned in the branch of the Michigan State Prison at Marquette during the remainder of your life. That is all.

MR. BENTZ: Judge, couldn't you sent me to Jackson?

THE COURT: I am not going to do that.

Now gentlemen, I believe you have done your duty fairly, and justice in this case. You stayed out a long time, that shows you have given earnest consideration to the

testimony in this case. The testimony seemed to me to be very clear and convincing, but you went over every phase of it and considered every opportunity that there might be a question of doubt, and you did the right thing. I do not think you need worry a minute about this case. After the testimony was in, from the matters that were presented to me as to the history of this man, I don't think you need to worry at all as to the possibility of his being not guilty in this case.

****

State of Michigan)
County of Ottawa)

I, Herman Vander Noot, Official Stenographer of the Twentieth Judicial Circuit, do hereby certify the above and foregoing to be a true and correct transcript copy as taken and transcribed by me.

Signed Herman Vander Noot
Official Stenographer

Office Memorandum • UNITED STATES GOVERNMENT

KCW:LA

TO : MR. ROSEN

DATE: October 13, 1944

FROM : K. C. WEST

Time of Call: 11:50 A.M.

SUBJECT: TED CRAIG BENTZ
Marquette Penitentiary #46144
BANK ROBBERY

This is for record purposes only.

In connection with the letter addressed by the subject to the Director on October 1, 1944, in accordance with your instructions, I phoned Assistant SAC Olsen at Albany to determine whether Ted Bentz testified at Burlington, Vermont during June of 1940 in connection with the prosecution of Clyde Hamilton Nimerick. While Bureau files showed Eddie Bentz testified at this trial, apparently for the defense, there was no indication Ted Bentz did testify although a review of the files indicates he would probably have been in a position to testify to the friendship of Nimerick with Eddie Bentz. ASAC Olsen said he would check into the matter immediately and call me back.

At 12:10 P. M., ASAC Olsen phoned to advise he had talked with Agents who handled the case and also checked the Albany files and that Ted Bentz was brought to Burlington, Vermont, on a writ of habeas corpus in connection with Nimerick's trial. Ted Bentz identified Nimerick as an individual he had seen in Portland, Maine, with Eddie Bentz shortly before the pertinent robbery. Ted further told the Court how he had been in business and that Eddie Bentz had asked him if he, Ted, would like to help "knock off a bank."

Olsen stated it was the consensus of opinion among the Agents who handled the case that this testimony, while pertinent and of value, was not indispensable.

ACTION REQUIRED

None. These data have already been incorporated in a memorandum to the Director.

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EX-33

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

KCW:LA

TO : THE DIRECTOR

DATE: October 12, 1944

FROM : A. ROSEN

SUBJECT: TED CRAIG BENTZ
Marquette Penitentiary #46144
BANK ROBBERY

98507

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Carson
Mr. Hendon
Mr. Mumford
Mr. Jones
Mr. Quinn Tamm
Tele. Room
Mr. Nease
Miss Beahm
Miss Gandy

Reference is made to the attached letter addressed to you by captioned subject dated October 1, 1944, in which he requests you to write the Chairman of the Michigan Parole Board in his behalf.

BENTZ' CLAIMS

It is noted Bentz' letter makes three general claims:

(1) that he furnished information to Bureau Agents at Portland, Maine, which was directly responsible for our location of John Dillinger.

(2) that he voluntarily furnished important testimony in the "Limerick" case at Burlington, Vermont, during June, 1940.

(3) that Bureau records prove he is innocent of the Grand Haven, Michigan bank robbery for which he was prosecuted in State Court and is presently serving time, since our records show he was in Chicago, Illinois, on August 18, 1933, when the robbery was committed.

ANSWERS TO BENTZ' CLAIMS

(1) As you know, Dillinger was located solely on the basis of information furnished our Chicago Office by Mrs. Anna Sage, commonly referred to as "the woman in red." (62-29777-3233) While Bentz did furnish considerable information to former SAC C. D. McKean and other Agents of the Boston Office when questioned at Portland, Maine, which information he claimed to have obtained from his brother, the well-known bank robber, Eddie Bentz, (62-29777-2845), this played no actual part in Dillinger's apprehension. As a matter of fact, investigation proved at least some of the data furnished by Bentz was apparently untrue. You will recall Agents spent considerable time looking for a "Buman Island", which Bentz described as being located in a body of water near Hammond, Indiana, which island is apparently non-existent. (62-29777-3104)

(2) No "Limerick" case was handled by the Bureau at Burlington, Vermont, during June, 1940. Tom Limerick was killed at Alcatraz Penitentiary on May 23, 1938, and Earl Limerick, his brother,

[redacted]
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248 APR 4 [redacted]

91-57-17

RECORDED & INDEXED

16 OCT 18 1944

59 OCT 28 1944

EX-22

214

was sentenced to serve ten years in Nebraska Penitentiary during 1936 on State bank robbery charges. There is no indication either of the Limerick brothers was ever arrested in Vermont.

It appears Bentz is referring to testimony which he furnished at Burlington, Vermont during June of 1940 in connection with the prosecution of Clyde Hamilton Nimerick. The Albany Office has advised Ted Bentz was brought to Vermont to testify in this case on a writ of habeas corpus and that he identified Nimerick as an individual he had seen in Portland, Maine, with Eddie Bentz shortly before the pertinent robbery. Ted further told how he had been in business and that Eddie Bentz had asked him if he, Ted, would like to help knock off a bank. The Albany Office states this testimony was pertinent and of value but probably not indispensable.

(3) Our files fail to reflect Bentz' whereabouts on August 18, 1933, or to give any proof of his innocence of the State crime for which he is serving time. He has, however, been trying to find out what our files show regarding his whereabouts on this date and get us to assist him in preparing an alibi since at least September 5, 1937, when he addressed a letter to former SAC McKean. (91-1-900) At that time Bentz was advised by a letter over your signature that the Bureau is prohibited by Departmental regulation from furnishing any official information except at the specific request of the prosecutor interested in the case. The Albany Office advises Bentz is very prolific in his correspondence and writes to everyone who might be able to help him. He continually corresponds and sends such things as Valentines to the U. S. Attorney in Vermont.

With reference to the robbery of the Peoples Savings Bank in Grand Haven, Michigan, on August 18, 1933, for which Bentz is serving time, it appears that certain traveler's checks were found in his possession when he was arrested at Portland, Maine, by Bureau Agents which were traced directly to this robbery. The loot of the robbery was approximately $23,000 in cash, $6,300 in traveler's checks and $1,000 worth of bonds. Bentz was turned over to local authorities after he established an alibi in connection with the robbery of the Caledonia National Bank, Danville, Vermont, (6/4/34), in connection with which Nimerick was sentenced to 20 years.

RECOMMENDED ACTION

There is attached for your approval a letter instructing Grand Rapids to have an experienced Agent interview Bentz and straighten him out. Bentz will also be told that he knows information from our records can only be furnished to duly constituted law enforcement agencies.

Attachments

245

Name Mr. J. Edgar Hoov

Post Office Washington, D.C.

Rural Route or Street No. 412 Seward Square

Relationship Business Date Oct.1,1944

Name Ted [illegible]ig Bentz No. 46144

All correspondence from re[illegible] and friends of inmates is subject to censorship i[illegible] mail department of this ins[illegible]on before delivery. All mail must be addressed with full name and register number of inmate. For example: JOHN DOE, No. 23450, L[illegible] BOX 779, MARQUETTE, MICHIGAN. Correspondents should sign their full name [illegible] address at the bottom of letters and on the upper left hand corner of the envelope. [illegible] discussion of prison matters shall be written in any letter. Newspapers, books and ma[illegible]zines must come direct from the publishers. Magazine subscriptions must not be ente[illegible] from outside sources. Magazines or books that feature stories on crime detection, se[illegible] Communism shall positively not be allowed. All money sent inmates should be by mon[illegible] order only. Stamps may be enclosed in letters received for inmates. Inmates are allow[illegible] to receive family snapshots and photos.

Marquette, Michigan 985[illegible]

Dear Mr. Hoover: Re: Ted Bentz, #46144, Sent 9/25/34
Crime: Robbery Armed. Term: Life.

On two different occasions I helped out you and your department. So now how about giving me a little help?

How did I help you? You recall when I was in custody of your agents in Portland, Maine, during July, 1934, they questioned me at length concerning certain people and things. They asked me about a certain party whom you wanted to catch despite anything. I did not even know the man, nor where he was. But I did know other facts which would, by logical thinking, bring your men close to where he could be found. I was talking to Chief McKean of the Boston territory of the F.B.I and Mr. Keefe and Mr. Williams, agents. I told them it was my theory that the man they wanted could be found at a certain place in a certain district in Chicago. Having reached this conclusion, I explained why I thought he would be there.

Your men flew to Chicago, or telephoned; at any rate, the very next day you had your man. The woman in red took the rap for fingering him. But the truth of the matter is, your own agents located him merely by following my suggestions which was based upon my own theory only. I never met D in my life. By right I should have gotten a cut of that reward. However, I had no desire to become mentioned in connection therewith so said nothing. Money isn't everything. I have no desire for it myself. It is merely useful to buy what one needs.

Well, anyway, the other occasion is when I voluntarily went to Burlington, Vermont, during June,1940, to testify for the Government in the Limerick case. My testimony was important. In other words, I have cooperated with the Gov't, showed my desire to do my duty as a citizen. So I don't think it is asking too much to ask you to intercede for me with the Michigan Parole Board.

EX-22 RECORDED 91-57-17

I have ten calendar years served. am eligible now for a parole under the new ten-year lifer law. INDEXED You know I am innocent of the crime for which I stand convicted. Your records show it, show that I was in Chicago on Friday August 18,1933, when the Grand Haven, Mich., job was pulled by Edward Bentz, Earl Doyle, Lester Gillis, alias Baby Face Nelson, Tommy Carroll, alias Tom Murray, and Charles Fisher, not mentioning the driver of the "get away" car whom Ed says was a fellow named "Freddie". I have two confessions, one from Ed and one from Earl Doyle, exonerating me. I have a good job offered me out in Neveda in the Mountains, and an executive police officer for an employer. So there is no reason why I can't make good. How about writing to the Michigan Parole Board, Mr. A.Ross Pascoe, Chairman, on my behalf? I think your office owes me that much. I shall be very grateful for it.

Respectfully yours,
Ted Bentz, #46144
Ted Bentz

(over)

memo for the Director Letter to Det 10/12/44 KCW

EET:DS

98500

October 14, 1944

SAC, Grand Rapids

J. Edgar Hoover - Director, Federal Bureau of Investigation

Ted Craig Bentz, with aliases
Bank Robbery

There are attached copies of a letter dated October 1, 1944, received at the Bureau from the above subject who is number 46144 at the Michigan State Penitentiary, Marquette, Michigan, together with copies of a memorandum analyzing and answering Bentz' claims.

It is desired that you have an experienced Agent of your office interview Bentz at an early date and advise him that the information furnished by him did not in any manner contribute to the apprehension of John Dillinger. Bentz should be further informed that the Bureau is without any authority whatsoever to take any action designed to secure his release from the Michigan State Penitentiary.

Attachments

91-57

52 (16)

91-57-18

16 OCT 18 1944

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Carson
Mr. Hendon
Mr. Mumford
Mr. Jones
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

61 OCT 27 1944

COMMUNICATIONS SECTION
MAIL ROOM
OCT 14 1944 P.M.
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

COPY:OD

Name: Mr. J. Edgar Hoover Name: Ted Craig Bents No. 46144

Post Office: Washington, D. C.

Rural Route or Street No. 412 Seward Square

98502

Relationship: Business Date: Oct. 1, 1944

Marquette, Michigan

Re: Ted Bents, #46144, Sent 9/25/34
Crime: Robbery Armed. Term: Life.

Dear Mr. Hoover:

On two different occansions I helped out you and your department. So now how about giving me a little help?

How did I help you? You recall when I was in custody of your agents in Portland, Maine, during July, 1934, they questioned me at length concerning certain people and things. They asked me about a certain party whom you wanted to catch despite anything. I did not even know the man, nor where he was. But I did know other facts which would, by logical thinking, bring your men close to where he could be found. I was talking to Chief McKean of the Boston territory of the F.B.I. and Mr. Keefe and Mr. Williams, agents. I told them it was my theory that the man they wanted could be found at a certain place in a certain district in Chicago. Having reached this conclusion, I explained why I thought he would be there.

Your men flew to Chicago, or telephoned; at any rate, the very next day you had your man. The woman in red took the rap for fingering him. But the truth of the matter is, your own agents located him merely by following my suggestions which was based upon my own theory only. I never met D in my life. By right I should have gotten a cut of that reward. However, I had no desire to become mentioned in connection therewith so said nothing. Money isn't everything. I have no desire for it myself. It is merely useful to buy what one needs.

Well, anyway, the other occasion is when I voluntarily went to Burlington, Vermont, during June, 1940, to testify for the Government in the Limerick case. My testimony was important. In other words, I have cooperated with the Gov't., showed my desire to do my duty as a citizen. So I don't think it is asking too much to ask you to intercede for me with the Michigan Parole Board.

I have ten calendar years served, am eligible now for a parole under the new ten-year lifer law. You know I am innocent of the crime for which I stand convicted. Your records show it, show that I was in Chicago on Friday August 18, 1933, when the Grand Haven, Mich., job was pulled by Edward Bents,

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243 APR 25 1967

91-57-18

28

Name: Ted Craig Bents No. 46144 October 1, 1944

93504

Earl Doyle, Lester Gillis, alias Baby Face Nelson, Tommy Carroll, alias Tom Murray, and Charles Fisher, not mentioning the driver of the "get away" car whom Ed says was a fellow named "Freddie". I have two confessions, one from Ed and one from Earl Doyle, exonerating me. I have a good job offered me out in Nevada in the Mountains, and an executive police officer for an employer. So there is no reason why I can't make good. How about writing to the Michigan Parole Board, Mr. A. Ross Pascoe, Chairman, on my behalf? I think your office owes me that much. I shall be very grateful for it.

Respectfully yours,

Ted Bents, #46144

P.S. While your men were in Chicago they investigated the fact that I claimed I was in Chicago, Illinois, all day during the 18th day of August, 1933, a Friday. When they returned to Portland, or got the report back, the F.B.I. agents verified that fact. That was the day the bank was robbed in Grand Haven, for which crime I stand convicted. I produced plenty of alibi evidence proving my innocence. I never robbed a bank or anyone else in my life.

Ted Bents

219

Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: November 13, 1944

FROM : SAC, Grand Rapids

SUBJECT: TED CRAIG BENTZ, with aliases
BANK ROBBERY

Reference is made to Bureau letter dated October 14, 1944. On November 10, 1944 Special Agents DAVID E. BURGESS and ARCH K. SCHOCH, JR. interviewed BENTZ at the Michigan State Penitentiary, Marquette, Michigan.

BENTZ was advised that the information furnished by him did not in any manner contribute to the apprehension of JOHN DILLINGER. He was also informed that the Bureau is without any authority whatsoever to take any action designed to secure his release from the Michigan State Penitentiary.

BENTZ stated that he realized at the time that he directed his letter of October 1, 1944 to the Director it would probably be impossible for him to intercede. He stated he believed the Bureau had established his alibi in connection with the offense for which he is now serving time. He was furnished with no information whatever relative to the contents of the files of the Bureau. He was further advised that in any event it would be impossible for the Bureau to assist him in obtaining his parole.

BENTZ reacted favorably to the interview, stating that he had greatest respect for the Director and Agents of the FBI. He seemed to be fully cognizant of the Bureau's position in this matter.

AKS:RAF

RECORDED

191-57-19

F B I
41 NOV 15 1944

50 NOV 23 1944

220

Full of person to whom letter is to be

Mr. J. Edgar Hoover

Post Office Washington, D.C.

Rural Route or Street No. 412 Seward Square

Relationship Business Date Nov.19,1944

Put your name and number here.

Name T. Bentz No. 46144

All correspondence from relatives and friends of inmates is subject to censorship in the mail department of this institution before delivery. All mail must be addressed with the full name and register number of inmate. For example: JOHN DOE, No. 23450, LOCK BOX 779, MARQUETTE, MICHIGAN. Correspondents should sign their full name and address at the bottom of letters and on the upper left hand corner of the envelope. No discussion of prison matters shall be written in any letter. Newspapers, books and magazines must come direct from the publishers. Magazine subscriptions must not be entered from outside sources. Magazines or books that feature stories on crime detection, sex or Communism shall positively not be allowed. All money sent inmates should be by money order only. Stamps may be enclosed in letters received for inmates. Inmates are allowed to receive family snapshots and photos.

Marquette, Michigan

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Candy

98501

Dear Mr. Hoover:

Just a note to let you know that two of your men called upon me and explained the situation in connection with my matter. Although I am disappointed, I am very grateful to you for sending emissaries to define your exact position. I was hoping you could at least tell the Board that I have cooperated with your department, indicating that I would make a good parole risk. However, thanks anyway.

By the way, I have read with interest your numerous articles in the American Magazine. Being a sort of a writer myself, I can appreciate good writing. Your stories are positively entertaining, well written. Let's have more of them.

With my best wishes for your continued success and happiness to you and yours, I am

Respectfully yours,

Ted Bentz

Ted Bentz, #46144

no answer required

RECORDED 91-52-20

F B I

31 DEC 7 1944

414

62 DEC 18 1944

221

McMAHON and COOK
ATTORNEYS AT LAW
Lowell, Michigan

Roger O. McMahon
George R. Cook

Lowell Office
Phone 462

Grand Rapids Offices
Phones GL-6-6544
GL-6-6566

February 24, 1951

Federal Bureau of Investigation,
Department of Justice,
Washington, D. C.

Gentlemen:

I represent Theodore Craig Bentz, No. 46144, who was convicted of bank robbery before the Circuit Court for the County of Ottawa in Michigan in 1934. He has since that time been in prison.

We understand that the Federal Bureau of Investigation files contain certain evidence showing that Mr. Bentz could not have been in Grand Haven at the time the bank was robbed in 1932.

We are, at this time, attempting to secure his release either before the parole board or by moving for a new trial in Ottawa Circuit Court. Would it be possible for your Bureau to forward to us any pertinent information you might have relative to this case, particularly in so far as it might show that Mr. Bentz was not in Grand Haven the day the bank was robbed.

Thank you for your courtesy and consideration in this matter.

Very truly yours,

George R. Cook
George R. Cook

GRC/mr

RECORDED - 119
INDEXED 119

SE 19 91-57-21
MAR 8 1951

334

MAR 29 1951

4-750 (2-7-79)

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deleted under exemption(s) b3 with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

☒ For your information: DENIED UNDER TITLE 28, UNITED STATES CODE, SECTION 534

☒ The following number is to be used for reference regarding these pages:
91-57-21 ENCLOSURE

XXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXX

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XXXXXX
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FBI/DOJ

gm

98199

March 5, 1951

91-57-21

McMahon and Cook
Attorneys at Law
Lowell, Michigan

pg 4-1

Attention: Mr. George R. Cook

Gentlemen:

I am in receipt of your letter of February 24, 1951, wherein you advise you understand that the files of the Federal Bureau of Investigation contain certain evidence showing that your client, Mr. Theodore Craig Bentz, could not have been in Grand Haven at the time the Grand Haven, Michigan, bank was robbed in 1932.

As you undoubtedly know, the information contained in the files of the Federal Bureau of Investigation is confidential in nature and cannot be divulged, under a regulation of the Attorney General. For your further information, the robbery of the Peoples Savings Bank, Grand Haven, Michigan occurred on August 18, 1933, and the Federal Bank Robbery Statute was not passed until May 18, 1934. Since this Bureau had no investigative jurisdiction prior to the passage of the Federal Bank Robbery Statute, no investigation of the Grand Haven, Michigan, robbery was conducted by the Federal Bureau of Investigation.

Sincerely yours,

COMM-FBI
MAR 6 1951
MAILED 19

John Edgar Hoover
Director

Re

DVS:eir
cc: Detroit (with copy of incoming)
: Theodore Craig Bentz, was.,
BANK ROBBERY
(Bufile 91-57)

FBI

files fail to reflect Bentz's whereabouts on August 18, 3, or to give any proof of his innocence of the State crime which he is serving time. With reference to the robbery of the Peoples Savings Bank in Grand Haven, Michigan, on August 18, 1933, certain travelers checks were found in Bentz's possession when he was arrested at Portland, Maine, and these checks were traced directly to this Peoples Savings Bank robbery. Theodore Bentz is a brother of the more notorious Eddie Bentz and Theodore

(Over)

MAR 27 1951

223

98560

Bentz has been corresponding with the Bureau since 1937 attempting to obtain information to prove his innocence.

U S DEPT OF JUSTICE
FBI
RECEIVED-MAIL ROOM
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