

# DECISIVE BATTLES OF THE LAW

NARRATIVE STUDIES OF EIGHT LEGAL CONTESTS  
AFFECTING THE HISTORY OF THE UNITED  
STATES BETWEEN THE YEARS  
1800 AND 1886

BY  
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## VIII

### PEOPLE *vs.* SPIES *et al.*: THE CHICAGO ANARCHISTS' CASE

THE atmosphere of the Criminal Court of Cook County was ominously business-like on the morning of June 21, 1886. Save for the group of women gathered about the judge behind the judicial desk, no one in the huge, barn-like court-room seemed to be in attendance from mere idle curiosity, and every one, from the judge upon the bench to the bailiffs guarding the doors, looked unmistakably grave. Far larger audiences had frequently assembled in that unpretentious chamber, for the long galleries at either end were closed to the public, and comparatively few of the spectators on the floor were standing; but unusual as this condition of affairs was for the opening of an important murder trial, it did not apparently satisfy the presiding official, whose severe glance swept disapprovingly over the scene. "Persons who can-

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not find seats must instantly leave the room," he commanded, sharply. "The bailiffs will immediately enforce this rule."

There was no mistaking the determination of the speaker. Slowly, but without resistance, the unseated spectators were herded from the court and the doors closed behind them. Then the judge turned to the prosecutor's table at the right of the low platform supporting the bench and nodded to an intellectual-looking man, who seemed to be awaiting the signal, for he immediately rose and broke the intense silence by observing that the State was ready in No. 1195.

This conventional announcement, uttered in a quiet, conversational tone, marked the opening of a cause wholly unprecedented in the United States, and in many respects unparalleled in the history of the world, but those who anticipated something more dramatic were to have their expectations realized in a most surprising manner before many minutes had elapsed.

For nearly seven weeks Chicago had been feverishly awaiting judicial action on an outrage which had at first horrified, then frightened, and finally exasperated the community to a point which threatened the due administration of justice. On the night of May 4, 1886, a mass-

meeting had been held near Haymarket Square ~~under the auspices of certain anarchist organizations to protest against the action of the police in repressing disorder during a wide-spread strike to enforce the eight-hour labor day.~~ While this meeting was in progress a company of policemen had appeared under the command of Inspector Bonfield, and Captain Ward, one of the subordinate officers, ordered the crowd to disperse. The words had scarcely left his lips when some one hurled a dynamite bomb among the men behind him, killing seven of them and injuring sixty others, and in the excitement and confusion that followed the assassin had easily made his escape.

It did not take long for the citizens of Chicago to realize the menacing nature of this attack upon law and order, but before they fairly recovered from the shock the authorities began an investigation which for thoroughness and intelligence has never been surpassed in the annals of the American police. Within a week almost every prominent anarchist in the city was under arrest, and the newspapers, teeming with stories of their plots for wholesale murder, roused the public to the point of fury. Execration of such outrages was confined to no particular class of

citizens. All sorts and conditions of men—wage-earners and capitalists alike throughout the country—vied with each other in demanding the prompt suppression of anarchy, and although the first burst of popular rage had undoubtedly spent itself before the accused men were arraigned at the bar, the feeling that followed was perhaps even more dangerous to their safety. The wild denunciations of existing social conditions which had been openly uttered in the city for years, only to be disregarded or laughed at, had suddenly become infamous, and there was no mistaking the popular temper in regard to them. If free speech had been abused, and its abuse encouraged by the indifference of a good-natured people, it was high time that those who had overstepped their privileges learned that they had done so at their peril, and public opinion demanded that the lesson be so taught that it would never be forgotten.

This was the spirit animating the crowd which hung upon the prosecutor's opening words on the longest day in the year, 1886, and a more thoroughly informed audience never assembled in a court of law. Not only was every detail of the police investigations familiar to all newspaper readers, but, through the publication of

P their photographs and records, all the principal actors in the impending drama had long been public characters. Probably every man and woman in the court-room recognized the severe, distinguished-looking judge as the Hon. Joseph E. Gary, who had fought his way from the carpenter's to the judicial bench, and whose reputation as jurist and martinet insured dignity and effectiveness at all legal proceedings over which he presided. Similar details concerning other officials and parties in interest were matters of common knowledge. State's Attorney Julius S. Grinnell, the intellectual-looking man with eye-glasses, who had answered the judge's initial nod, was almost a national character, for his duties as public prosecutor had made him one of the most conspicuous officials in the United States, and the young men gathered about him in close consultation—Francis W. Walker and Edmund Furthman, of his official staff, and George C. Ingham, specially retained to supplement their efforts—had already acquired considerable local celebrity. Perfect confidence was reposed in this legal quartet, for Mr. Grinnell, fully realizing that Chicago's reputation for law and order was at stake, and that the opportunity of his life lay before him, had

prepared his case in almost record time, and had selected as his subordinates men well fitted for the work at hand.

Their opponents were not so well known, for the press had devoted little space to them, and the state of public opinion in regard to the case made the task of its defence particularly ungrateful. Of the four lawyers representing the accused, two had had very little experience in the courts, for Sigmund Zeisler, though an able man, was a foreigner only recently admitted to the Illinois bar, and his partner, Moses Salomon, was a beardless youth of no recognized standing. William P. Black and William A. Foster, the senior counsel, were, however, experienced advocates, the former being a familiar figure in the local courts, where he had acquired a reputation for pugnacity which boded ill for that swift and unobstructed administration of the law then generally regarded as essential to the public safety. Indeed, it was with no little relief that the over-anxious champions of law and order noted his absence when the prisoners were brought into court, and the rumor swiftly spread that he had abandoned the case. Black, however, was planning a very different and far more startling move.

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Bitter as was the public feeling against the closely guarded prisoners who sat at the left of their counsels' table, it was generally understood that none of them had personally committed the crime with which they stood charged, and with the exception of the wild-eyed young degenerate Louis Lingg, there was nothing even suggesting a criminal in their appearance. August Spies, the editor of the anarchist paper *Die Arbeiter Zeitung*, looked like a German student, his little mustache with waxed ends giving him quite a military air. His associate, Michael Schwab, with his long beard and spectacles and intellectual face, might easily have passed for a German professor. Samuel Fielden, the English agitator and anarchist, likewise suggested the student and scholar, and his strong, intelligent face bespoke a man of unusual ability. Adolph Fischer, George Engel, and Oscar W. Neebe, the other defendants, were weak rather than vicious looking, and a glance at their faces was sufficient to suggest how dangerous a little knowledge might prove to their minds. All of these men were foreigners, and some of them did not even speak the English language, but there was absolutely no prejudice against them on this account. Indeed, the public indignation,

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tion, as far as it was directed against any particular individual, centred upon the only American accused of the crime, and the fact that he was not in court was a bitter disappointment to the police, for of all the anarchist leaders he was the only one who had even attempted to escape.

It was not because the authorities had not sought him diligently that Albert R. Parsons was still at large. Never had a fugitive from justice been more systematically hunted, but though the police force of the entire world had been upon his track, they had not run him down. For a time his disappearance was interpreted as a confession of guilt, and it would have surprised no one if he had been indicted as a principal, but the Grand Jury merely named him as an accessory, charged, like the others, with having instigated and encouraged the crime. Meanwhile the search for him continued unabated, for as long as he remained at liberty the record of the police was seriously marred. The day of trial had arrived, however, without the slightest clue to his hiding-place, and not the least damaging circumstance that confronted the seven prisoners on trial was the incriminating flight of the leader who had addressed their

meeting only a few minutes before the explosion of the fatal bomb.

Such was the situation when Mr. Grinnell moved his case to trial, but the preliminary examination of talesmen for the jury had scarcely begun before the proceedings were interrupted by the entrance of two men, one of whom was readily identified as Captain Black the missing counsel for the defence. The other was not immediately recognized, and he had almost reached the bench before the prosecutor sprang excitedly to his feet.

"I see Albert R. Parsons, indicted for murder, in this court, and demand his instant arrest!" he shouted.

Captain Black halted, turning savagely upon the speaker.

"This man is in my charge, and such a demand is not only theatrical clap-trap, but an insult to me!" he retorted, indignantly.

Captain Schaack, Inspector Bonfield, and a dozen other detectives and police officials were instantly upon their feet, but the audience, scarcely believing its eyes or ears, sat in dumb amazement as the two lawyers angrily faced each other. Before another word could be uttered, however, Parsons himself set all doubts at rest.

"I present myself for trial with my comrades, Your Honor," he observed, with perfect calmness.

If Judge Gary did not entirely retain his composure, he at least gave no outward evidence of astonishment.

"You will take a seat with the prisoners, Mr. Parsons," he directed, as though nothing unusual had occurred, and immediately instructed the counsel to prepare the necessary papers, allowing the new defendant to enter a plea and stand trial with the others. An eighth chair was thereupon added to the prisoners' row, and Parsons was soon shaking hands and conversing with his co-defendants, while his lawyers complied with the legal formalities, and in a few minutes the great case was again under way.

Whatever may be thought of the strategic expediency of Parsons's move—and there is strong evidence that it was positively disapproved by at least one of his counsel—there can be no question that it displayed courage and unselfishness of a high order. Had he continued in hiding until a jury had been empanelled, he would have secured the immense advantage of a separate trial after the public clamor had been satisfied or diminished, without depriving the other defendants of the benefit of his presence or

his testimony. Mr. Foster urged this course, pointing out the danger of a trial with seven other persons, where all sorts of testimony would be admitted, and the innocent be likely to suffer with the guilty, but his advice was disregarded. Parsons deliberately chose to share the hazard of his friends' fortunes, and in so choosing it cannot be denied that he displayed a fortitude and devotion well worthy of respect.

P Such, however, was not the opinion of Chicago, where his return was interpreted as further evidence of his notorious contempt and defiance of the law, and the fact that he was an American deepened the feeling against him. But if, as has been claimed, he was unaware that the public indifference to anarchy had given place to detestation of its teachings, the examination of the citizens summoned for jury duty must have completely disillusioned him. Certainly no court record in the United States reveals a deeper or more wide-spread public prejudice than that disclosed by the sworn testimony of the talesmen in this case. Hour after hour passed without the discovery of even one candidate fitted for dispassionate service, and panel after panel of prospective jurymen was exhausted with like result. Days passed without

much better success, and the days stretched into weeks. Everybody seemed to have an opinion—and a decided opinion, too—that the men on trial were guilty, and the few who did not hold such positive views were so convinced that something radical ought to be done to discourage lawlessness that they could not trust themselves to judge the case upon its merits. Finally the defence exhausted all its peremptory challenges, and after twenty-two days of unremitting labor, *during which no less than 981 persons were examined*, twelve men were sworn into the jury-box who, while not ideal jurors, were perhaps as open-minded as could be expected under the existing condition of public sentiment. No enviable fate awaited those twelve good men and true. From the moment of their acceptance as jurors they were virtual prisoners, confined when out of court in an adjoining hotel, guarded by bailiffs night and day, and cut off from all communication with the outer world.

It was July 15th before Mr. Grinnell rose to make his opening address, which, despite the minute information furnished by the press, was a revelation to his audience, and not until they had listened to his bitter, forceful arraignment did the counsel for the defence fully realize the

desperate fight that lay before them. Amid breathless silence the prosecutor claimed that he would show that the defendants were not indirectly but directly responsible for the crime, having deliberately planned it and other similar outrages, and that he would produce the man who had done the deed.

The sensation created by this announcement was not confined to the outsiders, for in the excitement of the moment Mr. Grinnell had promised more proof than he had in his possession, and under different circumstances his over-zealousness in this and other respects might have seriously damaged his case. The details which he gave, however, disposed of the theory that the defendants were to be prosecuted because of their opinions, and that no direct proof of their connection with the crime could be produced—a story which was already beginning to win sympathy for their cause.

At the conclusion of this startling address the first witness was called to the stand, and from that moment the trial proceeded rapidly. Without difficulty it was proved that all the defendants were members of an anarchist society known as the International Working Men's Association—some affiliated with one group and

some with another. Fischer and Engel belonged to what was known as the Northwest Side group; Schwab, Neebe, and Lingg to the North Side; and Spies, Fielden, and Parsons to the so-called American group. Each of these groups or chapters had a sub-organization of a military character known as the Armed Section, in which all members having weapons were enrolled.

The conditions of the strike which began on May 1st were then developed by the testimony of the witnesses, and it was soon shown that Spies had been present during a riot at the McCormick factory which had occurred on May 3d, resulting in a collision with the police and the death of several persons. A few hours after this event, Spies had written and caused to be distributed an inflammatory circular, headed "Revenge!" calling upon the people to avenge the alleged murder of the strikers who had fallen in the fight with the police. No response of any kind followed the distribution of this handbill, which, though declamatory and denunciatory, called for no particular action. It was then proved that two circulars had been issued announcing a mass-meeting for the night of May 4th, one urging working-men to come armed, and the other omitting that direction, the former, prepared



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by Fischer and Engel, being suppressed in favor of the latter at the dictation of Spies. Two witnesses who had turned State's evidence, and were themselves under indictment for murder, were then called, and revealed a madhouse plan of action.

According to these witnesses, a meeting of the Armed Sections had been held on May 3d, at which it had been agreed that when the word "Ruhe" appeared in Spies's paper, *Die Arbeiter Zeitung*, the members should assemble, provided with dynamite bombs, and distribute themselves so as to cover the various police stations. "A committee of observation" was then to act with those men, and upon any report of collisions with the police the conspirators were to hurl their bombs into the station-houses, and shoot down all who attempted to escape. This murderous plan, according to the eye-witnesses, originated with Engel, and both he and Fischer were active in arranging the details.

W There was much to impeach the story told by the informers, one of whom had apparently made suspicious overtures to the defence. Under skilful cross-examination it was shown that he had confessed and retracted and reconfessed, and very little reliance would have been placed

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upon his testimony had it not been supported by other proofs. It was, however, most significantly corroborated. The signal "Ruhe" had been anonymously sent to *Die Arbeiter* for publication, and the paper containing it was admitted in evidence, together with Spies's written direction to his compositor to insert it in the column known as "The Post Box." ✓

This was the first link in the remarkable chain of exhibits which was to make this case unique in the annals of criminal law.

Another informer then took the stand, and testified that he had aided the defendant Lingg to manufacture dynamite bombs for the use of the Armed Sections according to the plan previously agreed upon, and that early on the evening of May 4th he and Lingg had carried a satchel full of the deadly missiles to a saloon frequented by their group, depositing it in the basement hallway of this resort, where any one who chose to do so could enter and help himself. Neither the appearance of the man who told this tale, nor his record, nor his motives entitled him to credence, but again the exhibits spoke louder than any words, and corroborated him beyond hope of contradiction. These silent witnesses were the materials and apparatus for

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making bombs discovered in Lingg's rooms, the fragments of the exploded bomb, which conclusively proved that it was the sort which Lingg had manufactured, the bombs which the witness confessed that he and Lingg had secreted under a sidewalk where they were located by the police, and a fuse and fulminating cap found in the pocket of Fischer's coat at the time of his arrest.

All the proof up to this point, however, involved only Fischer, Engel, Lingg, and Neebe, and there was very little to connect the last-named with the case. Beyond the fact that he was a small stockholder in *Die Arbeiter*, of whose property he assumed charge after the arrest of its editors, and that he had distributed some of the "Revenge" circulars, there was no evidence against him, and nothing further developed as the trial progressed.

Then followed the history of the Haymarket mass-meeting at which Spies, Parsons, and Fielden spoke. All accounts agreed that the meeting was orderly, and the speeches, if intended to inflame the audience, were ill adapted to that end and signally failed of their purpose. Even Fielden's address, which apparently moved the police to interfere, was less violent than the

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average stump-speaker's harangue, and the crowd did not seem to have been excited by it. Finally a witness named Gilmer was produced, who swore that he had seen something that might have been a bomb pass between Spies, Schwab, and a man named Schnaubelt, and that later, when Captain Ward ordered the crowd to disperse, he saw this man draw a bomb from his pocket and hurl it at the police after Spies had lit the fuse.

Formidable as this testimony appeared to be, it was badly shattered under cross-examination. The witness, it appeared, had kept his information to himself for several days after the event, during which time the man Schnaubelt was twice arrested and discharged, and his whole story and his manner of telling it indicated that he was a notoriety-seeker who had concocted the tale in order to attract public attention and gratify his pitiful vanity, if not for mercenary motives. Dozens of witnesses subsequently took the stand and swore that he was a notorious liar who lived by his wits, and the contrary statements of those who were called to support his reputation for veracity were utterly unconvincing. There was some corroboration of this witness in the testimony of a man named Thompson, and the

disappearance of Schnaubelt and his relationship to Schwab were suspicious circumstances, but the proof fell far short of the prosecutor's claim that he would produce the actual assassin, whose identity has not been satisfactorily established to this day.

Some policemen then attempted to show that Fielden had fired upon them from behind the cart which served as the speaker's platform after the bomb had been thrown, but W their assertions partially disproved themselves, and there was an utter absence of convincing confirmation. In fact, none of the oral testimony strongly inculpated either Spies, Schwab, Fielden, or Parsons, but before long telltale exhibits which could not be impeached began to pile up against them.

For some years Spies and Schwab had been conducting *Die Arbeiter Zeitung*, and Parsons had been editing *The Alarm*, and very close relations existed between these two journals. In the offices of the first-named the police found dynamite and dynamite bombs, which were produced and exhibited to the jury. Then red flags and banners inscribed with incendiary mottoes seized in the same office were carried into court, and from the editorial library came

Most's *Science of Revolutionary Warfare*. The admission of this last exhibit was bitterly opposed by the defence, but upon proof that the book had been advertised for sale by the editors, and that it had been peddled at anarchist fairs attended by some of the defendants, it was received and its diabolical contents read in full to the jury. This, however, was not the most questionable ruling at the trial, for the court permitted the prosecution to place in evidence several bombs which had been discovered by the police weeks after the crime and miles away from the scene of action, and to exhibit their destructive qualities despite the fact that not one of them was clearly traced into the possession of the defendants. There has never been any satisfactory defence of those extremely dubious rulings, but it is very doubtful if they affected the result, for the most damaging evidence of the whole trial was furnished by the written words of the prisoners themselves.

Copy after copy of the *Arbeiter* and the *Alarm* was produced, and their articles and editorials, as read to the jury, must have convinced any intelligent body of men of the purpose for which they were written. Certainly nothing could have been more injurious to Spies, Schwab, and

Parsons than their editorial utterances, which included every possible incitement to the use of dynamite and the commission of wholesale murder. In the issue of November 27, 1885, the editors of the *Arbeiter* made the significant announcement that "*Steel and iron are not on hand, but tin two or three inches in diameter. The price is cheap*"—a virtual advertisement of material for bombs.

On April 8th the same paper observed: "*A number of strikers at Quincy yesterday fired upon their bosses and not at the scabs. This is recommended most emphatically for imitation.*"

On June 27th of the same year Spies wrote a signed essay in the *Alarm*, explaining in detail the preparation of dynamite bombs, and closed it with these words: "*It is necessary for the revolutionist to experiment for himself. Especially should he practise the knack of throwing bombs.*"

Advice of this nature appeared in almost every issue of the *Arbeiter* up to the time of the outrage, and in the copy of March 15, 1886, the editors answered a suggestive communication signed "Seven Lovers of Peace" as follows: "*A dynamite cartridge explodes not through mere concussion when thrown. A concussion-primer is necessary.*"

Indefatigable as Spies and Schwab were in the dissemination of such information and advice Parsons was even more active. In the columns of the *Alarm* on February 21, 1885, murder was openly advocated as follows: "*Dynamite! Of all good stuff this is the stuff. Stuff several pounds of this sublime stuff into an inch pipe (gas or water), plug up both ends, insert a cap with a fuse attached, place this in the immediate vicinity of a lot of rich loafers who live by the sweat of other men's brows, and light the fuse. A most cheerful and gratifying result will follow.*"

Again, in another issue, this sentiment appeared: "*Nothing but the uprising of the people and a bursting open of the stores . . . and a free application of dynamite to every one who opposes will relieve the world. . . . Seeing the amount of needless suffering about us, we say a vigorous use of dynamite is both human and economical.*"

It is not probable that Parsons himself wrote either of those paragraphs, but day after day he had sanctioned this policy in varying forms, and on April 24, 1886, only a short time before the Haymarket meeting, the paper he edited emphasized it in this fashion: "*Workingmen to Arms! War to the palace—peace to the cottage, and death to luxurious idleness. . . . One*

*pound of dynamite is better than a bushel of bullets. Make your demand for eight hours with weapons in your hands to meet the capitalistic blood-hounds, police and militia, in the proper manner."*

Not only did these and similar exhortations reveal the editors' intentions, but their printed and spoken words proved that their only remedy for grievances was terrorism through wholesale murder and violence. With the eight-hour strike or the ballot or any similar effort on the part of working-men to better their condition they displayed little or no sympathy. *In fact, they frankly declared their disbelief in such methods*, and it was evident that their only interest in the labor movement was the chance it afforded for collisions with the authorities and the carrying out of their desperate programme.

This sort of evidence accumulated day after day, until the court-room was fairly littered with papers, and when the prosecution closed its case on July 31st, the preaching if not the practice of the defendants had been demonstrated beyond any chance of contradiction.

Confronted by this overwhelming proof, the counsel for the defence set valiantly to work

directing their efforts to proving that neither Fischer, Engel, Schwab, Lingg, nor Neebe was at or near the Haymarket when the crime was committed; that the meeting had been orderly, and that none of the defendants had resisted the police. In all of this they were fairly successful, but the proofs did not meet the issues, for the presence or absence of the defendants was not material in view of the conspiracy charged. Moreover, in its issue of March 16, 1885, the *Arbeiter* gave specific advice on this very point to those contemplating a "revolutionary deed." "*Whoever is willing to execute a deed,*" wrote the editors, "*has to put the question to himself whether he is able or not to carry out the action by himself. . . . If not, let him look for just as many fellows as he must have. Not one more nor less; with these let him unite himself to a fighting group. . . . Has the deed been completed? Then the group of action dissolves at once . . . according to an understanding which must be had beforehand, leaves the place of action, and scatters in all directions."*

Finally, Spies, Fielden, Schwab, and Parsons led a forlorn hope by taking the stand and endeavoring to overcome the unfavorable impression which their writings and speeches had created. But though they stoutly asserted

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their innocence of any specific plot against the police, and denied all knowledge of the perpetrator of the crime, they could not but admit that they had advocated similar deeds for years, and the fact that they disapproved and deprecated the particular violence of the moment was no answer to the charge that they had openly encouraged murderous defiance of the law, and zealously endeavored to commit other less intelligent men to the execution of their mad designs.

For seven days the fight continued on these lines, but on August 11th, both sides having rested, Assistant State's-Attorney Walker began to sum up for the prosecution. During the next eight days the lawyers for the defence and the State alternated in addressing the jury, but here again the exhibits spoke louder than any words, for on the table before which Mr. Ingham stood during his summing-up lay bombs of all descriptions, fulminating caps, shells, melting-ladles, and other tools of the dynamiter's trade, and in plain sight of the jury were the red banners and flags of the terrorists blazing with mottoes urging defiance of the law.

Even with such odds against them the counsel for the defence might still have made some im-

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pression upon the jury had they been permitted to follow the tactics adopted by Mr. Foster, who, without attempting any defence of anarchy made a dispassionate, logical, and lawyerlike argument, admitting the criminal folly of his clients' utterances, but insisting that there was no proof that any word of theirs, written or spoken, had ever reached the bomb-thrower's ears, or that his monstrous deed had in any way been instigated by the defendants. The jury had no right to suppose this was so. The mere fact that the defendants advocated violence was not enough. For years freedom of speech had been flagrantly abused without remonstrance, the license of the press had been permitted to menace true liberty with impunity, and there were other circumstances inculcating the public and inviting mitigation of severity towards the accused.

The prisoners themselves, however, some of whom seemed not unanxious to pose as martyrs for the "cause," hotly resented Mr. Foster's plea, which resulted in his withdrawal from the case, and they practically dictated the policy of their other counsel. But the public was in no mood for a defence of terrorism, and although Messrs. Zeisler and Black made admirable pleas

along lines acceptable to their clients, the audience was visibly unsympathetic, and when Mr. Grinnell replied, declaring that no one in America was afraid of anarchists, the galleries, which had been unwisely opened to spectators, thundered with ominous applause. This outbreak was the only disturbance which marred the dignity of the trial.

The judge then charged the jury, reciting, among many other points, the Illinois statutes defining an accessory *as one who stands by and aids in the commission of a crime, or who, not being present, advises, encourages, aids, or abets in its commission, and declaring that such accessories be considered principals and punished accordingly.*

It was late in the afternoon of August 19th—almost two months after the opening of the trial—when the jury retired, and a few hours later it was rumored that they had reached an agreement, and would render a sealed verdict the next morning.

Under the Illinois law the jurors were required not only to declare the guilt or innocence of the accused, but to prescribe the penalty in case of conviction. It was therefore in their power to acquit or to demand the death penalty

or to punish the defendants with imprisonment for any term of years not less than fourteen. In his closing address Mr. Grinnell had not invoked the extremity of the law against Neebe, but he had declared all the others deserving of death, and the speedy agreement of the jurors was regarded as highly significant. The moment they resumed their places in front of the bench the foreman rose and handed a sealed paper to the clerk, who opened it and read as follows: "We, the jury, find the defendants, August Spies, Michael Schwab, Samuel Fielden, Albert R. Parsons, Adolph Fischer, George Engel, and Louis Lingg, guilty of murder in the manner and form charged in the indictment, and fix the penalty at death. We find the defendant Oscar W. Neebe guilty of murder in the manner and form charged in the indictment, and fix the penalty at imprisonment for fifteen years."

No demonstration on the part of the audience greeted this announcement, but a roar of cheers from the crowd gathered before the court-house floated in through the windows, and in the hush that followed the jury was solemnly polled, each juror signifying his individual concurrence in the verdict. Thus ended the first capital case

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in the United States involving abuse of the liberty of the press.

The fight for the prisoners' lives did not, however, cease with the verdict. At the October term of the court, on a motion for a new trial, all of the condemned made long and some of them very able speeches, demonstrating that they were right-hearted though wrong-headed men, and a year later, after an elaborate argument, in which Leonard Swett, Lincoln's old associate, appeared for the defence, the Supreme Court affirmed the verdict, although one of the judges declared, however, that the trial had not been free of legal error.

Lingg then committed suicide; Spies, Parsons, Fischer, and Engel were executed; the sentences of Schwab and Fielden were commuted to imprisonment for life, and they, together with Neebe, were pardoned, after serving seven years, by Governor Altgeld, whose action, bitterly resented at the time, has come to be regarded as a legitimate exercise of executive discretion.

THE END