

dicted, is found in Section 118 of the criminal code of the State. That section reads as follows:

"Sec. 118. Blackmail Defined. If any person shall, verbally, or by printing or writing, accuse another of a crime or offense, or expose or publish any of his or her personal or business acts, infirmities, failings, or compel any person to do any act, or to refrain from doing any lawful act, against his will, with intent to extort money or other thing of value from any person, or if any person shall attempt or threaten to do any of the acts above enumerated, with the intent to extort money or other thing of value, such person shall be guilty of blackmail, and shall be punished as for a misdemeanor."

The charge against this defendant cannot be proven by law in any court in this State on the evidence submitted. There never was any threat or demand, either to Candler or his agents. The only thing contemplated was when Cook stated on the stand that Candler had "beaten him to it" when he went to the grand jury a day ahead of the scheduled date for convening. The State has made absolutely no attempt to rebut this testimony, because they know they cannot do it.

I cannot agree with Mr. Arnold when he calls the man who is affected by a woman's tears a spineless, sniffing coward. I thank God that a woman's tears can move me. I would be ashamed to say to my wife, that woman whom I regard as the best of all women, that a woman's tears could not move me. But that's no reason why you should acquit the prisoner. The greatest actress who ever lived, gentlemen, cannot bring tears at will. They can simulate emotion, but no woman can make herself cry as Mrs. Hirsch cried, at will.

There was no accusation or demand made on Mr. Candler. No accusation of adultery until after the indictments had been found. Mr. Forrest Adair talked about getting her some money. He said to her in his office, immediately after the occurrence, "Candler told me all about it." He was the only one who introduced the question of money and he is entirely responsible for the woman's acceptance of his proposition. It doesn't matter whether there was an act of adultery or not. It is equally true whether there was or not that