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The People
vs -
Dervey Crook et al

Saturday Nov 17 - 1917

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IN THE JUSTICE COURT, EAST ST. LOUIS, ILL.,

HON. RUSSELL E. TOWNSEND, J. P., PRESIDING.

Saturday, November 17, 1917.

THE PEOPLE

vs.

DARVEY CROOK;

and

THE PEOPLE

Vs.

GRACE YENT, MARY DOE,
EMMA ROE and RUEY NELSON.

Counsel for the Plaintiff: L. V. Wolcott, Assistant
State's Attorney;
Counsel for the Defendants: G. C. Borders and W.L. Copley.

Mr. Wolcott. The people are ready.

Mr. Cooley. Mr. Borders said he would be here, and I would rather wait till he gets here. He represents the defendants, and I represent the man who owns the building.

Mr. Wolcott. We will try the case of the people against Grace Yent and Ruby Nelson. That will be the first case on trial.

The Court. Let all the witnesses be sworn in this case. This is the case of People against Grace Yent and Ruby Nelson. Hold up your right hand and be sworn.

(The witnesses were sworn by the Court).

TESTIMONY OF ELI CHRISAN,
Called for the Plaintiff.

BY MR. WOLCOTT:

Q. Do you speak the English language?

A. Yes. Not very good.

Mr. Borders. What case are you now trying?

Mr. Wolcott. People versus Grace Yent and Ruby Nelson.

Q. What is your name?

A. Eli Chrisan.

Q. Where do you live?

A. St. Louis.

Q. What street and number?

A. 1709 South Broadway.

Q. Do you know these two girls over here? (Indicating Grace Yent and Ruby Nelson). Did you ever see them before, either of them?

A. I have seen this one two times.

Q. Which one?

A. This one. (Indicating Ruby Nelson).

Q. Do you know her name?

A. I don't know her name.

Q. Where did you see her?

A. Right here some place in some store---iron store---
stove store. I don't know what kind business it is.

Q. On what street?

A. I don't know.

Q. Describe it; this street, or that street over there,
or that street on the other side.

A. Across the street from the court.

Q. When did you see her?

A. Last Thursday night, week ago, once; and last
Saturday I was in the morning to see her.

Q. Tell the court what, if anything, you did there.

A. Yes, I did. She called me in.

Q. Tell the court what.

A. She called me in, and I go with her upstairs.

Q. You went with her upstairs?

A. Yes.

Q. What did you do upstairs?

A. Well, sleep with her.

Q. Sleep with her?

A. Yes, sir.

Q. Now, how long did you sleep with her?

A. Not long; ten minutes.

Q. Now, when you say "sleep with her", tell the

Court what you did, if anything. Just tell the Court.

A. Well, she asked me for a dollar. I give it to her a dollar, and so I laid down with her, and get a dollar and come back.

Q. What did you do after you laid down in bed?

A. Fucked.

Q. What day was that?

A. The first one was, that is Thursday a week ago.

Q. Last Thursday a week ago. Do you know what day or what date it was?

A. Thursday night.

Q. And you say you were there a second time?

A. The second time was Saturday about 10 o'clock; something like that.

Q. What Saturday now do you speak of? Today?

A. Today week ago.

Q. And tell the Court whether or not you gave her anything the second time you went there.

A. The second time I give it to her a dollar.

The Court. What did you give her that dollar for?

A. Because she asked me for it.

Mr. Wolcott. Q. What did you do that time?

A. Same thing like before.

Q. The same thing as you did before?

A. Yes.

Q. You mean by that you went to bed with her?

A. Yes.

Q. And had intercourse?

A. How?

Q. Did the same thing you did before?

A. Yes.

Q. To use the vulgar expression, you fucked her again?

A. Yes.

Mr. Wolcott. That's all.

CROSS-EXAMINATION.

BY MR. COOLEY:

Q. Where did you say you live?

A. 1709 South Broadway.

Q. What do you do over there?

A. Work in some saloon; 1900 South Third Street.

Q. You work in a saloon at 1900 South Third Street?

A. Yes.

Q. When did you work there last?

A. I work last night last.

Q. When did you work--how long have you been working at that store?

A. Not very long; pretty near about three or four weeks; something like that.

Q. Who is the proprietor of that saloon?

A. Theodore Ruian.

Q. What number is that?

A. 1900 South Third.

Q. St. Louis, Missouri?

A. St. Louis, Missouri.

Q. What were you doing over here on Thursday a week ago?

6-JWA A. Well, we come, you know, to see a friend of mine
round here.

Q. Who was the friend?

A. Unk.

Q. Steve Unk?

A. Yes.

Q. Where does Steve Unk live?

A. He used to live -

Q. Well, Star Hotel, isn't it?

A. Yes.

Q. You went over to see Steve?

A. Yes, and he didn't was home.

Q. Then what did you do?

A. Take a little walk.

Q. Where did you walk?

A. The same - we come over here.

Q. Who was with you?

A. Another friend of mine over here.

Q. What is his name?

A. Pete. I don't know his name.

Q. What hours do you work at that saloon over in
St. Louis?

A. I work sometimes day times; next week some times
night times.

Q. Commencing a week ago, were y u working day or
nights?

A. I worked days.

Q. Then last week you worked nights?

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A. This week I work nights.

Q. Last week you worked days and the week before you worked nights?

A. Yes.

Q. So you, a week ago last Thursday, you were working at night, were you?

A. No, not at night. I work some times - he go out for all day, you know let me out.

Q. How you didn't work that Thursday night?

A. No.

Q. Why didn't you?

A. Well, I was go out, - told him I go out.

Q. Can you go out any time you want to?

A. Sure I can any time I want to - day times.

Q. What salary do you get over there? What pay?

A. Oh, ain't much - \$10.00 or \$11.00.

Q. And if you want to go any time, you just go away?

A. Sure.

Q. If you want to stay, you just stay?

A. Yes, sure, if he go out.

Q. You came to East St. Louis that Thursday?

A. Yes, sir.

Q. What time did you come over here?

A. I leave about half past four - half past five - something like that.

Q. Did this friend of yours come with you?

A. Yes.

Q. What does your friend do? What is his business?

A. Same thing. We work in the same place.

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Q. He also works at the same place?

A. No, he don't work.

Q. Where does he work?

A. I don't know.

Q. Where did you see him that day?

A. He lived upstairs.

Q. Over that saloon, and you lived upstairs over that saloon?

A. No,

Q. Where do you live?

A. South Broadway, 1709.

Q. Are you married?

A. No, sir.

Q. Were you ever married?

A. I was, but my wife in the old country.

Q. How long have you been in this country?

A. About ten years.

Q. Are you a naturalized citizen?

A. No, not naturalized.

Mr. Wolcott: Oh, that is all immaterial.

Mr. Coley:

Q. You say you left over there about what time, now?

When you left over there?

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A. Half past four to half past five.

Q. About half past four to half past five. Was it dark?

A. It wasn't very dark when we left.

Q. What car did you come over on?

A. Broadway to Washington, then we take - I don't know

9 what car, you know - across river. We take the Broadway car.

Q. Well, what car did you take?

A. Broadway.

Q. Where did you get off? Did you take a transfer?

A. I take the transfer for Broadway.

Q. To what car?

A. To Broadway.

Q. I see. Then you went out Broadway, did you?

A. Why, I don't know what car it was.

Q. Did you get off here and go out on a car some way out here to Steve Unk's?

A. Take Broadway car, yes.

Q. What time did you get out to Steve Unk's?

A. Couldn't tell you what time it was.

Q. About what time was it?

A. I don't remember what time.

Q. Was it nine o'clock at night?

A. I don't know if it was.

Mr. Wolcott: Just a moment. This isn't proper cross examination. This man isn't the defendant.

The Court: You asked him the question on direct examination where he was that day. Now let him tell where he was. That is part of it.

Mr. Coley:

Q. What time did you get out there?

A. I couldn't tell you.

Q. You left over there about five?

A. Four - half past four or five.

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Q. Did you go straight out to Steve Unk's?

A. Yes.

Q. How long did it take you?

A. Hour and a half.

Q. How long did you stay at Steve Unk's after you got there?

A. We didn't stay there.

Q. Who did you find there?

A. An old man.

Q. What old man?

A. I don't know.

Q. Were you ever out to Steve Unk's before?

A. Sure.

Q. Have you ever - how many times have you been to Steve Unk's?

A. I don't know.

Q. Didn't you used to work at Steve Unk's, and work over on this side?

A. Not here on this side. I used to work for him in St. Louis.

Q. How long ago has that been?

A. About three years ago.

Q. Now you didn't find Steve there, did you?

A. No.

Q. Where was he?

A. I don't know.

Q. Did you ask for him?

A. I asked for him - the old man.

Q. He didn't know?

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A. No.

Q. And so ^{then} you took a walk?

A. Yes.

Q. Where did you walk?

A. We took a walk right away and come this way.

Q. What street did you walk on?

A. Broadway.

Q. You walked down Broadway. How far did you walk on Broadway?

A. Over here on what you call - where the cars go to the bridge.

Q. Then what did you do?

A. Come around here.

Q. What street?

A. I don't know what you call that street, where them cars go up.

Q. Collinsville Avenue?

A. What?

Q. Was it this street where all the cars turn?

A. Yes.

Q. How far did you go up that street?

A. Just around here.

Q. What is "around here?"

A. Missouri - whatever you call that street.

Q. Where did you go from Missouri? Which way did you go on Missouri, to the right or left?

A. Went up that way (indicating).

Q. To the right?

A. Yes, take the car and go home.

- 12 Q. That is what you did on Thursday night?
A. Yes.
- Q. That is all you did on Thursday night, is it?
A. That is all I did.
- 437 Q. Now you have just told just exactly how it all happened, have you?
A. Sure I have.
- Q. Now then, on Saturday, last Saturday, did you come back over here on Saturday?
A. Yes, sir.
- Q. What time did you come over?
A. I come over in the morning.
- Q. What time in the morning?
A. About, pretty near nine o'clock.
- Q. Where did you go when you came over here that morning?
A. I go same place.
- Q. No, where?
A. Just over here (indicating).
- Q. Where did you get off the car?
A. Right here.
- Q. Well, then, what did you do when you got off?
A. I just got down and get down in around here this block.
- Q. You turned around Collinsville Avenue?
A. Yes.
- Q. Well, what did you do then?
A. Well, I went to see her again.
- Q. Hold on now. Don't tell me that. What did you

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13 do? Where did you go when you turned around Collinsville Avenue?

A. Just over here. Stop off here on Missouri.

Q. Then what did you do?

A. Just walk and take a walk on the sidewalk.

Q. Did you see Mr. Wolcott that morning?

A. Who?

Q. This man, Wolcott (indicating).

A. Yes.

Q. Where did you see him?

A. I don't know.

Q. Well, tell me where you saw him. You know where you saw him. Tell me.

A. I don't know.

Q. You don't know him?

A. May be I seen him now first.

Q. Didn't you see him that morning?

A. When?

Q. That morning.

A. That?

Q. That Saturday morning?

A. No.

Q. Did you see this man that morning (indicating Mr. Stocker)?

A. I seen him.

Q. Where did you see him?

A. He come over here across the street when I wanted to go into the room in the store.

Q. Did you see this man? (indicating).

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A. Yes, sir.

Q. Where did you see him?

A. When I tried to go in, and right away he come and asked me what I was doing up there.

Q. Is that the first time you ever saw Tony, that morning?

A. Yes, sir.

Q. You never saw him before in your life?

A. No.

Q. Where did you meet him now?

A. How? Some place, upstairs - up there.

Q. Where was "up there?"

A. I don't know.

Q. Was it in a store?

A.. I was outside.

Q. Outside of what store?

A. Some place what I wanted to go, where those girls lived.

Q. What street was it on?

A. I don't know; Missouri Avenue may be.

Q. Missouri Avenue?

A. I think so.

Q. All right, that's where you saw him?

A. Yes, *sir*.

Q. Did you speak to him?

A. He asked me what I want. I told him I wanted to go in.

Q. Go in where?

A. In a room, into the store.

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Q. This man asked you that? This man here? (Indicating Mr. Stocker.)

A. I don't know which one.

Q. Well, this man, either one of them now? (Indicating Mr. Stocker, Mr. O'Brien and Mr. Ames).

A. I guess that one - big one. (Mr. O'Brien.)

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Q. Is that the man?

A. Yes.

Q. Now you saw him where?

A. Same place, on the store.

Q. In the store?

A. Out in the front.

Q. Out in front of the store. Whose store was that?

What kind of a store was it?

A. Stoves was in there.

Q. Now you had got around to where there was some stoves, and Mr. Stocker was there in front of that, was he?

A. The store didn't was open that time.

Mr. Wolcott: Now, your Honor, there is more leeway been given here - this isn't cross examination. This isn't the defendant. I asked nothing indirect about that.

Mr. Coley: I want to test my man, and I must test him. I have a right to.

The Court: Let him question him.

Mr. Coley:

Q. He said, "what do you want to do?"

A. Yes.

Q. You said you wanted to go and see a girl?

A. Wanted to go inside. I didn't know who he was.

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Q. Why did you ask him to go inside?

A. Well, he asked me - say, "what you want?" And I told him all about it.

Q. Was that the first time you saw him now?

A. Yes, sir.

Q. You haven't seen him any place else since?

Who was with him? Was anybody with him?

A. I guess this one, and this one - that one (indicating).

Q. These two together?

A. yes.

Q. Were they standing in front of the store?

A. No, just come when I wanted to go in, and so, you know, asked me what I wanted to do, and I told him all about it.

Q. You told him all about it?

A. yes, sir.

Q. You told him you was over here to get intercourse with some woman, did you? You told him you wanted to go in?

A. What I wanted to do, so he show me who he is, and so I go with them.

Q. Where did you go with them?

A. Well, he take me along.

Q. Took you along from where? Where did you start from?

A. From the door.

Q. You were right at the door, was you?

A. Yes.

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Q. And you all went inside, did you, all four of you?

A. No, I didn't was in that time.

Q. Well, where was you?

A. In the sidewalk.

Q. Right in front of that place?

A. Yes, sir.

Q. And now, did he give you anything?

A. Who?

Q. This man here (indicating).

A. No, didn't give me nothing.

Q. This man (indicating)?

A. No.

Q. This man (indicating)?

A. No.

Q. Did this man give you anything? (Indicating Mr. Wolcott).

A. None, never.

Q. Did anybody give you anything?

A. No, not a thing in the world.

Q. You didn't have a thing in the world in your hand, did you.

A. No.

Q. Nobody give you anything, did they?

A. I will tell you how it was.

Q. I want you to tell me how it was. Did anybody give you anything like that (showing the witness a dollar bill).

A. Yes.

~~A. Yes.~~

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Q. Who was it?

A. This man (indicating).

Q. Where was it?

A. This man (indicating).

Q. Where was it?

A. Office.

Q. What office?

A. Detective Office.

Q. In the Detective Office?

A. Yes.

Q. Where was that?

A. In the Court.

Q. I thought you said when you got out you went right over in front of that building?

A. Then he take me up in the office.

Q. Then you didn't meet him there?

Mr. Wolcott: Now, Your Honor, he has explained here that he first went to the place where he saw the girl and then he saw the officers. If you will let him tell his story, he will tell it.

Mr. Coley:

Q. They took you to the office, did they?

A. Yes.

Q. What did you tell them in front of that store?

A. He asked me what I wanted to go; then I told him. I don't know who he is.

Q. I see. So then you went - where did you go from there?

A. Well, from the door?

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Q. yes.

A. He take me around and put me around in the basement.

Q. Took you over in the City Hall and put you in the basement?

A. Yes.

Q. Who was over there when you got there?

A. Another couple fellows in there.

Q. Who are they? Were these three men there?

(Indicating Mr. Stocker, Mr. O'Brien and Mr. Ames.)

A. These and these was all in there.

Q. Who else?

A. Two or three.

Q. Is there anybody else in this room that was there?

A. Where at.

Q. Anybody now in the room here that was there at that time? Look all round.

A. This boy was in there too.

Q. Anybody else in there?

A. I don't know.

Q. Well, look and see now. Be careful.

A. I don't know. It's the first time I seen it now.

Q. Was there any other body there?

A. I don't know for sure.

Q. Well, do you see anybody in this room that was there?

A. I don't know, only I see them.

Q. Do you see anybody else now? You can see good, can't you?

A. Sure.

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Q. Did you see anybody else in this room that was over there that day?

A. I see everybody in there, but I don't remember.

Q. Well, do you see anybody else that you are sure was there?

A. Sure, I was there.

Q. No, I say, do you see anybody else that was there?

A. Well, I don't can tell.

Q. Well, was Mr. Wolcott there?

A. I didn't seen him?

Q. You didn't see him?

A. No, sir.

Q. You didn't see him at all?

A. No, sir.

Q. Well, was he there?

A. I don't know. I didn't seen him.

Q. Now then, you say they gave you something. What did they give you?

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A. One fellow marked one dollar and you know asked me to go up there.

Q. One fellow marked a dollar?

A. Yes.

Q. And gave you that, did they?

A. My dollar marked.

Q. They marked your dollar?

A. Yes, sir.

Q. It was your dollar they marked?

A. Yes, sir.

Q. What else did they give you besides that?

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A. A little piece of paper.

Q. What was on that?

A. My name.

Q. What kind of paper was that, white or yellow?

A. yellow.

Q. What else did they give you?

A. Nothing else.

Q. Are you sure about that?

A. Sure.

Q. Did they put down anything on anything else?

A. He asked me to put my name on paper and on the dollar he marked it, but I don't, so I guess he looked after me, and so you know I would go up there.

Q. All right then, what did you do?

A. I go to her upstairs.

Q. Yes.

A. And she asked for me for a dollar and I gave it to her.

Q. Where did you go first?

A. Into the store.

Q. Who did you see in the store?

A. A fellow.

Q. All right. Come here Crook. Is this the man? (Indicating Darvy Crook).

A. I am not sure.

Q. You are not sure. Was there two men in there?

A. Yes, sir.

Q. Do you see the other fellow any where?

A. First time I seen him there, I don't know.

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Q. Now what did you say to this man, if he was the man, what did you say to him?

A. I said, "good-morning."

Q. What did he say?

A. He said, "good morning."

Q. Then what did you say?

A. And I looked around, you know, the other fellow was in there, and I was ashamed right away to ask him go upstairs and where was the girls, so I say I want to buy a stove.

Q. All right. Now what else? What else was said?

A. And they said plenty over here. I said, "I want that stove. What the fire is in here."

Q. You wanted the stove the fire was in?

A. Yes.

Q. Now what else?

A. And he said charged \$30. for it.

Q. Well?

A. And I said, "I ain't got that much money for that stove."

Q. What else?

A. So the girls come down on the steps.

Q. What girls?

A. That little one?

Q. Ruby?

A. I don't know.

Mr. Coley: Come here, Mrs. Yent (Mrs. Yent and Ruby Nelson come forward).

Q. Is this the woman that came, Mrs. Yent?

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A. No, the other one.

Q. She came down on the steps?

A. Yes.

Q. All right. What else now?

A. And he said, "go up stairs." She will sell you a stove."

Q. Where was this woman at that time? (Indicating Mrs. Yent).

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A. I didn't seen her.

Q. You are sure you didn't seen her?

A. I am sure.

Q. Then what did you do?

A. Go to her.

Q. Well, you went upstairs, didn't you?

A. Yes.

Q. Well, tell the Court here what kind of a place that is upstairs. How many rooms are up there?

A. One room where we was.

Q. Where was it?

A.. A little room and one bed and a little stove, and I don't know how many drawers, you know; Photographs, I guess four of them, and a few pictures - four pictures - something like that

Q. All right. Was there any other rooms u, stairs?

A. I didn't was in.

Q. You didn't see any other room?

A. No, sir.

Q. You don't know whether there is any other room up there or not?

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A. No.

Q. What did you do with that little slip of paper?

A. I threw it in there.

Q. Threw it where?

A. Into the drawer.

Q. What did you do that for?

A. Well, you know because maybe look for me or something for sure I was there. That is what I done.

Q. What did you put that in that drawer for?

A. Well, I told you.

Q. Well, what was it? I don't know.

A. Maybe she asked me I was to her before, I told him, then maybe she changes the dollar or put it some place so didn't find it how he marked it, so I put the little paper.

Q. You put the paper in the drawer?

A. Yes, sir.

Q. Then what did you do?

A. Come down.

Q. Did you see Miss Gardner up there?

A. Where at?

Q. Did you see Miss Gardner up there?

A. No, when I come -

Q. Myrtle Gardner, did you see her? Did you ask for Myrtle Gardner?

A. No.

Q. Did you ever see Myrtle Gardner?

A. I don't know what her name is.

Q. Did you ever see Myrtle Gardner at the Star Hotel?
Did you ever see Mary?

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A. I don't know.

Q. Did you ever see Mary?

A. Where?

Q. Out at Steve Unk's place. Did you ever see the girl they called Mary?

Mr. Wolcott: Now, Your Honor, this is not cross examination.

Mr. Coley: It is cross examination.

The Court: I don't think that is proper cross examination, at this point.

Mr. Coley:

Q. Do you know a girl called Mary?

A. How was I to know?

Q. Well, I don't know whether you do or not. I am asking you. Do you know a girl named Mary?

A. I don't know.

Q. Did you see her up there?

A. Maybe if I seen her now, maybe I remember; but I couldn't tell you nothing about it.

Q. Did you ask about Mary?

A. No.

Q. Are you sure you didn't?

A. No.

Q. Now think about that?

A. Well, all right.

Q. Now, what do you say? Did you ask about Mary?

A. No.

Q. You are sure about that?

A. I am sure.

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Q. Did you tell this girl to give Mary a dollar?
To give Mary that dollar that you handed her?

A. No, sir.

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Q. Where did you give this girl that dollar? Where
was you when you give her that dollar?

A. Right in the room.

Q. In the room? or on the stairs?

A. In the room.

Q. In the room?

A. yes, sir.

Q. Now, you are just as sure of that as you can be?

A. Yes, sure.

Q. How long were you up there?

A. Eight or ten minutes.

Q. Then what did you do?

A. Then come down.

Q. Then where did you go?

A. Out on the street.

Q. Then where did you go?

A. Then right away see the men and go up.

Q. Right away you saw what man?

A. Put me down in the detective office.

Q. Who took you down in the detective office?

A. When I got down I come down on the street, and I
meet my friend - he waited for me, and so you know I come
down, you know, because he told me lock - on the windows,
you know, and I go - I scared, you know, he lock me up, so
I tell him I was up there.

Q. Was Hickey with you when you went over there that
day?

28

A. Mickey?

Q. yes.

A. I don't know who that Mickey.

Q. Don't you know Mickey?

A. No.

Q. Did you never meet him?

A. Mickey? No.

Q. You don't know him?

A. No.

Q. Now, when you came over you went back over to the City Hall, did you?

A. yes, sir.

Q. Down in the sheriff's office?

A. Yes, sir.

Q. What did you do then?

A. I told them I was done.

Q. What did they give you?

A. Who?

Q. The people over there?

A. Don't give me nothing.

Q. Didn't they give you anything?

A. No.

Q. Now, let's get this right. Did you see a sick woman upstairs?

A. No, sir.

Q. Did you know there was a sick woman upstairs?

A. No.

Q. Didn't you hear there was a sick woman upstairs?

A. I heard one of the detectives come back and told

28

them two lady and one sick, but I don't know what - who sick.

Q. Now what made you come over here on Saturday?

A. Well, I like, you know, to come see her again.

Q. Who sent for you to come over here on Saturday?

A. Nobody.

Q. You just came of your own free will?

A. Yes.

Q. In the morning?

A. In the morning.

Q. And then you went around there and you met these detectives?

A. When I tried to go the door, you know, look, the door was locked.

Q. Was you here any time - was you here on Friday, the day before?

A. No, sir.

Q. Wasn't you up in the United States Court Room on Friday?

A. No, sir.

Q. Wasn't you a witness for Steve Unk?

A. No, sir.

Q. You knew Steve Unk was on trial, didn't you?

A. Well, I heard it was somebody else.

Q. Yes, you heard about it?

A. Yes.

Q. Haven't you been a witness for Steve Unk in other cases?

A. No, sir.

Mr. Wolcott: Now, just a moment. While I am willing

29 that all sorts of leeway should be given here, on account
of the charge that has been brought against me, this thing
is going too far. It doesn't matter whether Steve Unk is
443 ever on trial or not, so far as this case is concerned.

The Court: It is immaterial here.

Mr. Coley: Well, he has answered it anyhow. It don't
make any difference.

Q. Now, you never have seen or heard tell of these
city officials, sheriff's office men, until you met them
right in front of that store?

A. How is that?

Q. You never had seen or heard tell of Tony Stocker
and Mike O'Brien and Mr. Ames, until you met them right in
front of that store, had you?

A. Yes, sir.

Q. That is the first time you ever saw or heard tell
of them?

A. Yes, sir.

Q. And when they asked you where you were going, you
told them you was going in there to have intercourse with a
woman?

A. He asked me what I wanted to do in here.

Q. He asked you what you wanted to do. That was
ten o'clock in the morning, was it?

A. Something like that.

Q. Was the door of that place open?

A. No.

Q. Was it locked?

A. Locked.

Q. It was locked was it, at ten o'clock in the morning?

30

A. The first time when I tried the door to go in it was locked, and the second time when I go around again it was open, so I go in.

Q. Well, how long apart were those two times? How far apart were they?

A. I don't know.

Q. You say the first time the door was locked, and when you went again it was unlocked. How long apart was it?

A. Well, I was come around to the Court, and when I go back.

Q. To the Court; what court?

A. I don't know what you call them - that street whatever you call them?

Q. You walked around the park out there?

A. Yes, sir.

Q. And then you come back again and found the door unlocked?

A. Yes, sir.

Q. Was it the first time or the second time that you met these officers?

A. The first time.

Q. And then you went out and walked around the park?

A. I go out and walked around; when he meet me, he looked for me, you know.

Q. Who looked for you?

A. Detective, you know.

Q. The detective looked for you?

A. To take me up in the detective office after mark

51 me that dollar.

Q. And you said you met them in front of the door?

A. No, he met me at the door.

Q. Then you went - then the door was locked at that time?

A. Yes.

Q. Then you walked around the park?

A. Yes, sir.

Q. Then you went back and the door was open?

A. Yes, when I go second time it was open.

Q. Now the first time the door was locked?

A. Yes.

Q. And Mr. Stocker asked you what you wanted, and you told him, did you.

A. Sure.

Q. You told him you wanted to get in there to a woman?

A. Told him I wanted to go in the store.

Q. You told him what you wanted to go? You told him what for?

A. I didn't told him what for, but just wanted to go in the store.

Q. Did you tell him what you wanted to get in there for?

A. Last time I tell him.

Q. The first time you said you wanted to go in the store?

A. Yes.

Q. Did you tell him what you wanted to go for the first time? Didn't you tell him you wanted to buy something

32

there?

A. I just tell him want to go in the store.

Q. Look here, you didn't want to tell anybody that you was in some crooked business, did you?

A. Why, when he asked me for sure, and I know who he is, then I tell him all about it.

Q. You wanted to tell him all about it, did you?

A. Sure; why not?

Q. Why didn't you tell him you wanted to buy a stove, or buy some furniture?

A. Well, I don't know. He know that place before.

Q. Well, what if he did? He didn't know you, did he?

Mr. Wolcott: Now that is argument.

Mr. Cooley: No it isn't.

Q. He didn't know you, did he?

A. Who?

Q. Stocker. Why didn't you just say, "I am going in here to buy second hand furniture?"

A. When he show me the star, I don't want to lie.

Q. You don't want to lie. I see.

A. And no want to tell the truth.

Q. So you told him you was trying to get in there to a woman, did you?

A. Yes.

Q. Then what did he say?

A. He take me up in the basement.

Q. I didn't ask you what did he take; what did he say?

A. I don't remember.

33

- Q. Did he say, "I want you to go with me?"
- A. Sure.
- Q. What else did he say?
- A. Nothing. I don't know.
- Q. You don't know?
- A. I forgot.
- Q. You went with him?
- A. Yes.
- Q. Did he arrest you?
- A. No, get me in detective office.
- Q. Just asked you to go down in the office?
- A. Yes.
- Q. You went down. What did you do down there?
- A. Sit down on a chair - smoke.
- Q. What did he say to you then?
- A. After I get down, you mean, or before?
- Q. When you sat down on a chair and smoked, what did he say to you?
- A. He wasn't talking to me any more; talked to somebody else.
- Q. He never said another thing to you?
- A. ~~Maybe~~ *Maybe*, he did, but I don't remember.
- Q. How long did you sit there and smoke?
- A. I sit about after eleven - something like that.
- Q. You sat there until after eleven. Then you got up and walked around the park?
- A. No, that was last.
- Q. I am not asking about what was last; I am asking about the first time you went down with him, before you went

34 in the store?

A. Yes.

Q. What did he say to you when you went down there?

A. Marked the dollar and say, "go ahead."

Q. Go ahead where?

A. By the store.

445 Q. Then come back, did he?

A. Yes, when I get done, sure, I come back.

Q. Did he telephone to anybody while you was down there?

A. Who?

Q. Stocker.

A. I don't know. So many times was - you know - calling - I don't know.

Q. Just answer the question. You say you went down with Mr. Stocker, and now what did Mr. Stocker say to you? Just tell me his words, when you went down the first time in the detective office, what did Mr. Stocker say to you?

A. He said, "here, mark you a dollar, and you go ahead now."

Q. And you go ahead?

A. Yes.

Mr. Wolcott: Just a moment. Now this conversation not taking place in the presence of the defendant, it would be objectionable on the part of the defense if I asked him what conversation -

Mr. Cooley: (Interposing) The defense has no desire to conceal anything. We want the facts.

35

Mr. Wolcott: Neither have we any desire to conceal anything, but you have been over the ground a dozen times.

The Court: Proceed.

Mr. Coley:

Q. He said, "now here is a dollar" - marked this dollar "go ahead?"

A. My dollar.

Q. You took the dollar out of your pocket and gave it to him?

A. He asked me how much pay.

Q. Why didn't you say to him, "I don't want to do a thing like that?"

A. I couldn't lie.

Q. All right. Now what did he say next?

A. He said, "now here is this dollar, and put your name over here." I put my name on yellow paper and go ahead.

Q. Is that all he said, now go ahead?

A. I was go, yes.

Q. That is all he told you?

A. Yes.

Q. He just says, "here is a paper dollar and here is this name; now go ahead?" Is that what it was? Is that right?

A. How?

Q. He said "go ahead?"

A. Yes.

Q. Now where did you go?

A. I go to the same place in the store.

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Q. Which door did you go out, now?

A. In front.

Q. On the Third Street side? The same door you
came in?

A. Yes, the same door.

Q. Then did you walk around the park?

A. I come in on the west side, and so I walked
around.

Q.. You walked around the park?

A. Yes, sir.

Q.. Then you went in, did you?

A. Yes, sir.

Q. And that is the way it happened?

A. That is the way.

Q. Now did these people tell you they would give you
anything if you would do that? Did they promise to pay
you anything if you would do that?

A. No.

Q. They caught you over there in front of that place
and you told them that you was trying to get in there to a
woman?

A. Yes, sir.

Q. And they didn't arrest you for trying to do that,
did they?

A. No.

Q. But they took you in and marked one of your dollars
and sent you back?

A. Yes, sir.

Q. That is the way it was?

37

A. yes.

Q. And for fear that they wouldn't find the dollar, you put a yellow slip in a bureau drawer there?

A. Yes, sir.

Q. That is the way it was, *was* it?

A. Yes, *SIR*.

446

Q. And then when you came back, where did you go from there?

A. I come back into the same place.

Q. Then what did you do?

A. Sit on a chair.

Q. How long? Until about eleven o'clock, you say?

A. Something like that.

Q. Then where did you go?

A. Right away home.

Q. When did you come back here again?

A. I come back this morning.

Q. That is the next time you came back? You haven't been back here since last Saturday, until this morning, have you?

A. Yes, sir.

Q. When was you here before? Have you been here since last Saturday?

A. No, just this morning.

Q. How did you happen to come over here this morning?

A. Well, detective told me I should be over here nine o'clock.

Q. The detective told you to be over here at nine o'clock then?

38

A. Saturday morning.

Q. Wasn't you over here in Judge Townsend's office on the 10th, on the morning these people were arrested?

A. No.

Q. Didn't you know these people were arrested?

A. No.

Q. You didn't know that at all?

A. No.

Q. When did you find that out?

A. What? What find out?

Q. You know what I asked you, don't you?

A. Well, I don't know what you mean.

Q. I said when did you find out they were arrested?

A. Well, he told me about it - she is arrested.

Q. Who told you so?

A. Detective.

Q. When did he tell you so?

A. Last Saturday.

Q. Last Saturday?

A. Yes, sir.

Q. Then you did know about it?

A. No, sir; I was down in the basement how I know it.

Q. You was down in the basement?

A. Yes, sir.

Q. Did you stay down there in the basement?

A. Sure.

Q. Who stayed with you down there?

A. This man here (indicating).

Q. That man there stayed with you?

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A. This one.

Q. Well, where did the other fellow - where did Tony and Mike and Ames go?

A. He was up there - get that company.

Q. Get what company?

A. What was upstairs.

Q. He went on out. Where did he go first?

A. I don't know.

Q. Did you see Mr. Wolcott there?

A. I don't know. I don't see it. May be I seen it, but I forgot it.

Q. I guess you have forgot it. And then you sat there until they came back, did you?

A. How?

Q. Then you sat here in the basement until they came back?

A. Yes, I said we sat until that little fellow come and told me, "now you go home, and Saturday nine o'clock you must be over here."

Q. Now that is the way of it? That is all, - just a moment. What is your first name?

A. Eli.

RE DIRECT EXAMINATION.

By Mr. Wolcott:

Q. What is that language on that yellow paper?

447 (Showing paper to witness).

A. This is my name.

Q. Who wrote it there?

40

A. I did.

Q. What language is that written in?

A. Roumanian.

Q. Where did you leave this piece of paper, if you left it anywhere?

A. This?

Q. Yes.

A. I left in some drawer, you know. It was, you know, open a little bit.

Q. Where was that drawer?

A. Right on the south side.

Q. South side of what?

A. On the door, and there was a little stove.

Q. I know, but where?

A. Right up.

Q. Tell the Court whether or not it was in the room where you went to bed with this girl?

A. Yes, sir, in the room. After I get down and showed it to me.

Mr. Wolcott: That is all.

RE CROSS EXAMINATION.

By Mr. Coley:

Q. One other question. What is that - I don't remember that name? You gave it, but I don't remember it. What is the name of that man that you work for over there?

A. Theodore Ruian.

Q. Does he own the saloon where you work at?

41

A. Yes, sir.

Mr. Coley: That is all.

Mr. Wolcott: I just want to ask this man one more question. Did you ever see this girl (indicating Grace Yent)?

A. No, I didn't.

Mr. Wolcott: That is all. Call Tony Stocker.

TESTIMONY OF ANTHONY STOCKER.

Called for the Plaintiff.- Direct Examination.

By Mr. Wolcott:

Q. Your name?

A. Anthony Stocker.

Q. You have or assisted in making an arrest ⁱⁿ these cases?

A. Yes. I and Ames, and Mike O'Erien.

Q. Did you ever see this piece of paper before?

(Showing yellow paper to witness).

A. I did.

Q. Where.

A. Why, I and O'Erien got that out of this woman's - over here - dresser drawer in her room.

Q. Did you see this witness who just left the stand write his name on this piece of paper?

A. No, I didn't.

Q. Look at this (showing a dollar bill to witness).

A. That is a paper dollar bill that is marked.

Q. What are the numbers on that paper dollar, Mr.

42 Stocker?

A. 53966180.

Q. Where did you get that bill?

A. This lady here (indicating Ruby Nelson).

Q. Had you seen that bill previous to the time you took it off of her?

AA Yes, sir.

Q. Where had you seen it?

A. In the sheriff's office.

Q. And that is the same identical bill?

A. The same one.

Mr. Wolcott: We offer the bill in evidence; we offer the papers in evidence.

The Court: I will admit them.

Mr. Wolcott:

Q. Where did you make the arrests, in this case, Mr. Stocker?

A. At 117 North Third Street.

Q. In what county and state?

A. County of St. Clair, State of Illinois.

Q. You had a warrant?

A. Yes, sir.

Q. At the time this man testifies that they were in your office, I want you to tell the Court whether or not I was there.

A. No, you wasn't there. I was sent over there by the Chief Deputy.

Mr. Wolcott: That is all.

CROSS EXAMINATION.

By Mr. Coley:

Q. How did that bill happen to be marked, Tony?

A. It was marked - we wanted it as evidence. There had been complaints - we had warrants for that place over there.

Q. You had warrants for that place, then?

A. Yes.

Q. You had warrants for the arrest of those people?

A. Yes. We wanted to get the place right - to get evidence.

Q. Did you have warrants at that time?

A. Yes.

Q. Did you have the warrants already issued?

A. Yes, I think we did. I don't remember - the Chief Deputy gave us the warrants.

Q. That warrant hasn't any date, Your Honor. Lets get the correct date.

A. We got the warrant on the same day we went over there.

Q. You got the warrants - what time did you get them? Did you get them before that dollar was marked, or after?

A. Well, I don't remember that.

Q. Well, think about it a minute, Tony. See if you can't remember.

A. I would have to ask Mr. O'Brien that question. I wasn't there.

Q. Tell now, where did you first come in contact with

44 this gentleman that was on the stand a while ago - this man (indicating)?

A. The first time I ever seen him in my life.

Q. Where did you see him first that day?

A. Over in front of the store.

Q. How did you happen to meet him over there?

A. Going over to raid this place.

Q. You had the warrants then, did you?

A. And I was standing in front -

Q. You haven't answered me. You had the warrants then, did you?

A. Yes, sir.

Q. That is before you had ever seen the fellow at all?

A. Yes.

Q. The warrants were in your hands at that time, were they?

A. They were.

Q. Who had put them in your hands?

A. Why, I am not sure, but I think Mr. Wolcott turned them over to the Chief Deputy.

Q. So you was in front of the place when you met this fellow?

A. Yes.

Q. With the warrants for the arrest of those people?

A. I didn't have the warrants. Probably O'Brien had them. We had warrants for the place.

Q. Why didn't you arrest the people right then?

A. What people?

Q. The people that the warrants were for?

- 45 A. The place was closed up. We couldn't get in.
 Q. Couldn't you have gotten in if you had shook the
door in? Did you try to get in?
 A. Well, we couldn't get in the store. We was sup-
posed to get in the front way.
 Q. Did you try to get in?
 A. Yes.
 Q. Did you rattle the door?
 A. yes, sir.
- 449 Q. Were you refused admittance?
 A. There was no one there.
 Q. Nobody there. At that time was that?
 A. I don't know. About ten o'clock.
 Q. You say you met this fellow there?
 A. We met two of them.
 Q. Well, there was another man with him?
 A. Yes.
 Q. Had they been trying to get in?
 A. yes.
 Q. Did you see them trying to get in?
 A. Yes.
 Q. And then you all went back to the police station,
did you?
 A. Yes.
 Q. And what did you do then?
 A. Why, he came back in a few minutes.
 Q. Well, now when you went back with this fellow
to the Sheriff's Office, you took him along, along with you,
did you?

46

A. No - you mean the first time?

Q. Yes.

A. No, I never seen him until he was in front of the place over there.

Q. But when you met him in front of the place you saw him and this other fellow in front of the place trying to get in there?

A. Yes.

Q. And then you took them over to the Sheriff's Office?

A. We told them to come over there.

Q. And to come over there with you?

A. Yes.

Q. You tell just what occurred. Tell what you said to them and what they said to you.

A. Well, they came over there and told them to set down and we asked them if they got in there. They said no, they couldn't get in; had been trying some time I guess before we got over there. He said, "that place don't open up until probably ten or eleven o'clock."

Q. Who said that?

A. This fellow. He said he had been over there before.

Q. He said he had been there before, and it didn't open up until ten or eleven o'clock in the morning? That is what he told you?

A. Yes.

Q. Now what else?

A. So we told him well, probably it would open up

47 later on and I says, "you go back in there, and we will come over."

Q. I see. Well now, did you get any instructions from anybody in the meantime about what to do? Did you ask for and get instructions from any source?

A. Yes, sir.

Q. Whom did you ask?

A. We got instructions from the Acting Chief Deputy.

Q. Who is that?

A. Mr. Darabal.

Q. Did you get any instructions - did he get any instructions from any source?

A. I couldn't say that.

Q. Did he telephone for anybody? Was Mr. Wolcott called in?

A. No, I don't think so.

Q. Did he get any - did you get any advice from Mr. Wolcott on the subject?

A. He brought the warrants there.

Q. He had already brought the warrants before any of this thing happened, hadn't he? Because you had the warrants ^{when you were over} the first time.

A. Yes, sir; he brought the warrants and left them there.

Q. He, Wolcott brought the warrants to you?

A. Yes, sir.

Q. On the 10th?

A. The same day.

450

Q. Now, Mr. Stocker, I will ask you to look carefully at that warrant, if you will, (handing paper to witness).

48 I call your attention to where the word - the figures "10" are there, and ask you if you can see right under that the figure "8"?

A. What do you mean, the date of the warrant?

Q. Yes, right down there (indicating on paper).

Can't you see that there is an "8" under that "10", that has been put there with a typewriter?

Mr. Wolcott: Now the warrant speaks for itself.

Mr. Coley: That is what I am asking him to answer. There is a figure under there. It is kind of - there is something under there.

Mr. Wolcott:

Q. I call your attention to another thing. The charge here in this warrant is that the crime was committed on the 9th. Do you notice that?

A. Yes, I see that.

Q. Now, ^{was} isn't it a fact, that you had those warrants in your hands in the first instance on the 8th?

A. I never seen it before until the 10th. That is the first day I seen it.

Q. The complaint has no date. It has now, but it didn't have.

A. That is the first time I seen it.

Q. So this fellow - you told this fellow that maybe the place would be opened up after a while?

A. Yes, sir.

Q. When they told you - did they tell you out there - did this man who testified tell you out there in front of that place that he was there trying to get in to a woman?

49

A. Yes.

Q. Why didn't you arrest him?

A. He hadn't done anything up to that time.

Q. He was trying to get in the place, wasn't he?

Trying to get ~~in~~ into a place in the public street, in broad daylight, right near the sheriff's office, and he told you he was trying to get in there for improper purposes?

A. That is a hard place to get in there.

Q. Didn't he tell you that?

A. No, he didn't tell me it was an improper place.

Q. Didn't he tell you he was going in there to have intercourse with a woman?

A. No.

Q. Did he tell you he had had intercourse with a woman there before?

A. *No not at* —

Q. Did he tell you that he had been there before and that the place didn't open until ten or eleven o'clock?

A. Yes, he said he had been there before, and the place didn't open until ten or eleven o'clock in the morning.

Q. You heard them testify here he had never been there but once, didn't you?

A. He said he had been there once before.

Q. When did he say that was?

A. That was when I was questioning him.

Q. When did he say he had been there?

A. He didn't say.

Q. He had been there once before, and that the place didn't open until ten or eleven o'clock in the morning.

50 That is what he told you?

A. Yes.

Q. Did you know at that time, or any time before that time, that Mrs. Yent and Mr. Crook lived at that place, or that they were in business there?

451 A. I knew Mr. Crook was in business there.

Q. Did you know Mrs. Yent?

A. No, that is the first time I was there, ever in that place.

Q. Do you remember the night of July 2nd, the night of the riot?

Mr. Wolcott: Just a moment. Now, Your Honor, I don't know what the idea is.

Mr. Coley:

Q. I will ask you straight out, Tony. On the night of the riot, July 2nd, didn't you take three women to that place and ask this woman here, Mrs. Yent, to take care of them?

Mr. Wolcott: Now just a moment -

A. I did not. Take three women to that place?

Q. Did you ask Mrs. Yent to take care of them, on the night of the riot of July 2nd?

Mr. Wolcott: Now, Your Honor, that is absolutely improper and immaterial and has no place in this case.

Mr. Coley: He said he didn't know this woman. Now I want to call his attention to the fact that he does know her.

A. That I sent three women over there?

Mr. Coley:

Q. You took three girls there and asked Mrs. Yent

51 if she wouldn't take care of them; while the fires were going on.

A. No, I don't.

Q. Don't you recall that?

A. I and some more of the officers, we ran some women off of the City Hall steps and told them to get away from there and go where they belonged.

Q. You don't remember going with three girls, white girls and asking this woman to take care of them?

A. No, sir

Q. Now this man, when you found him there in front of that place, what did you say to him? Just tell me as nearly as you can, in your own words.

A. I asked them if they had got in there. I asked them what they were doing there. I didn't know them. They said they were trying to get into the place.

Q. Then what? Just go ahead.

A. They said the place wasn't open, and he said, "I guess they don't open until ten or eleven o'clock." He said he was there once before. I said, "well, come on over in the sheriff's office." I says, "come on over with me."

Q. Why did you do that?

A. We went over with -

Q. Why did you say come on over with me?

A. Well, we wanted to know something about the place.

Q. That store is called the "Good Luck Store", isn't it?

A. I don't know what it is called.

52

Q. Well it is filled with furniture, stoves and -

A. Second hand furniture.

Q. This man was trying to get in there, and you asked him and he said the place wasn't open. You said, "come on, and go with me." Why did you do that?

A. He said he wanted to see a woman upstairs.

Q. He said he wanted to see a woman upstairs, and you told him to go with you, and then the marked dollar business went on over there?

A. Yes, sir.

Q. You sent him out with a marked dollar and a yellow slip?

A. I didn't mark that dollar.

Q. I know, but you saw it marked, didn't you?

A. No, I didn't see it, marked.

Q. Who did mark it?

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A. I think Mr. O'Brien and Mr. Ames.

Q. All right. Now you sent him out. You knew where he was going, did you?

A. Yes, after the first time.

Q. And you knew what he was going for?

A. The second time we knew where he was going. He got up there. We didn't know that he got up there at all.

Q. Did you watch to see?

A. Yes, sir, we were watching.

Q. Now, you knew that he had gone in there. You could have known that by watching, couldn't you, very easily, when he went in there?

A. Yes, sir.

Q. Now, Tony, if you knew that he was going up there

53 for immoral purposes, and with a marked dollar, why didn't you raid the place while he was in there?

A. We didn't see him go in.

Q. You could have seen him go in, couldn't you?

A. If we had been there.

Q. You were marking a dollar and furnishing the stuff and sending him there for the purpose of having immoral relations?

A. We didn't know what time he would get in there. We didn't know whether he would get in there any more that day.

Q. How far from your place is it to that place?

A. Just across the street.

Q. You could have seen from the sheriff's windows, practically, couldn't you? From the upstairs door you could have seen easily exactly when he went in there?

A. I went out and served a paper in the meantime.

Q. I see. And you sent him over there for the purpose of having -

A. I didn't send him over there at all.

Q. Who did send him over?

A. I take my orders from the Chief Deputy.

Q. Well, did you hear that order given?

A. No, I didn't even hear it given.

Q. You know that this dollar was marked?

A. Yes, I knew that was a marked dollar.

Q. Who furnished that dollar?

A. I couldn't say that.

Q. And you sent him out now to engage in some immoral

54 conduct?

A. No, I didn't.

Q. Well, your office did, didn't it, the Sheriff's Office?

A. Well, I can't say who sent him out. The Chief Deputy gives the orders.

Q. Tony, you don't want to leave the impression here with the Judge that you didn't know what this thing was for?

A. Yes, it was to go over there. He was to go over there.

Q. He was to go over there for the purpose of engaging in immoral conduct in the city, wasn't it? That was the purpose of it?

A. No, I don't know.

Q. You don't know. Your office was furnishing a marked dollar and furnishing a hired man, were you not, a man that lived in another state, to go over there to engage in immoral conduct on your own street? Isn't that true?

Mr. Wolcott: I object to the "hired man".

Mr. Coley: Well, I will leave the word "hired" out. Just make it man.

A. I didn't send him over there at all.

Q. You know what was being done, and you waited his return?

A. I know the complaint about the place being an immoral place.

Q. From whom and when did you have that complaint?

A. The warrants.

Q. You had the warrants issued. You don't know when

55 they were issued?

A. No, I don't know a thing about them.

Q. You have made no effort from the time you got those warrants until you talked with this fellow and sent him there with that dollar to raid that place, did you?

A. Yes, we went over there to get it and couldn't get in.

Q. Well, if you had warrants for that arrest for maintaining a disorderly house, you had the right to go in, didn't you?

A. Yes.

Q. You know that as a matter of right you had a right to break in, didn't you?

A. No, I didn't know that we had a right to break in.

Q. You have been a long time in the sheriff's office, haven't you, Tony?

A. Yes, sir.

Q. Do you understand from your service that you don't have the right to raid anything that is called an immoral place?

A. Yes, sir.

Q. You understand you have that right?

A. Yes, sir.

Q. Yet you didn't do it. Now where was you when this man came back, I don't know his name?

A. From where?

Q. I don't know where he went. He says he went over there. I suppose he did. Eli, I call him. This

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fellow that was on the stand a while ago, where were you when he came back to the sheriff's office?

A. When he came back the first or the second time?

Q. The first time you took him to the sheriff's office.

Now the second time he came along, I suppose. You sent him out, you say - or he went out - with a marked dollar. Now ~~where~~ was you when he came back?

A. I don't think I was there when he went out.

Q. Do you know how long he was there?

A. I was there when he came back. I just came in.

Q. You was there when he came back?

A. Yes, sir.

Q. You just came in.

A. Yes, sir. He said he had been over to that place.

Q. And then what did you do?

A. Then we went right over.

Q. Now, what did you do when you got over there?

After the place was open?

A. The place was open. ~~All right.~~

Q. All right.

A. We went to the rear of the building.

Q. Stop a minute. That became of the other fellow that was with him? Did he stay, in your office?

A. I don't remember.

Q. Did he go out with this fellow?

A. With who?

Q. With Eli?

A. Did who go out with Eli?

Q. The other fellow. There were two together, and

57 they went out together?

A. Well, I don't know whether they went out together or not. I couldn't say that.

Q. You don't remember whether ~~he~~^{you} was there when ~~you~~^{he} came back?

A. When we came back?

Q. Yes.

A. Yes.

Q. You was there when he came back?

A. When he came in he said he had been up in that place.

Q. How long had he been gone?

A. About an hour or more, possibly two hours or so. Seems to me it was right around - probably an hour. I would say an hour.

Q. Now from the time he went out with the naked dollar in his possession, until he came back, it was an hour or more?

A. Well, I couldn't say. It might have been an hour.

Q. What time in the day was it, if you remember?

A. Between ten and eleven o'clock. I don't remember the exact time.

Q. What time of the day was it when you met him the first time?

A. I think right around ten o'clock, - at a quarter of ten. Then he was gone more than an hour. It was after eleven o'clock.

Q. Before dinner?

A. Just before dinner.

Q. He came in; and did you have a warrant for anybody else besides?

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A. It was - if I am not mistaken, it was a John Doe warrant. Mr. O'Brien had the warrant. He served the warrant. It was two or three names on there, John Doe and Mary Roe - (examining warrant) - Emma, Roe and Mary Doe, yes, sir.

Q. The Court has stricken out "Mary Roe". Did you know the sick girl there?

A. I know I was up there and seen some girl in bed ~~there~~, but I didn't get in that room at all. Mike O'Brien says there was a sick girl in there. I says "well, we can't take her if she is sick."

Q. Do you know at any time during these proceedings, that these people ~~were~~ ^{over} there, Crook - you knew him?

A. Yes.

Q. and Mrs. Yent - you say you don't remember knowing her?

A. Well, I don't remember.

Q. Did you know that they were at that time witnesses and under subpoena in the United States District Court?

A. No, sir. I don't know a thing about the case, not a thing.

Q. You had never heard of that?

A. Never heard of it.

Q. If this proceeding had any connection with that, you don't know it?

A. Why, no, sir; I don't.

Q. Now then, when you arrested these people, when you went in, where did you find Ruby Nelson?

A. They were in the rear of the store, in the back end, in the kitchen.

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Q. Who was there?

A. I think this woman and this woman (indicating Grace Yant and Ruby Nelson).

Q. And what were they doing?

A. If I remember right I think this one was cooking some breakfast or something.

Q. What was the other girl doing?

A. She was standing in there.

Q. Now what did you do?

A. We asked them where the rooms were upstairs.

Q. Did you tell them they were under arrest?

A. Yes.

Q. You arrested them right there?

A. Right then and there.

Q. Then what did you do?

A. We went upstairs.

Q. Why?

A. To lock ^{at} the place upstairs.

Q. Did you have any search warrant?

A. We had those warrants.

Q. You had those warrants?

A. She said she looked upstairs.

Q. Well, you had simply a warrant to arrest her, did you not?

A. Yes.

Q. That was your warrant?

A. Yes.

Q. And did you take her upstairs? Which one did you take upstairs?

60

A. The three deputies took the two women upstairs to show us the place.

Q. What did you want to see about the place?

A. Well, we wanted to see the rooms upstairs.

Q. What authority had you for that? Your warrant didn't give you any.

A. The warrants give us a warrant to arrest them.

Q. You had them arrested on the lower floor, didn't you? Your order called for the arrest of these people?

A. Yes, sir.

Q. And you arrested them on the lower floor?

A. Yes, sir.

Q. Now what did you take them upstairs for?

Mr. Wolcott: Now just a moment - I don't think that is material.

The Court: I can't see the materiality of it myself.

Mr. Coley: I can. It is before the Court: Lets have it so we can get it all. That is all I want, is the truth about this matter, what ever it is. Now of course if you want to go on technical lines - I asked this officer now, - under a warrant that commands him: "We therefore command you ^{to} forthwith ~~to~~ arrest," which he says they did on the lower floor.

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Q. Now why didn't you bring them immediately before the justice of the peace? That was your orders, wasn't it?

A. At that time we didn't - I expect that is what you want to know - about the evidence.

Q. Well, it is no part of your business to gather evidence, was it? Wasn't it your authority, this warrant?

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A. Yes.

Q. Then why didn't you obey that and bring these people here?

A. We did obey it.

Q. You did, after you had searched the house?

A. Yes, sir.

Q. Without any authority whatever?

A. After he found the piece of money, I think Officer O'Brien picked the piece of paper out of the drawer, and I got that dollar bill from this lady here (indicating Ruby Nelson).

Q. Was the drawer open or shut when you went up there?

A. It was open, partly open.

Q. Was that the only room you went in?

A. That is the only one.

Q. Did anybody else go into any other room?

A. Yes, I think they did.

Q. You went into that room. Whom did you go into that room with?

A. This lady and O'Brien.

Q. You and O'Brien and this lady went into that room.

What became of Ames?

A. I don't know what part of the house he went into.

Q. Who did he have in charge?

A. I think they had this lady here.

Q. Well, who had Crook in charge?

A. We left him downstairs.

Q. You left him downstairs without anybody?

A. I don't know whether he went upstairs or down-

62 stairs.

Q. You don't know whether he went upstairs or not?

A. No. I knew him very well and was not afraid of him running away.

Q. Did you examine any other room besides the room into which you took this girl?

A. That was the only one I was in.

Q. What did you do when you went in there?

A. I asked her questions. I asked her who she was renting from.

Q. Is that all you did? I am asking not what you said to her, but what you did in there?

A. Well, she had but very few clothes on when she was brought in. She ~~went~~^{wanted} to go upstairs and put some clothes on before we took her out. So I said all right, and asked her where her room was. She said upstairs. I said, "well, we will go upstairs, and all of us went upstairs together, and then she -

Q. Did she change clothes up there?

A. She put on some clothes.

Q. What did you do?

A. I stood there, and I asked her -

Q. Well, is that all? How didn't you boys search that girl?

A. No, sir.

Q. Didn't you require her to turn down her stockings and produce money?

A. We required her - asked her what property she had.

Q. You went through the drawers there?

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A. No, I didn't go through no drawers.

Q. Mike did?

A. He picked out a piece of paper out of the drawer, right out of the corner.

Q. Now what else?

A. And she handed me that dollar.

Q. Where was that dollar? In her stocking?

A. In her stocking, amongst some other bills.

Q. She handed you that dollar?

A. Yes.

Q. All right. Now what else did you do?

A. That is all.

Q. She put some clothing on?

A. Yes, and we took her downstairs and brought her over.

Q. Brought her over to the jail, didn't you?

A. No.

Q. You didn't bring her?

A. No, not to the jail.

Q. Your warrant commanded you to bring her here.

Why didn't you bring them here?

A. Well, we brought them over there.

Q. Why? The warrant said to bring them forthwith before the Justice of the Peace, didn't it? What did you do with them in jail?

A. Brought them over here.

Q. Did you lock them up over there?

A. I don't think - I don't know whether they were or not.

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Q. Then finally you brought them over here?

A. Brought them over here, yes, sir.

Q. Meantime, what became of Eli while all this was going on?

A. I think he sat over there in the office with the Chief Deputy.

Q. What became of Eli's father?

A. I don't know what became of him. I paid no attention to him.

Q. Did he eat there too?

A. I couldn't say.

Q. Then after you brought them over here, Eli didn't come over here, did he?

A. I don't remember that.

Q. When you went back you found Eli over there, did you?

A. No, I think they were gone when I got back. I was over here.

Q. Did you give Eli any instructions about coming back here any time?

A. I think the Chief Deputy did.

Q. Eli said you. Do you not remember about that?

A. He is mistaken about that.

Mr. Coley: I think that is all.

IN DIRECT EXHIBITION.

By Mr. Wolcott:

Q. Now, you started to tell something about who she

65 said she rented from?

A. Yes.

Q. Who did Ruby Nelson say she rented from, as you remember.

A. She said she rented a room from this lady here.

Q. Grace Yent?

A. Yes.

Q. She rented a room, which room? Did she say she rented the one you was in?

A. The one I was in.

Mr. Wolcott: That is all. Mike O'Brien.

TESTIMONY OF MICHAEL O'BRIEN.

Called for the Plaintiff. Direct Examination.

By Mr. Wolcott:

Q. Your name?

A. M. O'Brien.

Q. Your occupation?

A. Deputy Sheriff.

Q. Were you deputy sheriff on the 10th day of this month?

A. Yes, sir.

Q. State whether or not you were present and helped in the arrest of the Defendant?

A. I was.

Q. Where did you arrest them?

A. At 117 North Third, I think.

Q. I will ask you to state whether or not you ever

66 saw this paper (exhibiting a yellow paper)?

A. Yes, sir.

Q. Where did you see it, and when?

A. I saw it in the sheriff's office.

Q. Did you see it after that at any time?

A. I saw it at 117 North Third Street.

Q. Where?

A. In the dresser drawer that was open.

Q. In the dresser drawer that was open in whose room if you know?

A. That lady (indicating Ruby Nelson).

Q. Now you say you saw it at the sheriff's office.

Was that before you found it in the dresser drawer, or after?

A. Before.

Q. Did you ever see this before?

A. Yes, sir.

Q. What is that (showing dollar bill), what is that?

A. A one dollar bill.

Q. Where did you see it?

A. A fellow come in and give it to us and asked us to mark it. We marked it for him.

Q. Did you take these numbers?

A. I did, on pieces of paper some place.

Q. Did you afterwards see the dollar - what became of it after he asked you to mark it for him?

A. He left there and went over to -

Q. What became of the bill?

A. He took it.

Q. Did you see it after that?

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A. Yes, sir.

Q. Where after?

A. After we went over there, why it - I told the girls we had a warrant for them. Mr. Coley never mind reading the warrant; we would go with him. I read the warrant and the girls wanted to go upstairs to change clothes. They asked us if we would give them permission to go upstairs. They only had Mother Hubbards on. We told them yes. Tony went with this girl and I went with Mrs. Yent, and I stood at the door while they were changing clothes. Then Tony called me in and asked me if this was the dollar. I looked at it and I said, "yes, sir."

Q. That is the same dollar that you saw the witness who testified here have in his possession in your office?

A. Yes, sir.

Q. And the same dollar that was turned over to you in this place on Thursday?

A. Yes, sir.

Mr. Wolcott: That is all.

CROSS EXAMINATION.

By Mr. Coley:

Q. You say Eli came in and gave you that dollar and asked you to mark it?

A. He came in, Mr. Coley, and said he had a marked dollar before he came in the office.

Q. He already had a marked dollar?

A. Yes, and he said he spent it, and he asked us to

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mark another one for him. So he pulled that dollar out of his pocket and I marked it.

Q. I see. He just came in to the sheriff's office himself, did he, Mike?

A. No, there was some fellow with him.

Q. Two of them came in together?

A. Yes, sir.

Q. That is the first time you saw him, was when he got in there, into the office, was it?

A. No, the first time I saw him was when we went over to arrest the place.

Q. Then why didn't you arrest the place then?

A. The place was locked.

Q. How long had you had the warrant in your possession, Mike?

A. Mr. Wolcott brought the warrant over in the morning, I don't know just what time. We went right over with the warrants as soon as he brought them over.

Q. Mr. Wolcott brought them over?

A. Yes, sir.

Q. And then you went over there, and the door was locked?

A. Yes, sir; we couldn't get in.

Q. You met this fellow and his friend then?

A. These fellows were standing outside, yes, sir.

Q. Now tell just what occurred between you there?

A. Why, we didn't know who the fellows was, and we asked them, and they must have knowed us, I guess, because they said, "you can't get in now." Just like that. So

69 I went over to the door and tried it, and the door was locked. So we come back and went over to the office, and the two fellows followed us over to the office.

Q. They followed you to the office?

458

A. Yes, sir.

Q. You didn't ask them to go at all?

A. No, I wasn't talking to them at all.

Q. They just followed you in?

A. Yes, sir.

Q. Go ahead. Now when you got into the office this fellow produced this bill?

A. No, when they come over to the office he must still have had the dollar, because they went away and said they would be back about ten o'clock - might get in then.

Q. It was earlier then, than ten o'clock?

A. Ten or eleven o'clock; right around that time.

So they went away and they come back, and when they come back this fellow said he had forgot and spent the dollar he had that was marked.

Q. He had forgot and spent it?

A. Then he takes this dollar out and asked us if we would mark it for him, and me and Mr. Ames marked the dollar.

Q. Then what happened, Mike?

A. He took the dollar and left.

Q. Was his friend with him?

A. Yes, there was two of them together.

Q. Now go ahead and tell what happened next.

A. They left there, and I guess they was gone maybe half an hour or twenty minutes, something like that, and come

70 back into the office.

Q. Now wait. Before we leave that time, Mike, about this yellow slip, now tell us about that.

A. He took the piece of yellow paper and wrote his name on it and put it in his pocket.

Q. Did he say anything about that?

A. Yes, he said he would drop that in a drawer.

Q. You didn't ask him to do that?

A. No, sir.

Q. Nobody asked him to do that?

A. No, sir; ~~see~~

Q. Nobody asked him to mark a dollar?

A. No.

Q. He asked you to mark the dollar?

A. He pulled the dollar out of his pocket.

Q. He said he had had a marked dollar and had spent it, and asked you if you wouldn't mark another dollar for him?

A. Yes, sir.

Q. Did he tell you who had marked that first dollar?

A. No, he didn't.

Q. Did you ask him?

A. No.

Q. Did you ask him why he had been fooling around with a marked dollar?

A. No, I didn't.

Q. You didn't ask him anything about that, but he said he had made a mistake and spent the dollar?

A. That is what he said.

Q. Then he asked you boys to mark that dollar?

71

A. Yes, sir.

Q. Then he volunteered the fact that he would write his name on a yellow slip of paper?

A. That is his own writing.

Q. You didn't instruct him in that regard?

A. No, sir.

Q. You didn't tell him anything of that kind?

A. No, sir.

Q. Tony, is mistaken when he thinks you did?

A. Yes, sir.

Q. Tony is mistaken too when he says you asked him to mark a dollar?

A. What?

Q. When you asked him to take a marked dollar over?

A. He asked us. He pulled the dollar out of his pocket and said he had spent the dollar that was marked.

Q. Then he said he would go out and come back after while?

A. After he got the dollar, you mean?

Q. Yes.

A. No, after he took the marked dollar, he ^{went} ~~put~~ it away, but he never said he would come back.

Q. Now, as I understand it, he was down there first, and then came back, and then went away and came back again.

He was in there threetimes?

A. yes, sir.

Q. The first time he followed you boys in?

A. yes, sir.

Q. And there was nothing said about a marked dollar at that time?

72

A. No, sir, nothing.

Q. How long did he stay with you at that time?

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A. Oh, I guess he was there in the neighborhood of ten or fifteen minutes.

Q. He was there in the neighborhood of ten or fifteen minutes?

A. Yes, sir.

Q. Did he explain at all what he had followed you down there for?

A. No, he didn't. He never said nothing. The only thing, we told him we had a warrant for that place, and he told us he had been in there before.

Q. Then he and his friend went out?

A. Yes, sir.

Q. And how long were they gone?

A. I guess they was gone in the neighborhood of half an hour or twenty minutes.

Q. Something like twenty minutes or half an hour?

A. Yes, sir.

Q. That was the first time. And the last time they came, you don't know where they went?

A. No, sir.

Q. Or why they went?

A. No, sir.

Q. But in about twenty minutes or half an hour they came back, did they?

A. yes, sir.

Q. And ^{there} he said he had had a marked dollar and had spent it by ~~mistake~~ mistake, and asked you wouldn't you please

73 mark that dollar?

A. Yes, sir; he took that dollar out of his pocket.

Q. Then he volunteered that he would write his own name on this slip of paper, and he would go over there and put it in the drawer?

A. Yes, sir. While we was marking the dollar he got a long sheet of paper over there like this (indicating) and he took and wrote his name and tore it off.

Q. And said he would put that in the drawer?

A. Yes, sir.

Q. Did he say what drawer?

A. When he come back he told us.

Q. Did he say before he went that he was going to put it - this yellow slip - in a drawer?

A. Yes, sir.

Q. You didn't give him any instructions that time?

A. No, sir.

Q. If he got any instructions of that kind, he got it before he got to you folks that second time?

A. He got the instructions before we got the warrants, if ^{he} did.

Q. If he got any instructions about marking the dollar from anybody, he got it before he came in there the second time?

A. Yes, sir.

Q. For he said he had spent the marked dollar ~~and~~ by mistake?

A. Yes, sir.

Q. And then asked you to mark another one, which you did?

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A. Yes, sir.

Q. Well, the second time he went out with his friend?

A. Yes, sir.

Q. And he was equipped with this yellow slip and the marked dollar?

A. Yes, sir.

Q. How long was he gone the second time?

A. In the neighborhood, oh I guess it couldn't have been over half an hour or twenty minutes.

Q. Twenty minutes or half an hour?

A. About the same time, elapsed between each time.

Q. Then he came in again?

A. Yes, sir.

Q. And then you both went over and raided the place?

A. Yes, sir. The first time we went over we had the warrant and couldn't get in. We come back over, and the warrants were sworn out here, so I come over and told Mr. Wolcott we couldn't get in.

Q. You showed them to Mr. Wolcott and told him you couldn't get in?

A. Told him we couldn't get in.

Q. Where was Mr. Wolcott?

A. Standing at the police station.

Q. Standing at the police station?

A. Yes, sir.

Q. Then after you made the first trip you came back and saw Mr. Wolcott and showed him the warrants and told him you couldn't get in. Now did you get any instructions from Mr. Wolcott?

75

A. No, sir.

Q. Do you know where Mr. Wolcott went?

A. I think he went into the police station.

Q. I see. And then when did you next see Mr. Wolcott after that?

A. After we made the arrest.

Q. And where did you see him?

A. He was trying a case next door.

Q. Where he had been in the meantime you don't know?

A. No.

Q. The last time you saw him before you made the arrest was at the police station?

A. Yes, sir.

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Q. And you reported to him that you couldn't get in at that time?

A. Yes, sir.

Q. Did you tell him about the strangers - meeting these strangers around the door there?

A. No, I didn't. I don't think I did. I wouldn't say positively.

Q. And the strangers came down - followed you down into the basement?

A. That was the first time we met them, yes, sir.

Q. That was the time you reported to Mr. Wolcott that you couldn't get in?

A. Yes, sir.

Q. Now, did you go around that way to the police station and tell Mr. Wolcott that you couldn't get in? Or did you go straight back?

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A. I just happened to come out there, and happened to run into him accidentally.

Q. Were you by yourself at that time?

A. At that time, yes, sir.

Q. Then when you went over the third time, you found these people on the lower floor, all three of them?

A. Yes, sir; and the place open.

Q. Mr. Crook was in the front part of the store?

A. Yes, sir.

Q. And the two ladies were in the kitchen and one of them cooking, the other washing dishes?

A. One was cooking and the other was working around doing something.

Q. In their work dresses?

A. In the Mother Hubbard dresses - slip-ons.

Q. Whatever they are. Somebody has said something that covered everything and did nothing or touch nothing. But that don't make any difference.

Now you told them you had warrants for them, and you arrested them?

A. Yes, sir.

Q. And Ruby asked leave to go upstairs and put on some clothes?

A. Mrs. Yent did.

Q. You told them that was all right?

A. Yes, sir.

Q. You stayed with Mrs. Yent, and Tony went with Ruby?

A. Yes, sir.

77

Q. And Ruby went into the rear room?

A. Yes, sir.

Q. To dress. Did Tony go in with her?

A. Well, I believe we all went in this girl's room first, me and Tony and this girl (indicating Ruby Nelson).

Q. All four of you went into that room. Then what happened?

A. As we walked in I noticed that the drawer was open and I could see the yellow paper.

Q. You expected to find that yellow paper, didn't you?

A. I expected to find it somewhere.

Q. Well, that fellow had told you he was going to put that some place?

A. Put it somewhere in the room. The drawer was open and the paper in there.

Q. I think you said you hadn't given him any instructions to put it anywhere?

A. No, sir.

Q. If he got those instructions, he got them independently of your office?

A. Yes, sir.

Q. Now then, what else, Mike? Just tell us in your own way.

A. Well, we got this paper and I asked this woman here whose room this was, and she said it belonged to this girl here. Then she wanted to go into the next room and change her clothes, and she went in the next room and I stood in the door here and Tony in the room, and pretty soon,

78 Tony called me and said he had the dollar. He called me
in and I looked at the dollar and said that, "that is the
461 dollar we marked." Then they changed their clothes and
we brought them over to the station.

Q. Now when that dollar was marked, did you make
a memorandum of the number?

A. Yes, I did.

Q. On the yellow sheet?

A. Yes, sir.

Q. Look at that and tell me, isn't that your figures
(showing yellow paper to witness)?

Mr. Wolcott: I object. This has never been intro-
duced in evidence.

Mr. Coley: I am not introducing it. I am identifying
it.

The Court: Let him identify it if he can.

A. Yes, sir; I think that is it.

Mr. Coley:

Q. Why did you take those figures, Mike?

A. I wanted to be sure that it corresponded with the
dollar.

Q. Yet you hadn't given any instructions about the
matter?

A. I did not.

Q. Had you gotten any instructions from anywhere about
the matter?

A. No, sir.

Q. From no one?

A. The only thing, this fellow told me he would give

79 this dollar to the woman he went to bed with.

Q. Now then, what next, after that? Tony said that was the dollar, and you said it was, and you had already taken the yellow slip. What else?

A. When they got their clothes changes we brought them over to the station.

Q. Anything else?

A. I come over and notified Mr. Townsend, and Mr. Townsend asked me were they ready to give bond, and I said, "I think they are." Then I told Mr. Wolcott and Mr. Wolcott got up here and brought them over here and arranged bonds.

Q. They were locked up in the meantime?

A. Yes, it was only about fifteen or ten minutes, I guess.

Q. Who was up here besides Mr. Townsend when you got up here?

A. I don't believe there was anybody up here outside of the Judge himself.

Q. Was Mr. Coltas here?

A. Yes, I believe Mr. Coltas was here.

Q. Anybody else?

A. I don't remember.

Q. You had no proof of any kind on Mrs. Yent, had you, about Mrs. Yent?

A. We just brought her in on the warrant.

Q. So far as Mrs. Yent was concerned, you don't know that she did anything wrong, or anything about it?

A. No, sir.

Q. You don't know whether she knew what went on up

80 there?

A. No, sir; I don't know.

Q. You don't know anything about that. Had you ever been in the place before, Mike?

A. I served a couple of subpoenas on Mrs. Yent.

Q. For the United States Court?

A. No, I believe it was for - I think it was for Belleville. I think the Grand Jury. The Grand Jury. And also Mr. Crook, I believe.

Q. Anytime that you have asked for information you have gotten it readily, didn't you?

A. Yes, sir.

Q. Was there anything about the conduct of these people, so far as you know, you saw, that was different from any other business people?

A. Not at the time I was there. I just read the subpoenas to them and walked out. Of course I was just in front of the store there.

Q. Their conduct was like that of any other business people?

A. So far as I know.

Q. Did you know Ruby Nelson? Had you ever seen her before?

462 A. I had never seen her before that I know of, until that day.

Q. You don't know anything about her?

A. I don't know anything about the girl at all.

Mr. Coley: I think that is all.

Mr. Wolcott: I want to ask permission of the Court

81 to change the date from the 7th of November to the 8th of November.

Mr. Coley: I think the complaint was sworn to.

Mr. Wolcott: I can swear to another, if you want to have this trial all over again.

Mr. Coley: The proof would be good if it was any time within a reasonable time.

Mr. Wolcott: But you will claim proof as to the date alleged. I know what your object will be.

The Court: It amounts to this, gentlemen: If you object to the amending of the summons or the complaint, it will mean that the State's Attorney would have to dismiss the case and begin all over again, and we wouldn't be anywhere.

Mr. Coley: Well, I object to any changes in these papers.

Mr. Wolcott: You can change the form of the complaint and amend any time before a verdict. Mr. Coley knows that.

Mr. Coley: You can't change the substances of it, though. This is a charge of crime on the 7th day of November. There is no proof of that kind.

Mr. Wolcott: Just give me a couple of complaints and we will start this all over again.

The Court: It amounts to this: If ^{you}were to amend here, changing the date, it would allege another date for which perhaps the defendant would not be in a position to prove. They would perhaps not be in a position to defend against that.

(Mr. Wolcott secured some blank complaints)

Mr. Coley: I would like to make an inquiry, Your Honor,

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if I may, which has been suggested to me by one of the Government officials - if Your Honor can tell me, - not on oath or anything of that kind - just as to the facts of the change in this warrant. One I think I notice, and I called Mr. Stocker's attention to that one (showing). You notice the figure "8" there in fine writing, and afterwards that has been changed to

The Court: (Examining paper) That is not my handwriting. I know nothing about the change in that complaint. The complaint and the warrant were brought to me and I swore Mr. Wolcott to the complaint. I read both the complaint and the charge, and swore him to the charge, and ~~he~~ signed the complaint and the warrant, and Mr. Wolcott took the warrant away, and that is all I know about it.

Mr. Wolcott: I will say, ~~for~~ for the benefit of the record, that the reason the warrants were not dated is because I never read the warrants at all. I read the complaint. On the 10th day of November I brought these complaints and went before Judge Townsend, and I noticed that I had inadvertently made an 8 there with the typewriter on that one complaint, and not on any other complaint or warrant; so I wrote "10" on the rest of the complaints and warrants and took my knife or an eraser - I have forgotten which - and scratched the "8" and made it a "10".

463

Mr. Borders: Was that after the complaint was sworn to?

Mr. Wolcott: No, before the complaint was sworn to before Judge Townsend.

Mr. Coley: Now this "alias Grace Yent and Ruby Nelson"

83 is that written with a ~~pen~~ pen? Is that your writing, Judge? (Showing paper to the Court).

The Court: That is my writing.

Mr. Coley: When was that done?

The Court: When they were ~~re~~arrested.

Mr. Coley: After they were arrested and brought here?

The Court: Yes.

Mr. Coley: Not before?

The Court: No.

Mr. Coley: So the warrant as sworn to has been changed by Your Honor since the arrest was made?

The Court: Yes.

Mr. Coley: And the expression "Emma Doe and Mary Roe" crossed out?

The Court: They were crossed out to-day by the State's Attorney with my permission.

Mr. Coley: Then without consulting Mr. Wolcott at all you made the complaints to read, "Grace Crook, alias Grace Yent and Ruby Nelson?"

The Court: I wrote that in there so as to get the true names of the parties.

Mr. Coley: After they were brought in?

The Court: After they were arrested.

Mr. Wolcott: I would like to be sworn to that complaint.

(Mr. Wolcott was sworn by the Court).

Mr. Borders: I think we might as well go on with the case, Your Honor. We will consent to that.

Mr. Coley: Let the record show that we consent to

84 the change of dates in the warrant, and we will proceed with the case now.

The Court: Are you going to insist on the irregularity of my writing in there?

Mr. Coley: No.

The Court: Let the record show that there is no objection on the part of the defendant as to the irregularity in writing the names of two defendants in the complaint after they were arrested.

Mr. Borders: ^{and} Can we allow the complaint to be amended by changing the date to "10".

Mr. Wolcott: No, I will write another complaint for the 10th. The State rests.

Since we have agreed to the change in the date of the record, we will just destroy this new complaint.

Mr. Borders: Ruby Nelson.

TESTIMONY OF RUBY NELSON,

Called for the Defendants, Direct Examination.

By Mr. Borders:

Q. What is your name?

A. Ruby Nelson.

Q. Where do you live?

A. At 117 North Third Street.

Q. What city?

A. East St. Louis.

Q. How long have you lived there?

A. It will be three weeks Monday.

85

Q. Who else lives there at that place?

A. Why, Grace Yent, and Charley Crook, work there and board there.

Q. How works there and boards there at that place?

A. Yes, sir; and rooms there.

Q. What kind of a place is that?

A. A second hand furniture store.

Q. What is there for sale?

A. Stoves and dressers and wash stands.

Q. What part of the premises is used for the sale of stoves?

A. The downstairs.

Q. Are there any sleeping rooms downstairs?

A. No, sir.

Q. And what is there upstairs?

A. How many rooms?

Q. Yes.

A. There is about six rooms - six rooms upstairs, but only four that is furnished; and the back rooms are filled with furniture.

Q. The back rooms upstairs?

A. Yes, sir; there isn't room enough downstairs.

Q. Now, do you know this fellow who called himself Eli?

A. I seen him once.

Q. You seen him once. When was that?

A. Last Saturday.

Q. What time?

A. About half past nine.

86

Q. Where was he when you first saw him?

A. Downstairs, in the furniture store.

Q. Did you ever remember seeing him before that time?

A. No, sir.

Q. Now state when you first saw him, where he was at?

A. I seen him downstairs, and he was talking to Mr. Crook, there about buying some stoves, and Mr. Crook says, "well, I am busy right now and the furniture is right upstairs in the back room". There were some men in there that wanted to see furniture and Mr. Crook told him upstairs the furniture ^{was and he would} wait on him when he got through waiting on these other customers.

Q. Then what happened?

A.. He didn't say nothing then, just rushed upstairs, and Mr. Crook told me to go up and see what he was doing and I run upstairs and when I got upstairs he was in one of the living rooms looking at the dresser. I asked him what he wanted, and he said he wanted to buy that dresser, and I told him no, that dresser belonged to the people that lived there and wasn't for sale at all. He said, "where is Myrtle Gardner?" And I said, "where is Myrtle Gardner?" She is sick. You can't see her." Because these people had told me not to let nobody see her at all.

Q. Now, Myrtle Gardner, who is she?

A. She is the sick girl. I don't know - she stayed out to the Star Hotel, so far as I have learned about it.

Q. Have you been taking care of her there, nursing her along?

A. Yes, sir.

87

Q. How long has she been sick there?

A. When I first went there she was sick. That will be three weeks Monday, and that woman wanted me to come there and take care of her and assist with the house work.

Q. Do you know whether this girl went to Danville at one time to be a witness up there, and took sick?

A. Yes, sir.

Mr. Wolcott: Now that isn't a matter of defense.

Mr. Borders:

Q. Has she been sick since that time?

Mr. Wolcott: Now just a moment. I object, Your Honor.

The Court: I can't see the materiality of the trip to Danville, as to a defense.

Mr. Borders:

Q. Now just how long has she been sick there in that place?

A. Well, I think she was sick about a week before I went there. I am not sure.

Q. Is she able to be up and about? Tell the judge now, how sick she is.

A. She is very sick. She isn't able to walk around at all.

Q. Is she confined to her bed *continually*?

A. Yes, sir.

Q. How you saw him. Was he in her room at that time?

A. He was in my room.

Q. Your room. Now tell the judge what happened there.

A. He said he wanted to see Myrtle Gardner, after I

88 told him about the dresser, then he said he wanted to see Myrtle Gardner. I told him Myrtle was sick. I said "where did you know Myrtle Gardner?" He says, "from the Star Hotel," and I said, "you can't see her." He says, "well, ^{here,} don't make me no trouble. Here is a dollar. Give it to her if she is sick."

Q. Do you know whether or not other foreigners had been up there and handed dollars to you or to anybody there to see that girl?

A. No, sir.

Mr. Wolcott: I object.

The Court: That is immaterial.

Mr. Borders:

Q. Then what happened?

A. Then I went on downstairs. I was going to tell Mrs. Yent about it. She was back in the kitchen cooking breakfast. I went down and says "what do you think of that fellow giving me a dollar to give to Myrtle?" She says, "where is he?" We looked out and he was gone, done flew out of the door - couldn't see him.

Q. Did you have sexual intercourse with him that morning in that place?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Did you see him there on Thursday?

A. No, sir; I seen him last Saturday. That was the only time I seen him.

Q. Then what happened after you seen him go out of *the door?*

89 A. Why, these officers came in. They had warrants out for us and told us to put our clothes on. We asked them - Mrs. Yent asked him if we could go up and put our clothes on. Officer O'Brien was his name, and he said we could, so we went and put our clothes on. Mr. Stocker and Mr. O'Brien and all of us went in the room, in my room, and the first thing they do was to look into the dresser drawer and they pulled a paper out and Mr. Stocker told me that he wanted to search me, for me to take what money I had out of my stocking.

 Q. Was that house there at that time used - at any time used as a house of ill fame?

 A. No, sir.

466 Q. As a house of prostitution?

 A. No, sir; not that I know, that I seen at all. I never seen nothing of that kind.

 Q. When you got over to the police station - I mean the court here- - were there any lawyers here at that time, when you got here?

 A. Mr. Coltas.

 Q. Well, what happened here at that time? Was anything said by him?

 A. Why, he just asked me about what happened. That is all, and I told him.

 Q. You may cross examine.

CROSS EXAMINATION.

By Mr. Wolcott:

 Q. You spoke to Mr. Coltas about defending you, did you?

90

A. Defending me?

Q. yes, in this case?

A. About taking the case?

Q. Yes.

A. I never asked him to take the case.

Q. Did You hear Mrs. Yent or Mr. Crook ask him?

A. No, sir.

Q. How how old are you?

A. Nineteen.

Q. And you stay over there on North Third Street?

A. Yes, sir.

Q. You have been there how long?

A. Been there three weeks Monday.

Q. Where do you work?

A. I work there.

Q. You work there?

A. Yes, sir.

Q. Who do you work for?

A. I work for Mrs. Grace Yent.

Q. What do you do there?

A. I assist with the house work and take care of the sick girl.

Q. How much does she pay you?

A. She pays me a dollar a day, room and board.

Q. How long have you known Grace Yent?

A. Well, I have known her about a year, I guess.

Q. Where did you get acquainted with her?

A. Where did I get acquainted with her?

Q. Yes.

91

A. When she lived on State Street, and I lived with my mother next door, about a couple of doors from there. I just knowed her from seeing her as a neighbor.

Q. Your mother lives on State Street yet?

A. No, my mother don't live on State Street now.

Q. Where does she live now?

A. She did live on 7th Street, but she moved since I went to work for Mrs. Yent.

Q. Is your father living?

A. My step father is.

Mr. Wolcott: That is all.

Mr. Borders: That is all. Mrs Yent, ^{will} you take the stand.

Mr. Wolcott: I want to ask this girl who owns that store?

A. Who owns it?

Q. Yes.

A. You mean who owns the goods in the store?

Q. Yes.

A. Why, Mrs. Yent owns the goods in there, but she don't own the buidling.

Q. What does Mr. Crook do there?

A. He works there.

Q. On a salary?

A. Yes, Sir.

Q. And you rent from Mrs. Yent, do you?

A. I work for her.

467

Q. Didn't you say you rented from Mrs. Yent?

A. I said I lived there.

92 Q. Did you hear Mr. Stocker testify that you rented from Mrs. Yent?

A. I Heard him.

Q. Is that the truth, or not the truth.

A. It is not the truth.

Mr. Wolcott: That is all.

TESTIMONY OF MRS. GRACE YENT,

Called for the Defendants, Direct Examination.

By Mr. Borders:

Q. State your name to the Court.

A. Grace Yent.

Q. Where do you live?

A. 117 North Third Street.

Q. How long have you lived there?

A. I have lived there about eight months.

Q. And who else lives there?

A. Mr. Crooks lives there.

Q. Anybody else live there?

A. Miss Nelson.

Q. Anybody else?

A. And Myrtle Gardner, did for a while, but she is now in the hospital.

Q. How long has Myrtle Gardner lived there?

A. Myrtle Gardner has been there since August.

Q. Do you know how she happened to be placed there?

A. How she came there?

Q. Yes.

93

A. Yes, sir.

Q. How was that?

A. She was a Government witness and we went to Danville. She broke down there and they couldn't get her statement. I was asked by Mr. Karch, the District Attorney to take care of here

Q. Have you taken care of her since that time?

A. Yes, sir, till they took her to the hospital.

Q. Who was she a witness against?

A. Steve Unk.

Q. What was his business?

A. Saloonkeeper and hotel keeper.

Q. Whereabouts?

A. At 2005 Missouri Avenue

Q. Do you know whether or not Myrtle ever lived there at that place?

A. Why, yes, I guess she did.

Q. What was Steve Unk charged with, do you know?

A. He was charged with self confessed perjury, boot legging and white slavery.

Q. And who was the victim of the white slavery, do you know that?

A. Myrtle Gardner.

Q. How old a girl is Myrtle Gardner?

A. Nineteen years old.

Q. Do you know how long she was at Steve Unk's?

A. Well, off an on she says two years. O ~~fo~~

Of course I never knew her then and I don't know how long she was there, only from her statements.

94

Q. You don't know the circumstances of her being taken from St. Louis into Illinois here to that resort, do you?

A. No, I don't - just from her own statements.

Q. Do you know whether this man Steve Unk was charged or to be charged with an offense of white slavery in the court, the Federal Court, which has a session this week?

A. Well, the girl wasn't able to give her full statement. She was sick and unable to testify up there in Danville - to finish her statement.

Q. And how about in East St. Louis? What was her condition of being able to attend the Federal Court here?

A. She was unable. She is in the hospital now.

Q. Now how long has the last witness who testified here, Miss Nelson, I believe - how long has she lived at your place?

A. Three weeks Monday.

Q. What has been her conduct since she stayed there?

A. To the best of my knowing, good.

Q. Does Myrtle Gardner receive any benefits in the way of insurance?

A. Yes, sir.

468

Q. From what company, do you know?

A. From the National Protective ^{Legion} League.

Mr. Wolcott: Now, Your Honor, those may be matters of defense but they are so far fetched that I don't believe they are admissible in any court.

95

The Court: That is rather far fetched.

Mr. Borders: It is for the purpose of leading up to the fact that this girl pays for being kept there, and the insurance that she derives out of this company.

The Court: I can't see the materiality of it.

Mr. Borders: It shows what her place is run for.

The Court: She has testified to that.

Mr. Coley: She hasn't said she boarded this girl. She said she had the girl there because Mr. Karch asked her.

Mr. Borders: We have a right to show that, I think.

Q. Now with reference to the care that is now being taken of Myrtle Gardner - or was up to a day or so ago, state what compensation, if any, was paid to you for that purpose.

Mr. Wolcott: I object. There has been no testimony here on that.

Mr. Borders: It shows the character of the house.

The Court: Let her answer.

A. There was no arrangement made as to what was to be paid to me. I had sympathy in my heart for that girl. I was willing to take care of her as long as I had a dollar. I was willing to give her the last dollar because she was a pitiful sight and she sure needed help and I did all I could for her until yesterday she went to the hospital. I intend to do so yet, as far as my money will go.

The Court: Was there a physician there?

A. Yes, sir.

96

The Court: Who was the physician?

A. I had Dr. Vonnahme. I quit him. I didn't see that he was helping her any, and I changed to Dr. Voris.

Mr. Borders:

Q. Has he been treating her?

A. Yes, ever since.

Q. How often does he come?

A. Two to three times a week.

Q. Now do you know this Eli - while we are on that question - Mr. Crook, do you know him?

A. Yes, sir.

Q. Does he stay there?

A. Yes, sir; he is manager of my store.

Q. Is he on a salary there?

A. Yes, sir.

Q. And do you know this man Eli who testified?

A. No, sir.

Q. Do you know him?

A. No, sir.

Q. Did you ever see him?

A. No, sir.

Q. Did you know of him being in that store on a Saturday?

A. I heard about it.

Q. Where were you at when that happened?

A. I was back in the kitchen, downstairs.

Q. And where was Miss Nelson at that time?

A. Miss Nelson was the one that told me about it.

97

She came down and told me that there was a foreigner had given her a dollar to give to Myrtle and I said, "where is the foreigner? Is he upstairs?" She said, "no, he is in the store." And when we came out to see him he was gone, so I didn't get to see him.

Q. You were in the rear end of the store?

A. In the kitchen at the rear of the store.

Q. Do you know of foreigners calling there at that place to see Myrtle Gardner off and on?

Mr. Wolcott: Now, ^{your Honor} that isn't a matter of defense. Why cumber the record here and drag this proceeding out.

The Court: What is the idea of asking that question, Mr. Borders?

Mr. Borders: To show that the foreigners and friends of this defendant, Steve Unk, who is charged with white slaving this girl, have been going to this ^{place, this} store for the purpose of seeing this sick witness, this girl who is sick there, and have been giving her a dollar off and on.

The Court: Suppose they have now; would that tend to prove or disprove that there was a house of prostitution being run there by Crook or Grace Yant, or Ruby Nelson?

Mr. Coley: This charge that we are trying is not is this a house of prostitution, but are these people inmates? That is the charge.

The Court: Does that tend to disprove that there is or that there is not a house of prostitution being run there? I don't think it is material at all.

Mr. Borders: What is the rule of the Court? That it is improper?

98

The Court: Objection will be sustained.

Mr. Borders:

Q. I believe you said that you had never seen this man before?

A. No, sir.

Q. This Eli that testified here. Now where is the furniture kept for the purpose of sale in that place?

A. The furniture, the majority of the furniture is kept on the second floor in the two rear rooms.

Q. And what is used on the first floor?

A. The first floor is devoted mostly to stoves. There are some few pieces of furniture in the store there.

Q. Are there any living quarters on the first floor?

A. My kitchen.

Q. Where are the sleeping rooms?

A. Upstairs.

Q. Has that place been used as a place of prostitution?

A. Not since I have had it. I don't know what it was prior to that time.

Q. Now after this man left the house, your place, that Saturday, what happened after that?

A. Why, about ten minutes after Miss Nelson came in and told me about this dollar, why, the three deputy sheriffs came in, Mike O'Brien, Mr. Ames and Tony Stocker; and they came in and told us we were under arrest. I said all right. I said, "Can we go up and put some clothes on?" He said, "all right," and we went on upstairs.

99

They went right into one of the rooms, all four of us did, and seems like they knew just where to go and look for all kinds of evidence. They opened this lower dresser drawer and took out a piece of paper. Mike O'Brien~~BOOK~~ showed it to me and I says, "well, what is that?" He says, "Don't you see, Grace, this is all a frame up?" He says, "Here is this foreigners name, this Greek that was just in here, his name written on this paper." I says, "what Greek is that?" He says "the one that was just in here."

Q. Then what happened?

A. Well, consequently they took us over and put us in the jail. I asked them - I said, "do you think I will be admitted to bond right away? If you don't think so, I want you to look out for this sick girl over here." They said, oh Mr. Wolcott was right over in the office and I would be admitted to bond. Well, I know I had a waiting bonisman and I could get him to sign a bond right away and get back to this sick girl, but instead of that, when I got over there Mr. Wolcott wasn't there so I could get the bonds fixed up, and I was ordered not out on bond until I was first seen by Mr. Wolcott. So they took and locked me in jail upstairs over there. I guess I was in there twenty minutes.

Q. They told you they couldn't do anything for you until they seen Mr. Walcott, who told you that?

A. The deputy sheriffs told us that. But he was right there waiting, so they claim, that Mr. Wolcott was waiting for us to be brought in.

100

Q. Well, was anything said over here about giving bond before seeing Mr. Wolcott, whether you would be admitted to bond?

A. Yes, sir; and I was greeted with the same thing, wait for Mr. Wolcott.

Q. And what happened after - when did you then get in the justice court? How long were you confined to the jail?

A. I was about ten minutes over there?

Q. Who brought you over to the justice court?

A. The three deputy sheriffs, O'Brien, Ames, and Tony Stocker.

Q. Who was in here at that time?

A. Mr. Townsend there was in here, and I guess I was in here about five minutes when Mr. Geley Coltas came in. But Mike in the meantime told me on the way over when they were bringing me to jail, "Grace, why don't you hire Mr. Coltas; he is a good lawyer?" Well then, when I got over in here to fix up the bonds, Mr. Coltas came in while I was here, so consequently I engaged him to do a little work up here for me, as to securing the bondsmen, etc; and I went up to his office and had a little talk with him and paid him for it.

Q. Where was Miss Nelson when this foreigner Eli came in that place that Saturday morning, if you know. Where was Miss Nelson at?

A. I don't know. I was back in the kitchen. You see the kitchen is way in the rear, the very back end of the store.

Q. Was Miss Nelson ever back there at all that

101 morning?

A. In the kitchen?

Q. Yes.

A. Oh, yes,

Q. Had she been back there prior to the time the
foreigner came in?

A. Yes, sir.

Q. Do you know where she was at when the foreigner
came into the store?

A. No, I don't,

Q. Do you know where Mr. Crook was at?

A. Mr. Crook was in the store.

Mr. Borders: I think that is all.

Q. Have you permitted any prostitutions to be
conducted in that place there?

471 A. No, sir.

Mr. Borders: That is all.

CROSS EXAMINATION.

By Mr. Wolcott:

Q. When you gave the bond ^{here} or just after it was
signed, I was present, was I not?

A. You were present when the bonds were signed.

Q. I don't remember who signed your bond?

A. Mr. James McDonald. He does a good deal of
work for me, delivering.

Q. You had a bondsman waiting, did you?

A. Yes, I had Mr. Short, was supposed to be my

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bondsman.

Q. Have you him engaged to sign your bond at all times?

A. No, I called him to sign this bond.

Q. Now, Mr. Crook runs the store for you. What do you pay him?

A. I pay him \$10. a week and his board and his room and laundry.

Q. That would be at the rate of about \$40. a month for the salary alone. What do you figure the board, room and laundry worth?

A. Well, it ought to be worth, I think, in the neighborhood of \$10.00 a week.

Q. \$10. a week.

A. I couldn't very well feed him on \$10. a month the way the cost of living is now.

Q. What do you pay Ruby Nelson?

A. \$1.00 a day.

Q. And room and board. You figure her room and board about the same?

A. No, I couldn't hardly figure -

Q. About \$8.00 a week or \$5.00 or what would you say?

A. Well, I think it would be about \$6.00 a week.

Q. Mrs. Yent, can you give the Court an estimate of the volume of your sales since you have been running - how long have you been running that place?

A. I have been in that a year in September.

Q. Now, figuring from month to month, can you give the Court an estimate of the volume of your sales?

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Mr. Coley: I don't see how that is material.

The Court: It is not material at all, as I see it.

Mr. Coley: I object. That is not material, what her sales are.

The Court: The objection is sustained.

Mr. Wolcott: All right. The attitude of the defendants seem to block the investigation here. I am proposing to show here that the woman isn't making ~~xxxxx~~ enough profit out of that store to pay those salaries that she is paying, and pay rent there, and pay all expenses.

Mr. Borders: She has a way of doing that without examining the business.

The Court: She may be running a losing business, Mr. Wolcott.

Mr. Wolcott: I expect so. That's all.

The Court: Now, Mrs. Yent, you say that when you were brought over here for bond, that I delayed you and hindered you in giving bond?

A. Well, who was it that said that I must wait until Mr. Wolcott came in?

The Court: Who was it said you should?

A. Yes.

The Court: I said that we would wait until Mr. Wolcott came after you presented your first bondsman, whom I refused, Mr. Short, because he didn't have any real estate to qualify. I suggested that we wait until Mr. Wolcott came before setting the case, not before we gave bond.

A. Well, I could have gotten a bondsman right away.

The Court: I have no doubt about that, but we were

104 waiting for Mr. Wolcott in order to fix the date to set the case, were we not?

A. Well, that is all right.

The Court: Now she is criticising me for imprisoning her here falsely, and I don't want the impression to go out here that I did any such thing.

A. No, I didn't insinuate that.

The Court: Because here is the proposition: The courts here are being criticised for this very thing, and whenever we set the case it is the object of the attorneys and of the litigants to this sort of cases in justice courts, to get the courts to set these cases when one side only is in court, and I know that, and nobody knows it any more than I do, and that is the reason I wanted Mr. Wolcott, the States Attorney here, who would have to prosecute the case, to be in Court when I set this case, in order that there would be no misunderstanding when it would be set; and when Mrs. Yent undertakes to state here that I held her and wouldn't permit her to give bond, there never was a more false statement made than that.

Mr. Borders: She said she asked for a bond here, and Mr. Shortz came up here, a business man here, in the same line of business as she is -

The Court: I asked Mr. Shortz to qualify on the bond, and he wouldn't do it because he couldn't do it.

Mr. Borders: Now she says she could have gotten another bondsman.

The Court: She then sent after the other bondsman, and finally got a bond.

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Mr. Borders: And you suggested, "now we will wait until Mr. Walcott comes?" I believe you state that?

The Court: For the purpose of setting this case, not for the purpose of giving bond.

Mr. Coley: There is no intention to reflect on the Judge.

The Witness: No, surely I didn't mean it that way.

Mr. Borders: You misunderstood the witness.

The Witness: That was the thing that was said to me that I couldn't get bond until Mr. Wolcott seen me first. That was impressed on me before I came over here by the deputy sheriffs also.

Mr. Wolcott:

Q. Now, Mrs. Yent, after I came over here, did I make any objection to your having a bond?

A. No, you didn't. You ~~xxxxx~~ acted a perfect gentleman and never said nothing.

Mr. Borders: We will call Mr. Crook.

The Court: Let us be here at one thirty to go on with the testimony in this case. Court is adjourned until one thirty. All witnesses in this case, who have not testified, will be back here at one thirty.

Mr. Coley: I want that man Eli to be back here too.

The Court: Eli, you will be back here at one thirty.

(Whereupon, at 12.15 o'clock p.m. the Court recessed until the afternoon session.)

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AFTER RECESS.

1.30 O'clock p.m.

Mr. Borders: Mr. Crook, take the witness stand.

TESTIMONY OF DORAEAL CROOK

Called for the Defendants. Direct Examination.

By Mr. Borders:

Q. State your name to the Court.

A. Doraeal Crook.

Q. Where do you live.

A. I live at 117 North Third Street.

Q. What is your business or occupation?

A. I am doing the managing and the general work around the second hand store.

Q. Whereabouts?

A. At 117 North Third.

Q. Who owns that place - that is the business there?

A. Mrs. Yent owns the business and invested all the money.

Q. How long have you worked there?

A. I have worked there - well now, she started business at No. 13 North Third. She bought old man Fields out about last September, and I don't know exactly, but about the 1st of January she rented the building at 117 North Third from one George Boyne.

Q. And you have worked there since that time?

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A. Yes, sir.

Q. Do you know of this - did you ever see this man they called Eli, this foreigner? Did you ever see him around there?

A. He come in there Saturday morning.

Q. Had he been there any time prior to that?

A. Never seen him.

Q. All right, now tell what happened there Saturday morning?

A. He come there and he wanted a stove. I showed him a stove, and there were three or four more customers there but he was the closest and I started to wait on him. He looked at the stove and says, "I would like to have a dresser - to see some dressers." I told him to wait, because I couldn't show him the dressers, to go ahead and look at the stoves, and I would have to wait on the other customers, and then after they left I could take him up and show him in the back rooms upstairs the dressers.

Q. Were there any dressers down stairs for him to look at.

A. No, sir.

Q. Where were the dressers?

A. Upstairs in the back rooms. While I was waiting on another customer I noticed him run upstairs. I hollered at this Ruby to run up and keep him from getting into Myrtle's room.

Q. Where was she at?

A. She was in the front room.

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Q. In what condition was she?

A. She is very sick.

Q. How long has she been sick?

A. She has been sick and under the doctor's care since some time in August. She was called over here as a witness and she was sick that day, and the next day she called Vonnahme to doctor her, and she has been down on her back the most of the time. Some days she would be able to get up and walk around a little. The doctor let her walk around a little, ~~The doctor let her walk around a little,~~ but lately she has been down and not been able to get up at all.

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Q. Do you know where she had been prior to the time she came to you?

A. She had been to St. Louis, working at the Terminal Hotel under Mr. Purcell.

Q. And did she ever live on this side?

A. Yes, sir.

Q. When was that?

A. She come and told a story, a pitiful story -

Mr. Wolcott: Now, Your Honor, the pitiful story hasn't anything to do with this case.

The Court: I don't think so.

Mr. Borders:

Q. Well, was she - when she came to your place there - that is the store where you work - do you know whether or not she had been placed there by any authorities?

Mr. Wolcott: Now just a moment. We can shorten this matter. That girl isn't on trial.

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Mr. Borders: We have a right to show who is in that case. It is true I have nothing to do but try this case.

The Court: Let him answer.

A. Mr. Karch.

The Court: To show what was going on there.

A. Mr. Karch asked Mrs. Yent at the trial in the Murphy Building, the preliminary -

Mr. Borders: (Interposing)

Q. Who was that preliminary against?

A. Mr. Unk.

Q. For what?

Mr. Wolcott: Now, Your Honor -

Mr. Borders: That is just elementary, leading up, laying the foundation.

The Court: I know, but he can answer that question shorter than that, that you asked him a while ago.

Mr. Borders: Well, who was Mr. Unk?

A. Mr. Unk -

Mr. Wolcott: Now, Your Honor, there is no use going into another matter. That matter is trashed out in the Federal Court. Mr. Unk, I would say, is now in the Murphysboro Jail.

Mr. Coley: The state's witness has stated here that he came over here to see Mr. Unk, and when he couldn't

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find Mr. Unk he went to this place, and I think it is connected in that way. He was a friend of Unk's, and he came to see Unk, and when he couldn't find Unk he went down there. Now that is the thing that I think ought to show now, what connection he had with Unk, and he is the man who is making this case, this fellow Eli. We ought to have the truth about this matter.

Mr. Wolcott: So far, so good. But whatever Unk is charged with, whatever trial is had with Unk, whatever disposition is made of his case has nothing whatever to do with the defense in this case.

Mr. Coley: Let me reply to that, I think it does. If it shown here that the people were witnesses against Unk in a white slave case, and that this girl that was left in her charge by the United States District Attorney was in their home being cared for by them, and that they were arrested here at the very time that they were supposed to appear for the United States District Attorney, it is proper for you to know it and find out why they were arrested here at that particular time.

The Court. Let him answer.

A. Mr. Karch asked Mrs. Yent to take care of this girl if she could; not let no one interfere with her at all before the trials, and she was left there.

Mr. Coley:

Q. And who is Mr. Unk?

A. Unk is the proprietor, or has been running the

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Star Hotel , 2005 Missouri Avenue.

Q. Did anybody besides Mr. March also state what you should do with Miss Gardner, Myrtle Gardner?

A. Well, the United States Marshal was there and said, "take good care of her" - or deputy marshall.

Q. Do you know his name?

A. Mr. Cohlmeier and Cooper Stout.

Q. And what did you do in pursuance to their request?

A. We sure allowed no one to tamper with her get close to her, to get evidence from her at all.

Q. Have any efforts been made to do that?

A. Almost every day.

Q. By whom?

A. By Unk's friends.

Q. What happened there at that time? Tell how that happened?

A. How they - I don't quite understand the question.

Mr. Tolcott: Now, Your Honor, I want to renew my objection.

The Court. Well, we have got to get into this thing and get as much of it - it just comes up here insistently.

Mr. Tolcott: It comes insistently because the attorneys for the defense persist in bringing it up incessantly.

The Court: Whether or not it is material, I will take that into consideration, and I think I will know whether or not it is material, and if they have the time I have the time to sit here and listen to this.

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A. The foreigners have been coming almost every day.

Mr. Borders:

Q. Whether or not they were connected or friendly with Unk?

A. There was some of them that stayed there - the only time I was around the Star Hotel I seen them setting back there in the hotel with Unk and his wife, one man in particular. Others that claimed they were great friends of Unks' tried their best to get up there and talk to Myrtle Gardner.

Q. And you say that happened very frequently?

A. Yes, sir/

Q. What did they do?

A. Well, they wanted to get to talk to her and wanted her to come back out there.

Q. Were any offers made to bribe you or to get to see her or talk to her?

A. No.

Q. To pay any compensation?
would

A. I ~~xxx~~ never get that far. Just as quick as they would mention Myrtle Gardner I would tell them we were not allowing anybody to get close to her; that United States authorities had asked us not to, and we didn't intend to let anyone question ^{her} ~~her~~ *you via Eli Christen, that that testified here,*

Q. Now this Eli Christen, ^{her} ~~her~~ *you via Eli Christen, that that testified here,* did you ever see him at the Star Hotel?

A. No, sir; never did.

Q. Did you ever see him around your place?

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A. He was there that Saturday morning.

Q. Did you ever see or know of him before that time as being interested in Unk?

A. I have heard of him being interested, being a musician in Madison County one time at a dance, where a man was killed right in front of him, and Unk had him swear- just state the way he wanted him.

The Court. Wait a minute. You are wandering too far away now.

A. Well, they asked me what I had heard.

Mr. Borders:

Q. I mean with reference as to whether or not he has ever acted as interpreter or interested himself in any way in the Unk case, in which Myrtle Gardner was a witness?

A. No, I haven't; no more than what Myrtle Gardner would tell me to watch for Eli.

Q. Now what were you doing on the Saturday morning that you say this foreigner came in there?

A. Now that Saturday morning I didn't open up early. It was Friday night; we were playing the phonograph and ^{had bought} lot of new records, and set up late and I got up early come down and went in the cellar and was working fixing some beds up. I come up about - I don't know just what time it was, and I seen one or two deputy sheriffs walking in front, so I went to the door. I thought, maybe they are looking for information that they often come and ask, and I was glad to give anybody information if I know it, reference to where persons live or something like

that they often ask, and I gladly tell them. This man come in - do you want me to go ahead and tell what he done?

Q. Yes.

A. He wanted to buy a stove and he asked for a dresser. I asked him to wait. He run upstairs. I called the girl, "don't let him in with Myrtle."

Q. There was the girl at that time?

A. The girl was in the front room.

Q. No, the other girl, Nelson?

A. She was back right where they draw the water, draw the drinking water and the water we use for cooking. I called to her, and she run up and I could hear her fussing with this man up there. I run to the door and the man was coming down, and she was telling me, "here he has given me a dollar for Myrtle." I says, "don't wake her; wait until she wakes and give her the dollar." In a few minutes afterwards, the three ~~ixixixixix~~ Deputy sheriffs walked in, and Mr. Ames stood with me right in the middle of the store. Mr. O'Brien and Mr. Stocker went back to the back and spoke to the women. I asked them if it was an arrest and they didn't just tell me then. Mr O'Brien hadn't read the warrant, ^{and} the women come back through the store and went up to dress. Then they come down they says, "there is a warrant for Myrtle there," and Mr. O'Brien read the warrant to me and brought ^{it} over, searched me at the station put me back in the cell, and while I tried to use a phone to call a bondsman into the station it was refused, but in a few minutes Mr. O'Brien

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come back and brought me out and brought me over here, and when they come in Mr. O'Brien told Mr. Townsend, "now, Mr. Townsend, please wait until you see Mr. Wolcott," - something about the bond. Then Mr. Townsend acted awful nice with us.

Q. This is the judge here?

A. He did. He said, "all right" and we set down. The first bondsman didn't schedule and we sent out and got another one.

Q. Who was he?

A. Mr. McDonald.

Q. And then what did you do?

A. Then we give bond and went home. I went to work trying to get - well, there was a party waiting at the door wanting stoves, when we got there. I got right busy.

Q. Now is that place there used as a house of ill fame?

A. No, sir.

Q. Is it a place where prostitution is practiced.

A. No, sir.

Q. That is all. The young lady who sits back there, what does she do there, Miss Nelson?

A. After Mr. Cohlmeier subpoenaed Grace Yent and myself for Government witnesses to appear on the 3th of this month in the Federal Court - it has been about three or four weeks ago he ~~xxx~~ subpoenaed us - I advised Mrs. Yent to look for a girl or somebody to take care of Myrtle and the store while he would be called away.

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Girls are hard to get, and just the first one she could get, she hired.

Q. And did she employ this girl here?

A. She did.

Q. Has she been employed there since that time?

A. Yes, sir.

Q. What did she do there?

A. She helped with the house work, the cooking and if I am busy in the store once in a while she waits on ~~the~~ the trade; then to wait on the sick girl and give her ^{her} medicine. The cooking is done downstairs. The meals have got to be carried up, water and different things to be carried up all the time and it is an awful lot of running, so she used her at that a good deal. Sometimes she sat and read to her.

Mr. Borders: That is all.

Mr. Wolcott: That is all.

Mr. Borders: Is George Boyne here?

TESTIMONY OF GEORGE A. BOYNE

Called for the Defendants and Sworn. Direct Examination,

By Mr. Borders:

Q. State your name, Judge.

A. George A. Boyne.

Q. What is your business, Judge?

A. Nothing at the present time.

Q. You have been a former justice of the peace here?

A. Yes, sir.

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Q. Do you know the defendants in this case, Mrs. Grace Yent?

A. Yes, sir.

Q. Where is her store located? What business is she in?

A. In the furniture business.

Q. Where is that located?

A. Third Street, 117.

Q. Have you had occasion to be there from time to time?

A. About once a month.

Q. And what takes you there, Judge?

A. I go there to get my rent.

Q. And that ~~is~~ ^{is} that place rent ~~is~~ ^{is}, what business?

A. A business place, a furniture place.

Q. Is there a considerable amount of furniture and stoves in there?

A. You can hardly walk in it.

Q. And do you know of your own personal knowledge that that business is conducted there?

A. I know that business is conducted there, yes.

Q. Have you at any time when you visit that place - have you had occasion to notice how it was conducted and how the business is carried on there?

A. All I could say is sometimes I go in for my rent, and sometimes I am in there twenty or twenty-five minutes, and found everything all right.

Q. Did you ever see anything around there which tended to prostitution or a house of ill fame?

A. No, sir; I wouldn't be there.

Q. Have you ever heard any criticism of that place?

A. Never heard of it until this time.

Mr. Borders: That is all.

CROSS EXAMINATION.

By Mr. Wolcott:

Q. How often do you go for the rent?

A. Once a month.

Q. That is the only time you are ever there?

A. Yes, sir.

Q. You say you sent the place to her?

A. Yes, sir.

Q. What rent does she pay you?

A. \$5.00

Mr. Wolcott: That is all.

Mr. Borders: Is Roy Aldrich here?

TESTIMONY OF R. R. ALDRICH.

Called for the Defendants. Direct Examination.

By Mr. Borders:

Q. What is your name?

A. R. R. Aldrich.

Q. What is your occupation or business?

A. City Detective.

Q. How long have you been such?

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A. About a little over two years.

Q. Do you know Mrs. Grace Yent, the Defendant in this case?

A. Yes, sir; I do.

Q. Where does she live?

A. At 117 North Third Street.

Q. What business is conducted at that place?

A. Well, they have a second hand furniture store there.

Q. And do you know the extent of the business, or property that they have there for sale at that place?

A. What do you mean, the value of it?

Q. No, with reference to the quantity.

A. Well, they have got quite a lot of stuff there. They do quite a lot of business.

Q. Have you had occasion to visit or notice that place or see it from time to time?

A. Yes, sir; there was several months there that I was on the pawnshops and made the secondhand stores nearly every day, and averaged once a day.

Mr. Coley: What do you mean by that, Roy?

A. Well, we have a lot of pawnshops and second hand places in town, and we go around to see if there is any stolen goods offered for sale, and if there are, the police office is supposed to have a record of them over there.

Mr. Coley: It is your duty to investigate those things looking for stolen property?

A. Yes, sir.

Q. And that sent you in there, most every day, did it?

A. Yes, sir; while I was on the pawnshop job.

Q. How long did that last?

A. Well, I was on the pawnshops for quite a while but they wasn't in business all the time I was on the pawnshops - three or four months.

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Q. After they went in business?

A. Yes, sir; and then I have been off of that for quite a while.

Q. You would go in there at set times, or just any time?

A. Just any time I wanted to.

Q. Morning, evening, or any time?

A. Yes, sir.

Q. What condition would you find in there?

A. They're always very nice to me and have given me quite a lot of information, not only on goods they bought, but goods they know other people were buying and disposing of.

Q. Was there anything in the conduct of the place to indicate it as being anything else than what it was represented to be?

A. Well, I wouldn't say there was. I don't talk that fast, you understand, and I don't think they have had any complaints of the place since I have been on the job.

Q. You were in there often enough that if there had been anything of that kind going on, you would probably have caught it?

A. I never see anything of the kind.

CROSS EXAMINATION.

By Mr. Wolcott:

Q. You were not on the morality squad?

A. I was two weeks, but that was before I knew them.

Q. Have you heard the story that goes about town that that is your playhouse?

A. That may be the story, Mr. Wolcott, but then I go there and can get information. I have got quite a lot of information and I have been there I guess on the average of once a day, yes, sir.

Q. You have never been in there in the night time, have you?

A. Yes, sir; I have been there after night time.

Q. Did you ever go upstairs?

A. Not at night, no, sir, never did.

Mr. Wolcott: That is all.

Mr. Borders: That is all. Mr. McDonald.

TESTIMONY OF JAMES A. McDONALD.

Called for the Defendants and sworn. Direct Examination.

By Mr. Coley:

Q. What is your name?

A. My name is James A. McDonald.

Q. What is your business?

A. I work for Mr. Crook and Mrs. Yent, rather, and worked for Mr. Short.

Q. What do you do?

A. Deliver stoves and ~~xxxx~~ tables.

Q. You are teaming?

A. No, I just got a little one horse rig.

Q. And you make deliveries?

A. I make deliveries.

Q. How long have you been making deliveries for Mrs. Yent?

A. For Mrs. Yent? Well, ever since she has been in business.

Q. How often would you have occasion to be at their place of business?

A. Some times I would be there three or four times a day. Then there might be a day or such a matter I would not be there at all.

Q. Then you would be back again?

A. Yes, sir; in and out.

Q. Delivering goods sold?

A. Yes, sir; hauling in goods too.

Q. Hauling in goods they had bought?

A. Yes, sir.

Q. Were you there at all times of the day?

A. Well, yes, sir, I have been there as high as all times of the day, but just in and out that way.

Q. But you didn't have any fixed hour to go there?

A. No, ~~some times~~

Q. Some times morning and sometimes afternoon?

A. Yes, just whenever they called me.

Q. Did you have occasion to observe the conduct of that place?

A. No, sir.

Q. Did you observe anything wrong there?

A. No, sir.

Q. Then did you see around there, Mr. McDonald?

A. How do you mean?

Q. You saw Mr. Crook?

A. Certainly I did.

Q. You saw Mrs. Yent?

A. Yes, sir; they were both right there to tell me what to do.

Q. And since this Nelson girl has been there, the young woman sitting back there, you have been there since that?

A. Well, a few times.

Q. Have you seen her around there?

A. I have.

Q. What was she doing?

A. Working in the kitchen when I was around there, and she was sitting sometimes reading in a chair, watching the store.

Q. Now, Mr. McDonald, ~~xxxx~~ at any time have you been there, have you seen any kind of improper conduct?

A. No, sir; I haven't.

Q. Is there any difference in the conduct of that second hand store from that of others you have seen?

Mr. Tolcott: That will call for an opinion.

The Court: Wait a minute. There is objection there. The objection is sustained.

Mr. Coley: All right.

Q. You say you have seen absolutely nothing wrong there?

A. No, sir.

Q. You have had opportunity to see what goes on there?

A. Yes, I have been out there.

Q. Have you ever seen any suspicious conduct around there at all?

A. No, I haven't.

Mr. Coley: That is all.

CROSS EXAMINATION.

By Mr. Wolcott:

Q. Do you ever go upstairs?

A. Whenever I am called to go upstairs, I go upstairs.

Q. How often are you called to go upstairs?

A. Not very often. I have cause to go upstairs just to fetch down a piece of furniture some times.

Mr. Wolcott: That is all.

Mr. Borders: Call Mr. Baird.

TESTIMONY OF McCULEY BAIRD,

Called for the Defendants and Sworn. Direct Examination.

By Mr. Borders:

Q. What is your name?

A. McCrueley Baird.

Q. What is your business or occupation, Mr. Baird?

A. Assistant to United States District Attorney.

Q. Do you know one Steve Unk?

A. Yes, sir.

Q. Is there any charge against him?

Mr. Wolcott: I object.

Mr. Borders:

Q. Has there been in the last week or ten days?

Mr. Wolcott: We are not trying Steve Unk.

The Court: Well, let him answer.

A. He was indicted in the Federal Court charged with having engaged in the business of a retail liquor dealer without having paid the Government tax.

Mr. Borders:

Q. Was there any other charge brought against him, or attempted to be brought against him by the Federal authorities?

A. There was a preliminary charge before the United States Commissioner, in which he was charged with the violation of the white slave traffic and bound over to the Grand Jury and after which time the Grand Jury did not return an indictment.

Mr. Wolcott: Now, I would like for Your Honor to just mark that evidence off of your mind entirely.

The Court: I said a while ago that I would consider what evidence was material.

Mr. Borders:

Q. Who brought the charge against Mr. Unk?

A. The United States Attorney's Office. I don't recall whether I did.

Q. I had reference to who was the complaining witness.

A. We have no complaining witness.

Q. Who is the girl who he ^{was} charged with misusing?

A. Myrtle Gardner was the girl in the white slave traffic charge.

Q. How do you know what became of Myrtle Gardner?

A. Only by what has been told me.

Q. What do you know of your own personal knowledge with reference to her?

A. The last I saw of Myrtle Gardner was when she left Danville in charge of Mrs. Grace Yont and Mr. Crook. What has become of her since I don't know of my own personal knowledge. I have never seen her since that day.

Q. Do you know whether or not she was placed in their custody and care by the Federal authorities, pending her sickness?

A. I know that she took charge of her, and whether or not there was any definite arrangement made by the Federal Government for them to care for her, I don't know.

Q. She was given, though, to their care?

A. They took charge of her and she went away with them.

Q. How has there been dependency of that same case against Unk in the session of the Federal Court in East St. Louis?

A. Yes, the case was set for hearing at the November

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term.

Q. At what place

A. At East St. Louis.

Q. What building?

A. The Metropolitan Building, for Monday, I believe.

Mr. Coley.

Q. The ~~xxxxxix~~ 12th?

A. Yes.

Mr. Borders:

Q. And who would have been the complaining witness in that hearing - that is who had been the victim of his misuse in that hearing on the 12th, what girl?

A. He was charged at that time with having failed to pay the Government tax for retailing liquor. I don't say that anybody was the victim.

Q. Was Myrtle Gardner concerned as a witness in any way at this session of the Federal Grand Jury or the Court?

A. To the best of my recollection Myrtle Gardner was a witness against him before the Grand Jury, and as to whether or not she was subpoenaed at this term of Court, I am unable to say.

Q. What would you say as to Mr. Crook and Mrs. Yent?

A. They were subpoenaed as witnesses in this case.

Q. And that case was to be heard on the 12th, was it?

A. To be heard on the 12th of November, this year.

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Q. Was it heard that day?

A. It was not. On that day, on Saturday prior to that day, a plea of guilty was entered by the defendant, Steve Unk.

Q. Do you know what time during the day?

A. No, I don't. I think in the afternoon. After the noon hour.

Mr. Coley:

Q. You haven't had occasion to be at Mrs. Yent's place of business?

A. Except that I went over there this morning.

Q. I mean prior to this arrest here?

A. No, I was there this morning to see with reference to when this trial was to be heard.

Mr. Borders: That is all.

Cross EXAMINATION.

By Mr. Wolcott:

Q. Mr. Baird, do you recall having been in my office the early part of this week?

A. Yes, I do.

Q. Do you remember what our conversation was about?

A. Yes, I do.

Q. Will you tell the Court?

A. I inquired if Grace Yents and Cook had been arrested on a State charge by you. You informed ^{me} that they had, and I think I asked who made the complaint, to which you replied that you did. I asked what for,

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and you said that they were charged with being inmates of a disorderly house. I then inquired if you knew, or if you didn't know at that time, that they were witnesses in a case before the Federal Court. To that I don't remember your reply, but you ^{rather} said that they were charged with keeping a disorderly house and that they would be prosecuted regardless, and that they would be prosecuted every day that they engaged in that business.

Q. Now, didn't you make the further statement Mr. Baird, that I knew that these women had been running a whore house for thirty days, and that you would like to know why I hadn't prosecuted them before?

Mr. Coley: I object to that.

The Court: Let him tell us.

A. I said if you did know that they were in the business of running a whore house prior to this time, I would like to know.

Mr. Wolcott: That question is susceptible of a yes or no answer.

The Court: Let him tell the conversation.

A. Now repeat your question, Mr. Wolcott?

Mr. Wolcott:

Q. Did you not say to me at that time that I knew that those women had been running a whorehouse for thirty days, and did you not ask me why I hadn't had them arrested before that time? Answer yes or no.

A. No.

Mr. Wolcott: That is all.

TESTIMONY OF WILLIAM CROME

Called for the Defendants. Direct Examination.

By Mr. Borders:

Q. State your name to the Court?

A. William Crome.

Q. What is your business or occupation?

A. I look after the police department machines, police chauffeur.

Q. How long have you been connected with the police department, Mr. Crome?

A. Very nearly four years.

Q. Do you know Mrs. Yent?

A. I know her by seeing her in the place of business over there.

Q. Where is her place of business?

A. Right back of the engine house on Third Street.

Q. What kind of a business does she run there?

What kind of a business did they have.

A. A second hand store, stoves and furniture.

Q. Have you had occasion to visit that place or be there?

A. I have been ⁱⁿ there. I went in to try and see what a fireback for a stove would cost.

Q. How often have you been in there?

A. I have been in there several times, not very often.

Q. How many times a month?

A. Well, sometimes I would go in there once or twice a month, and might not be in there for a month or so.

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Q. Did you ever see any evidence of a house of ill fame or prostitution being conducted or carried on there?

A. Not while I was around there.

Mr. Coley:

Q. What times of the day were you there?

A. No particular time. My work keeps me back there all the time.

Q. You had occasion to see across there?

A. I do see across there occasionally.

Q. Have you seen any improper conduct over there?

A. I never did.

Mr. Coley: That is all.

Mr. Tolcott: That is all.

Mr. Coley: While we are waiting, I would like to ask Eli here one question.

The Court: Take the witness stand.

TESTIMONY OF ELI CHRISTIAN (*Recalled*)

Direct Examination.

By Mr. Coley:

Q. What was the friend's name that you brought over ~~with~~ here with you last Saturday, morning.

A. Pete.

Q. Pete what?

A. I don't know.

Q. Is he here?

A. Yes.

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Mr. Coley: Come up here Pete. What is your other name?

Pete Neekleina. N-e-o-k-l-e-i-n-e

Mr. Coley: That is all.

Mr. Borders: Mr. Karch, will you come forward?

TESTIMONY OF CHARLES A. KARCH

Called for the Defendants and Sworn. Direct Examination.

By Mr. Coley:

Q. ~~XXX~~ Will you state your name, please?

A. Charles A. Karch.

Q. What is your business?

A. Attorney at law.

Q. What is your official position?

A. United States Attorney for the Eastern District of Illinois.

Q. Do you know Myrtle Gardner?

A. She has been introduced to me.

Q. Do you know Mrs. Yent?

A. She has been introduced to me.

Q. And do you know Mr. Crook?

A. Yes, sir.

Q. State whether or not Myrtle Gardner and Mrs.

Yent and Mr. Crook were witnesses on behalf of the Government in some Federal proceeding at Danville at the last term of court?

A. Yes, sir; they were.

Q. What was the physical condition of Myrtle Gardner

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at that time?

A. She was very sick.

Q. Was she able to appear before the Grand Jury.

A. Hardly. She appeared and broke down.

Q. And had to abandon the testimony?

A. Yes, sir.

Q. Did you make any arrangement with Mrs. Yent about the care of the girl?

A. I requested Mrs. Yent to take care of her so far as she was able to do so, that when she found out that she was not able to maintain her, to let me know.

Q. That was what time, Mr. Zersch?

A. That was about the middle of the second week of September - or after Labor Day.

Q. Do you know whether or not from then until yesterday Miss Gardner has been under the care of Mrs. Yent?

A. I knew that to be true, yes.

Q. She had taken charge at your request - or at least took her over at your request - agreed to take care of her as far as she could?

A. Yes, sir.

Q. Have you had occasion to visit the place over there, Mr. Zersch?

A. No, I have never been within the four walls of that place.

Q. Were those witnesses called against - on behalf of the Government and against the Steve Unk?

A. Yes, sir.

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Q. And what was the charge?

A. The charge originated as a violation of the Revenue Act - that is, retailing liquor in the city of East St. Louis without having paid the Government tax. In the course of the examination before the United States Commissioner, it developed that Steve Unk had maintained a hotel and that Myrtle ^{Gardner} had been an inmate of that hotel as a prostitute, and I went to beg the indulgence of the Court there. It is the custom and instructions of the Department of Justice to bind over only on one case, and the Government felt content with binding over Steve Unk ^{on} the revenue case. That was sufficient to hold him to the Grand Jury; but I presented the white slave feature to the Grand Jury, and the Grand Jury, for some reason or other that I can't account for failed to return a ^{true} ~~straight~~ bill.

Q. Was that in the white slave case?

A. The white slave case.

Q. In the white slave case Myrtle Gardner collapsed and didn't finish her testimony?

A. Yes, sir.

Q. And so you were reserving her for a future Grand Jury?

A. Yes, sir; and in the meantime observing developments, to see whether I couldn't corroborate the testimony.

Q. And for that purpose then, you asked Mrs. Yent to take care of her and take charge of her?

A. Yes, sir.

Q. And the ~~s~~ with Mrs. Yent, as you have stated,

136 under those circumstances?

A. Yes, and Mrs. Yent reported from time to time she was there.

Mr. Coley: That is all.

CROSS EXAMINATION.

By Mr. Wolcott:

Q. Now, Mr. Karch, was Myrtle Gardner a witness in the case in which Unk was charged with violating the internal revenue law?

A. No, sir.

Mr. Coley: She was subpoenaed here as a witness, was she not?

Mr. Wolcott:

Q. What I meant to infer ~~xxx~~ she was subpoenaed or was she wanted as a witness?

A. No. If you would indulge - we first proceeded the inquiry - we first conducted the inquiry on the theory that he violated the revenue law, and Mrs. Yent and Mr. Crook were the sole witnesses. Then it developed during that examination that this Myrtle Gardner was an inmate so I continued the revenue hearing just for the purpose of getting her deposition, and she was a witness in the preliminary in the cause entitled - as a revenue cause - but the purpose of calling her as a witness in that case was purely to get her deposition so that I might know what to expect from her when she appeared before the Grand Jury.

137 Mr. Coley That is Myrtle Gardner?

A. Yes, sir.

Mr. Coley: That is all.

Mr. Wolcott: That is all.

Mr. Coley. The defendants rest.

Mr. Wolcott: We will call Mike O'Brien.

TESTIMONY OF MICHAEL O'BRIEN (*Recalled*)

Called by the Plaintiff. Direct Examination.

By Mr. Wolcott:

Q. Mr. O'Brien, you heard the defendant, Grace Went testify ^{that} you told her that this was a frame up.

A. Yes, sir.

Q. Did you tell her that?

A. No, sir. I didn't.

Mr. Wolcott: That is all.

CROSS EXAMINATION.

By Mr. Coley:

Q. What did you tell her about that?

A. When I went in there that little drawer in the dresser was open, full of clothes and that yellow paper was in that drawer. I picked the paper up and as we walked out I told her that we had a warrant for her, for the court, and she said, "I see it now; it is all a frame-up."

Q. That was all that was said about it?

A. Yes, sir.