

Courts offered women few protections in cases of rape

Rape was the “least-reported, least-prosecuted, and least-punished” of crimes in the 19th century.

On Feb. 18, 1874, Lyman S. Anderson of Springfield was arraigned in McLean County Circuit Court for the rape of Gertrude Holman. At the time Holman was a 14-year-old girl living at the Illinois Soldiers’ and Sailors’ Children’s School, the state-run orphanage once located in north Normal.

Anderson admitted to having intercourse with Holman, but maintained it was with her consent. In the end the court dismissed the case because Holman “did not defend the citadel of her honor with sufficient valor.”

Sadly, this appalling lack of justice when it came to women and rape was the rule, rather than the exception, in the decades before and after the Civil War.

“Women,” noted Susan Krause in her study of sexual assault and Illinois courts in the mid-19th century, “were discouraged from reporting rapes because courts historically did not prosecute the rapists, and women were unwilling to subject themselves to public scrutiny and humiliation as victims.”

The “good old days,” in other words, were never nearly as good as we’d like to think—or hope—they were.

Attorneys, judges and juries—the justice system was an all-male bastion at the time—were inclined to excuse rape if perpetrated on “lewd” or sexually promiscuous women. This was certainly the case in McLean County. And for those cases that went to trial, the reputation of the woman—that is, her chastity—often became the central issue.

Local resident James Downey was arrested on Dec. 26, 1874 for attempted rape when he and a friend invited two women up to a room on the 300 block of North Main Street in downtown Bloomington.

“Downey, being under the influence of liquor, insisted on having intercourse with Mrs. [Minnie] Golding, and upon her refusal to grant his wishes, he attacked her, threw her down, choked her, and attempted to accomplish his purpose forcibly,” it was reported.

The defense argued that Golding was a prostitute and therefore the “principal controversy between them was not whether the intercourse should be had, but simply the price to be paid for it.”

The misogynist double-standard women faced in the courtroom was in full evidence here. “The notoriously bad character of both the women in the case will prevent any great

outflow of public sympathy for them,” noted The Pantagraph. If anyone was to be pitied in the “disgraceful affair,” it was added, it was Downey’s wife and his children.

“Beardless boys, married rakes, church members, nearly all the lawyers and law students, gray-haired and bald-headed men, farmers, dry good clerks, merchants and others” packed the courtroom eager to hear the “mass of lascivious details.” In doing so, the puerile and gossipy crowd turned the grim proceedings into a sad spectacle.

In its Feb. 26, 1875 verdict, the jury found Downey guilty of assault and battery, but not assault with intent to commit rape.

Few rape cases ever made it the grand jury. And when they did, the grand jury often declined to indict, or the state’s attorney declined to prosecute.

Abraham Lincoln, for instance, was involved in seven known cases involving rape or assault with intent to rape during his years on the Eighth Judicial Circuit. The state’s attorney declined to act in four cases, while two others, in which Lincoln represented the defendants, were thrown out.

Yet when it came to the horror of statutory rape and the molestation of small children the justice system could act in a quick and decisive manner.

Thus it’s not surprising that the only known rape case in Lincoln’s career that went to trial involved a young girl. During the May 1853 term of the Tazewell County Circuit Court, Lincoln served as state’s attorney pro tem (a stand-in for the absent state’s attorney) in the successful prosecution of an Irish laborer for the rape of a seven-year-old girl.

Stories of adolescents and younger children repeatedly raped by predatory males were all-too common in 19th century McLean County.

On Sept. 9, 1869, Justices of the Peace Goodman Ferre and Alex Steele examined Dr. E. Nichols, a rural schoolteacher, on charges that he sexually assaulted his twelve-year-old sister-in-law. At the time the accused resided in Blue Mound Township northeast of Normal. He and his wife lived with her father, Elisha Wright. The twelve-year-old victim, Lizzie Wright, was the younger sister of Nichols’ wife.

Nichols assaulted Lizzie for the first time in March 1869. The two were walking across a field on the way to the one-room school where she attended and he taught, when he set upon her and “villainously outraged her person.”

The abuse that followed took a familiar pattern. “By threats and persuasion he worked upon her so that she kept the matter silent,” it was said, “and afterwards, having obtained control of her mind, he repeated the offense at his own pleasure.”

At the end of the 1869-1870 school year Lizzie kept house for Nicols and his ailing wife, “thus affording him opportunities to complete the ruin he had commenced.” It wasn’t

until August 1870 that Lizzie's mother learned "the terrible truth, that not only had her young child been outraged, but that she was also far advanced in pregnancy."

After his arrest Nichols forfeited his bail and fled the coming reckoning. He wasn't the only accused McLean County rapist to become a fugitive from justice, as it was far easier to run and hide in 19th century America than it is today.

What happened to Lizzie Wright?

Well, she gave birth to Nichols' child in early 1870. Four years later, at the age of 17, she married John F. Jackson, eight years her senior. The 1880 U.S. Census shows Lizzie and her husband, who was in the laundry business, living in Bloomington. They had three children, Maud, Myrtle and Mable, ages five to ten months, though none of those ages match her first child, which she delivered when she was 13 years old. The eventual fate of that child, whether it died in infancy or was given up for adoption, is unknown.

Not long after moving to Missouri Lizzie gave birth to a fourth daughter with the appropriately alliterative name of Marie. By 1900, Lizzie was a 52-year-old widow living in Jackson County, Missouri. Her four daughters, though, were still listed as living at home.

One can only hope that Lizzie found some escape from the horrors of the past, and some measure of peace, in the love and support of her daughters.