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Mr. Coley That is all.

Mr. Wolcott: That is all. The State rests.

A R G U M E N T.

Mr. Wolcott. Now, your Honor, the State has proved in this case that this ^{bill} - it has been absolutely proved that he went to this house on the 3th day of this month; that he gave Ruby Nelson one dollar; went upstairs and went to bed with her, and he told you what he did. It isn't necessary for me to repeat the words. He told you that again on the 10th day of this month, before noon, he went there and gave her the dollar bill, that has been offered here in evidence and positively identified as the dollar bill which he gave her; that he had sexual intercourse with her again on that day. The slip of paper on which he wrote his name and placed in the ^{dresser} drawer was taken out of that dresser drawer and has been identified and admitted as evidence in this court.

The sheriffs have told you under what conditions they made the arrest; where they found the women; what they did; and where they went with them, and the proceedings were brought up to the time that they gave bond and into the trial to-day.

The most novel defense has been presented here that I have ever listened to in any court. The defense

139 principally has been that one Steve Unk sold liquor without a Government license and therefore, they are not running a house of ill fame. That is the defense in this case, with the exception of the testimony of the defendants themselves, that they don't do those things, and your Honor knows the rules for the admission of evidence. Your Honor knows the instructions that are handed to juries. Your Honor knows what the instruction of the Court is; that the defendants are competent to testify in their own behalf, their evidence shall be taken the same as other witnesses, but the jury may take into consideration the fact that they are the defendants and are testifying in their own behalf. We don't expect the defendants to come in here to-day and say to Your Honor, "yes, we did those things; we are running that sort of a house." The defendant never does that except when he goes up and pleads guilty, as they have proved here by a number of witnesses, that Steve Unk did.

What does Crome know about that house? He is not on the morality squad. He went in there one day to get a stove back and that is the only thing he told you he ever went in there to get.

What does George Boyne know about the place? Why they might as well have called Mayor Hollman and he would have told you he didn't know anything wrong with the place. They might as well ^{have} called the Reverend Allison and he could have ^{had} told you that so far as his personal knowledge went he knew nothing

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wrong with the place. You can put on police witnesses by the thousands for that, and yet they all revert back.

They call Mr. Karch ⁱⁿ from his office to tell you what? Not a word about this house, because he has told you he has ^{never} ~~not~~ been over there. Mr. Karch is a truthful man. We believe him. He says that they had Steve Unk under indictment for selling liquor without a license and that Grace Yent was a witness. What else? That he presented to the Grand Jury evidence of the facts, that Steve Unk was running a white slave dump out here on Missouri Avenue. Now, Your Honor, the world knows ^{today} that I have the right to ~~inject~~ inject venom into this case, because of the infernal article that was written in the Post-Dispatch concerning me last night, and I will tell the world, and God Almighty and everybody else, that it is the most damnable lie that has ever printed on a white man. That is what I will tell them. It was thought by the attorneys for the defense in their seeking of evidence, in some manner to bring my name in as having engineered this arrest. It is true I made the complaint. I don't deny it, but I made the complaint on information and belief, as I sign complaints here and have signed complaints for the last year by the thousand, and it has never been questioned.

Your Honor, I am not going to say ^{any} more now. I have the right to close in this case.

141 Mr. Coley: Now, Your Honor, this complaint made by Mr. Wolcott, charges that on the 3th day of November, Emma Roe, and Mary Doe and Grace Crook, Eliza Grace Yent, and Ruby Nelson, were unlawfully inmates of a house of ill fame, where prostitution was allowed and practiced; and that the complainant Mr. Wolcott, has reasonable grounds to believe and does believe that they are guilty. That is substantially the complaint. Now two things are necessary. First, to prove that that was a house of ill fame. There is not a single word of testimony before Your Honor, that that was a house of ill fame. On that point, assume the truth of the statement by this man Eli -which is far from the truth, but assume it just for the minute. Suppose he did go into that house and suppose he did slip into a bedroom with a servant, suppose he did have intercourse with her. Does that make it a house of prostitution. Is there any proof here that anybody else ever went into that house and practiced prostitution? Has the State attempted to prove by anybody that ever any other act of prostitution occurred in this house but that one? Eli says that he was there before, but when I took him on cross-examination he went ~~to~~ ^{around} to Missouri Avenue and got on to a car and went home. He tripped himself up as to his first trip. He wasn't at that house according to his own statement.

Now this charge is not that Ruby Nelson had inter-

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course unlawfully with Eli - whatever his name is - but it is that she is an inmate of a house of ill fame. Now there is no proof of that here. Mr. Crome says he is right where he can see there, and he has been there, that he never saw anything improper there.

Mr. Aldrich, who is on the detective squad, and whose business it was to make those places, testified that he has been there and never saw anything wrong.

This man who delivers goods - I forget his name - says he has been there at all times and never saw anything wrong; and the record is absolutely devoid of proof that this place was a house where prostitution was practiced, except the particular thing that this one man swears to. A little girl, a Miss Gardner, was there, and Mr. Karch tells you because he asked Mrs. Yant to take her there.

Now there is absolutely no proof in this case that that was a house of prostitution or a place where prostitution was practiced. On that point the State falls down.

On the second point, of course if there was no house of prostitution there, then she was not an inmate of a house of prostitution. That follows.

But let us go further. This Eli, a friend of Steve Unks', comes over here to see Steve Unk, and he gets xxx around to this place on Thursday night, he says, but when I got him on cross examination Your Honor knows that xxx that went out of this

145 case. He admitted that he got on a car over here on Missouri Avenue some place and went home.

On the second time he comes over here with this friend of his, whose name I tried to get, and he says that he met the officers, ^{the complaining officers,} in front of that house, and that the door was locked. Now Tony Stocker says that he asked him to go with him - or took him over to the jail - over to the City Hall, in the sheriff's office, but Mike O'Brien says they followed him over there. And what else does Mike O'Brien say? Mike O'Brien

says that he came in there the second time. He was in there once and went out - where he went I don't know, and I am not trying Mr. Wolcott, or accusing Mr. Wolcott of anything. The only fault I find with Mr. Wolcott is that he had sworn to these warrants, and placed them in the hands of these officers, according to their own testimony, before this fellow was there - if he was there. That is the proof beyond any question, and they had these warrants, they all say, when they met this fellow first in front of that house. Now there is not a scintilla of proof, of evidence in this case, that Mr. Wolcott had ever made a complaint about that place prior to that morning. Mr. Wolcott don't take the stand and there is not a scintilla of proof in this case that Mr. Wolcott ever had this complaint and yet he had taken out under oath ~~XXXXXXXXXX~~ from you, before that case over here

144 that day, these two complaints and placed them in the hands of the deputy sheriffs for they say so themselves. Now why? Echo answers why?

Now this Eli goes out some place and comes back the second time and says to Mike O'Brien, who testifies here for the State what? "I spent accidentally the marked dollar that I had." Who told him to mark a dollar? Who told him to write his name on that yellow slip? Why would a man who was over here seeking to violate the laws of the land, to have intercourse with a woman, coming with a marked dollar and taking it some place to catch somebody? Tell me why? Oh, Your Honor, there is only one answer to that question. I am not accusing you, Mr. Wolcott, of that thing. I am saying to you that that fellow was trying to protect Steve Unk. That is what he was trying to do. Where he got his authority to do it, God only know, I don't. But if he had a marked dollar before he went in there, he never worked out the scheme for himself. Why would he want to disclose to the world that he was engaging in illicit intercourse with a woman? Somebody is behind that thing, and Your Honor has a right to consider that in this case. Somebody was behind that, and who was it? Steve Unk, and Steve Unk's friends. That is who was behind it. That is why he didn't find Steve Unk. He wasn't looking for him. He had had his instructions from somebody. He had a marked dollar for Mike O'Brien tells you here that he said he

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had accidentally spent his first marked dollar, and
 he asked the sheriff's office to ~~xxxx~~ ^{mark} another one.
 The ~~xxxx~~ ^{marked} the first one? Couldn't the fellow
 marked the second one if he marked the first? No,
 Your Honor, you must look at this thing not by
 reason of any prejudice or any thing of that kind,
 but by what this evidence discloses, and this evi-
 dence discloses the death head ~~xxxx~~ of the man
 behind this proposition of marking money and start-
 ing a wicked criminal who says he ~~x~~ comes from a
 community that Your Honor knows about, to come
 across this bridge for the purpose of something,
 but only knows what, and when he forgets and
 spends the dollar that the first man marked, then
 he goes in and asks the deputy sheriff to mark
 another one.

Now, all right. He marked the dollar and he
 took his name and he went over there and he went
 into the room. They all agreed about that. The
 girl says he went into the room. Mr. Cook says
 he went into the room. He says he went into the
 room. They all agree about that, but the girl
 says that he said, "I want to give a dollar to
 that little girl," - Myrtle Gardner. The girl
 will stand certainly as truthful as that scoundrel
 that ought to be locked up this minute as a violator
 of the law. He ought to be taken in charge before
 he leaves this town and locked up and kept locked
 up for aiding and abetting the defendants in criminal

146 comes in the United States Courts in getting away. That is what he was doing here; nothing else in the world. He came over here at the behest of somebody who was representing Steve Unk, for the purpose of trapping the witnesses who had been brought into the Steve Unk case, to keep them from testifying against Steve Unk. He had a marked dollar of that kind, marked by that crowd. I don't know who they were, educated by that crowd and he goes down there upon the theory that he can get a marked dollar into the hands of Myrtle Gardner, in order to show that Myrtle Gardner would not tell the truth about that dirty scoundrel that had brought her into this state and made a criminal out of her and reduced her to state of condition that no man ought to see. That is what happened in this case, and Your Honor only has to look at the mug of that man - and I can't call it anything but a mug - to know that he was here at the behest of somebody for the purpose of making crime against the United States Government. Not a citizen of this country even, Your Honor. That is the fact in this case.

Mr. Wolcott seems to think that somebody is trying him. I have not a criticism to make of him. I know nothing about that part of this case, but I do say that the ~~xxxxxx~~ evidence sticks out as broad as the horns of a Texas steer that this scoundrel, this fellow Eli brought his friend over

147 here, got somebody to ~~make~~ a dollar for him, and went down there to cover the testimony of a poor woman that had been ruined by your friend, and you know it; reduced to a state where men ought to be hung for doing such a thing as that, and you know it, (addressing Eli Christen). You are a traitor to this country. You ought to be under arrest for violating the laws of this country. That is ~~what~~ what I say.

Mr. Tolcott: I object to that last, "traitor."

Mr. Coley: I say he is a traitor to this country. Any man who attempts to interfere with the punishment of a man charged with crime where a white slavery matter is involved ought to be taken in charge as a traitor to his country and as a traitor to his God. He knew Myrtle Gardner out at Steve Unk's. There isn't any question about it. He knew she had been kept a prisoner out there. It is not in this evidence, but it is some place ^{that} you can read it as you run. He knew that her testimony before the Grand Jury when she was physically able to stand before the Grand Jury, will send Steve Unk where he ought to be, and he comes across the river from ~~12th~~ South Broadway, that miserable dump over there and undertakes here to help to defeat the Government in its prosecution of criminals; and in order to do that he got some citizen of the United States - I don't know who he was, but some man who was interested in the protection of Steve Unk - to

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mark a dollar and he didn't have sense enough to keep that dollar and went out and spent it. He didn't tell you that on the witness stand. No, he lied from beginning to end on the witness stand, but Mike O'Brien comes here and tells you the truth about this matter, and he tells you that this fellow come in and said, "I spent accidentally the dollar I had marked and I went you to mark another."

Your Honor, deep down behind this thing lies no criticism so far as I am concerned, of Mr. Wolcott, but deep down behind this does lie criticism of this fellow and somebody behind him that has got a good deal more sense than he has got; somebody behind him who knew that if the evidence of this woman and that poor little girl that now lies at the point of death in the hospital, brought about by a condition that is indescribable; somebody educated that fellow to come over here in the hope of saving that scoundrel from the punishment that the law places upon a man who deals in white slavery. Somebody put that fellow on, and he made a jumble of the whole business. And I say, as between Ruby Nelson, who so far as this evidence is concerned, is a decent woman, as between her testimony and her demeanor on the stand and the testimony and the demeanor of this hook-nosed devil, (in his time, Eli Christen) as between those people there is no reason to doubt that they

149 told the truth and he told a lie. He says that he thrust a dollar into her hands. He was trying to get that into the hands of that poor little broken down ^{ruined} girl, because Steve Unk's friends wanted it done.

Now I haven't anything more to say but this: This says that this girl was unlawfully an inmate of a house of ill fame, and there is no proof that it was a house of ill fame, and there is no proof that she is guilty of anything wrong; but you are not trying her for it, for if she did what he says, she is no more guilty of anything wrong than the one who shares in it. She admits that she got the dollar; she admits this slip was in the drawer, and Mike O'Brien says somebody put this fellow up - not in those words, but in substance - that somebody had put this fellow up to get a marked dollar into that place. He says, in the brutal language that I will not repeat, that he had intercourse with that woman. She says she did ~~it~~ ~~not~~ ~~it~~ not.

69 I say, Your Honor, that there is not probable cause here ^{of any kind} to hold anybody, ~~that~~ there is not a word of proof against Grace Yent; not any more proof against Grace Yent than against me. There is no proof against the girl except the testimony of this one man, and against that comes his own testimony as clearly and honestly as that of anybody else. And I say, so far as the prosecution is concerned, it must fail under this evidence and that is all Your

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Honor looks at, and nothing outside of this evidence. So far as Mrs. Yent is concerned, there is not a word of proof against her of any kind on earth.

I feel deeply about this matter. I feel that a crime is being committed here against - has been committed and is being committed against this United States Government by a witness that don't belong to this country at all, and by a man who says that he came over here to - to a house. How did he find that little girl? How did he find 117 North Third Street if he wasn't sent there by somebody that was looking after Steve Unk? He doesn't say that anybody told him she was there; he don't say he met her any place there, but he didn't find Steve Unk at home, and he says he managed to get to that particular place. When I cross examined him he says he was there. That is the effect of it - except on Saturday morning.

I say, Your Honor, that you ought not to hold these people under this evidence.

Mr. Borders: I just want to say this, Your Honor, in addition to what Mr. Coley has said. There are certain legal features of this case - two points that I want to present to your Honor under this evidence. The first is that the complaint here charges prostitution. Now if you examine any dictionary on the term "prostitution" it means a series; it means by one single illicit intercourse here with one person does not constitute the offense of prostitution.

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There must be an unlawful intercourse with different persons. The mere fact - now this is under construing their testimony - ~~xxxxxxxx~~ their testimony most favorably as they have produced it here by this one witness who says he went over there and had sexual intercourse with this one defendant one time. Is that a house of prostitution because he, on his own evidence says that he slipped in there and did that thing? Does that constitute the offense. A very legal definition of this word "prostitution" under any authority is that that must be - that the offense is made up by the doing of the intercourse with different persons, this man and that man and the other fellow. That is the offense that the statute is aimed at. The fact that a girl might work here in some furniture house or along here some where, or in some residence, and they may show that this girl who happened to work there had sexual intercourse one time by some person who went in there and did that, would that house or would that place of business, or wherever it may be, make anybody found guilty of conducting a house of ill fame because of that single intercourse? That is their evidence, and nowhere is there any evidence here to show that this place was ever used for this purpose at any other time.

I call the Court's attention to that because the definition of "prostitution" under any authority ~~is~~ gives us the law that

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it must be more than one. It is a series. It is the doing of the unlawful act with several that constitutes that offense; and under this evidence here this one man going in there and having done what he says he did, does not make out the case; doesn't come any where near doing it. If that could be done, then going in any house where a girl might work or be employed and doing that, you could go there and have that place arrested, no matter ^{how} respectable it might be.

Now there is another feature of this. I say that this is upon their own evidence. Mr. Coley has analyzed the testimony here for the defense and gone over it very ~~xxx~~ thoroughly, but under their own evidence I say to you the law is and there are several decisions to the effect that where a job is set up by several conspirators to pull off a criminal offense, it is an early authority, the People vs. Love, way back in 1885 I think, where some railroad men ~~xxxxxxx~~ - some railroad detectives assisted a brick man in stealing something out of a car and then turned around and had him arrested while he was doing it. They promoted that and the Supreme Court says that is not an offense. We have recently here in our own County, where Joe Petas was arrested here and charged during Charley ~~xxxx~~ Webb's administration with attempted bribery, and there they showed that the other witnesses helped him to do this and assisted him, promoted the affair, and the

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Court held there that that eliminated any criminal feature whatever. And I say that in this case, the marking of this money, the marking of these papers here and the little pernicious job that was set up here on these poor unfortunate people by the marking of these things and going over there and doing that - if that is true - why this case wouldn't stand five minutes in the Circuit Court, or in any other court with that kind of evidence. ~~These~~ authorities there are conclusive upon that point, that where they cooperate and promote in the assisting of the making up of the criminal offense, and some poor person is the victim of it, the authorities all hold there is no criminal responsibility. If there is any doubt about that there are numerous authorities on that, which can be furnished to the Court.

But there is under their own evidence, Your Honor, first, my point is that the crime of prostitution is not proven by the evidence, the single illegal act over there that this complaining witness says he did. That that does not constitute that offense.

The second point is, that the promoting here of the scheme, marking of bills, and the marking of paper, and the going over there and assisting along in this offense, that one incident, is a promotion there on the part of persons in charge of the law, a promotion of that crime there - if there be one - for which the Supreme Court has held repeatedly there is

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no criminal liability for any of the innocent persons, that may fall a victim.

Don't believe the testimony of this man who comes here from St. Louis. I say to you that if they want respectable evidence; if they want to prove in a Court of justice the commission of a criminal offense, there are people on this side of the river thousands of people on this side of the river, and they don't have to go to St. Louis to make up or to get some witness to come ⁱⁿ here and testify if the law is being violated in this state right here within a stone's throw of the police station. If there is such a thing as that, why can't the State show by the people here charged with the enforcement of law here in this station across the street from this place that the law is being violated there? No there must come from St. Louis one mysterious witness who creeps into this thing and here in broad daylight, with this scheme which Mr. Coley has so thoroughly stated here, goes into this place here and imposes upon these poor unfortunate people. I don't know what Mrs. Yont here has been, but it is the doing of such little nasty things as this that pulls a woman down, more so than anything else. There can't be right to it. Here is a person trying to get along in the furniture business, in an honest and honorable way, and yet falling a victim here of a prearranged plan to bring them into court here to say something against them. I don't know whether

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that would be favorable for the defense of Unk, or whatever his name is. I don't know about that, by saying something against those parties ~~against those parties~~ there, but I say this case here should stop right where it is - such a case as they have got. The defendants here should be discharged because you know, as a Justice of the Peace, and as ~~you know~~ a lawyer, your knowledge of the law is such that under this kind of evidence in the Circuit Court, by, I think the lawyers and others here participating in such a thing as this kind would be on trial before Judge Crowe instead of the defendants under such evidence as this. First they attempt to prove by one act, by a person coming in here from St. Louis - a man slips in here and says he did one thing, when the offense is made out by doing that with several different individuals, and it is followed up by the promotion of a scheme by the marking of bills and marking upon papers for the purpose of promulgating the offense for which the Supreme Court has held repeatedly that such acts as that nullify the criminality of the offense, and there is no criminal offense committed.

I thank you.

Mr. Wolcott: In reply, Your Honor, I will say it seems peculiar to me that Mr. Borders makes the statement so often here that the books and the dictionary are full of authorities defining prostitution.

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and get it knows that this is a criminal case and doesn't produce those books or those authorities and show them to your Honor. The reason he doesn't is because they are not there.

Now it is true the complaint here charges the first act was committed on the 8th. The attorneys for the defense themselves brought out and enlarged on the commission of the act again on the 10th. Now they are wise lawyers. If they didn't want that to go into the evidence here, why didn't they keep it out? They allowed it to go in, and Your Honor has the right to consider it, because so long as it is not objected to or overruled, it shall be taken and considered as evidence.

No this is the matter of the dollar. Let us see where did they find that dollar? They found it down in the girl's sock - and before I go on with that, Mr. Coley makes a great howl here about this fellow, this chief witness trying to get in there to give a dollar to Myrtle. Why didn't Ruby go on the stand and swear that often fellows brought dollars up there for Myrtle? Is there any reason why they should berate this witness and run up and down and call him a thief and a cur and a traitor to the United States because he comes over here and seeks to assist the State in the prosecution of justice, in the furtherance of justice?

This girl says - Ruby says - "he gave me that dollar and says to keep it for Myrtle." She shows

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it down in her sock. During the noon hour - I can see this, Your Honor can see it - during the noon hour this fellow Crook - ~~where~~ where is he? This fellow Crook and Grace Yent and Ruby Nelson get together and they figure that some way they have got to account for that dollar being down in her sock, so Crook goes on the stand and he comes down here and he tells you that the girl came downstairs and told him that this witness ~~was~~ told her to keep this dollar for Myrtle. They get about it in that way.

Now this witness here is not being tried (Eli Christan). This witness here is not on trial to-day, Your Honor. He is not being tried by the Government for any offense against the Government, and you should not take into consideration, the statement that Mr. Coley made against him.

I want to pay my respects to Dorabal Crook, if he is here in the house, but before doing so I want to say to Mr. Johnson that if Dorabal Crook is wanted in any manner before this Committee, before this Honorable Commission sitting here, I am not seeking to intimidate him. I am not going after him until that is all over. Dorabal Crook, the hound that gets on the witness stand here, Your Honor had the nerve to go into the basement of the City Hall this week and tell Mike O'Brien and Tony Stocker that he was going to stand up and "get" Wolcott:

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Mr. Borders: I object to those arguments.

Mr. Wolcott: Well, just take back what Mr. Coley said about this witness. That is what he told those gentlemen; he was going to frame up and "get" Wolcott. That is the kind of a hell hound that sits here on the stand, this assassin of character. I defy him, I defy him and the whole hell breed of them, the scum of the earth. Let them go after me. My record is clean; my record is clean from the day I was born. Here on my book to-day I have for prosecution fourteen women charged with being inmates of immoral resorts, and by the Lord Almighty above us, I am going to prosecute every one of them to the limit, and anybody that comes to me and fronts for one of them will get just what I think of him. That is the kind of a hound that sits here on the stand and tells Your Honor what a nice business they have over there. That is the kind of a hell hound and assassin, assassin of character that comes up here and tries to influence Your Honor with these flowery stories. Let it go. I will be here when he is gone. ~~I will~~ Let him shoot everything he has got. I am not afraid of him nor the whole bunch. I won't touch him; I won't touch that man except to prosecute him on the charge we have got here against him now, and perhaps one of the things. I want the Government to have free use of him as a witness. I am not going to do a thing to chase

15 9 him as long as this Honorable body wants him for a witness. I don't intend to incriminate him to keep him away from them, but just as soon as they are through with him, I want to say that his troubles begin. I am the Assistant States Attorney here and I am going to be Assistant States Attorney for three years and I want to serve notice on Dorabji Crook not to cross my path for three years more. I can stand these things myself, but when these character assassins start in and almost kill my wife, I want to tell you it is time to stop, and I am going to stop him dead in his tracks.

Now, Your Honor, is there no evidence here to bind these women over? What does it take? Your Honor knows what it takes to bind women over to await the action of the Grand Jury. It only takes a belief in the mind of the justice that the offense has been committed. That is all we need to raise. We don't have to prove them guilty beyond a reasonable doubt. Here is a collar bill taken out of the woman's sock. Here is a slip taken out of the dresser drawer, and there was a witness who got up there and told you in plain English, the plainest that I ever heard ^{spit} out of the mouth, just what he did; and then Mr. Coley has the nerve to get up here and he isn't fair even, he doesn't say - he reads you "it is unlawful to keep and maintain a house of ill fame." And he lets it go at that. He isn't even fair. Why don't

160 he go on and read, "or place for the practice of prostitution of lewdness?" That complaint covers it all.

Now, Your Honor, to turn these women loose in the face of this evidence - it has been proven here beyond a reasonable doubt that Ruby Nelson went *bed with* to this man twice and committed the act he testified to. It has been proven here that Grace Yent is an inmate of that house.

Poor Roy Alrich. I felt sorry for him when he got on the witness stand. It is the joke of East St. Louis that that is the play house of Roy Alrich. That is the statement I met with when I took the warrants down to the sheriff's office. Ye Gods, what are you going to do? Are you going to turn these women loose to play on the people of the city?

What does this woman say, Grace Yent? She pays Crook *a month* \$40 and figures \$40. a month for his room, board and laundry. That is \$80. a month. She pays Ruby Nelson \$30. a month and figures her room and board and laundry at \$56. a month. Judge Byrne told you they paid him \$35. a month rent. I don't know what they paid the doctor, whether they ever paid anything or not. SHE isn't counting her own expense and upkeep, but there is a dead expense of \$181. a month for a little old second hand store full of broken down stoves over here. As your Honor very aptly said *perhaps* she was running

161 it at a loss. That statement was really amazing, because that is the only way she could run it if she was running it square. If she was running that place square she wouldn't need two helpers. Anybody can conduct a store of that kind by themselves, because they don't make a sale a day.

Take into consideration all of the surrounding circumstances, Your Honor. Take them all into consideration, that the defendants are testifying in their own behalf; consider that they have brought into the issue here as a matter of defense that Steve Unk had been indicted by the Federal Grand Jury, charged with selling liquor without a license, and that is the most peculiar defense that I ever listened to in any court. And then they bring old Judge Boyne, a nice old gentleman, we would believe him anywhere. Why, all he knows about the place is that he goes around there once a month to collect rent, and probably spends fifteen or twenty minutes there. And they bring in this old gentleman, the one that signed the bonds first, McClellan, and he goes in there once in a while and hauls stoves in or out. He works for Short.

They bring Charley Kersch - no fault to find with Charley, she is my friend. But he don't tell you anything about the house. He just tells you about this girl whom they took to Danville to testify against Steve Unk on this white slavery matter, and she is so far gone with consumption or some other unnameable

162 disease that she collapsed up there. I am sorry for the girl. I am extremely sorry for the girl, notwithstanding the fact that she perpetrated a damnable lie against me. I hope she gets well to answer to a charge of perjury in the Circuit Court.

But when we come down to solid facts, throwing aside all of these false issues that have been sifted in here, there is only one thing to decide. It is not was Ruby Gardner placed there by the District Attorney's office; it is not was Steve Unk charged with selling liquor without a license, and thereby violating the internal revenue laws; it is not that Mr. Boyne goes down to collect his rent; it is not that Mr. McClelland works for Short and hauls stores back and forth once in a while; it is not that this city detective who makes that place his playground. That is not the issue at all. The issue is, did this man go in there on the 10th of November and have sexual intercourse with this woman, there and pay her for it, and thereby branding that place as a house of ill fame or a place for the practice of prostitution and lewdness? That and those things alone are the only things to be taken into consideration along with the testimony of the deputy sheriffs where they found the dollar and the paper.

And then the ^{two} defendants, the two defendants themselves with this arch fiend Crook, - wherever he is. He is not here. I wish he were. You can't expect them to say that they were running a

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house of ill fame. Your Honor knows that, because if they do, they are gone.

Now, Your Honor, it has been proven that Ruby Nelson is a prostitute. She lives in that place where prostitution and lewdness is allowed and practiced. Grace Yent lives in that place too and she is an inmate. They are both inmates, and under the statutes of the State of Illinois, whoever is an inmate of a house of ill fame, a designation or place for the practice of fornication or prostitution or lewdness, or who shall solicit prostitution in any street, alley, park or other place in any city, village or incorporated town in this State, shall be fined not exceeding \$200. or imprisoned in the County Jail or House of Correction for periods of not more than one year, or both.

Now, Your Honor, I started out to prosecute this case and not to allow venom to creep into it on my part, but who under Heaven, after reading the charges made against him the night before, can come into a court and prosecute a case of this nature without venom, when the very persons he is prosecuting, have framed against him? I respectfully ask, Your Honor to hold these persons to await the action of the Circuit Court in the January term, 1918.

The Court: Now in deciding this case I want it understood at the start that so far as I am personally concerned I have no personal feeling

164 in this matter . I am sorry that there has been venom and personal feeling injected into the case. I realize that it is a curious and rather difficult proposition for the States Attorney or the prosecuting officer to go into court and prove an alleged crime. It doesn't make any difference who the person accused of crime is there are a certain number of good people ^{who} will come to the assistance of ~~those~~ persons. I suppose that is human nature.

I want it also understood that in deciding this case I am taking into consideration solely the evidence that is produced here in this case. I didn't see the paper last night. It must have been a later edition of the paper than the one I had, where the accusation was made against Mr. Wolcott, and I don't know what the paper said. I have been told that it said, but I am not considering that for a minute. I am not accusing anyone of improper motives in the prosecution or the defense in this case. It has been put up to me purely as a question of fact and as a question of interpretation of the laws applied to those facts. In obtaining evidence against persons who are alleged to violate the laws, and by virtue of that violation they become a member of the underworld, it is often necessary to resort to tricks and schemes whereby that evidence may be obtained, and I am not condemning the method of

165 obtaining evidence against such persons because in many instances that is the only way in which such evidence can be obtained.

But as to the evidence in this case, leaving out all the outside features of the case, it resolves into this: We have the testimony of this Roumanian, Eli, that he had sexual intercourse with this girl. We have the testimony of this girl, Ruby Nelson that he did not. The Sheriff's Office do not know whether he did. They only know what he says he did. The defense has testified here that this man brought a dollar up there to give to the Gardner girl. No one saw him give it to her. She put it in her pocket book. That a woman's stocking is her pocket book I presume is a universal - that that is a universal practice amongst women, and that she testified and - Grace Yont testified and Crook testifies that they put the dollar there to give to the girl later - to the Gardner girl later when she woke up.

The law places it in my power to waive the evidence of those two witnesses, to watch their demeanor on the stand, and to ~~xxxxxx~~ judge which I think is - telling the truth, or to which one to give the greater creditability. Assuming that this man did have sexual intercourse with her would not make - at one time or two times - I do not think would necessarily make the girl a prostitute. There is no other evidence that she had been an inmate of other houses

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of ill fame or that Grace Yent has conducted other houses of ill fame, or is at present conducting a house of ill fame; and under the testimony I am constrained to discharge the defendants.

Mr. Coley: The defendants are ready in the Dope case. We are willing that the same evidence may be considered.

Mr. Wolcott: No.

Mr. Coley: The Crook case.

The Court: Now what time ~~will~~ will we set the case of the People against Darvey Crook?

Mr. Wolcott: Not until the 23rd.

The Court: The case of the people against Darvey Crook will be continued until the 23rd, at nine o'clock.

(Whereupon, at 3.15 o'clock p.m. November 17, 1917, the Court adjourned).