

CHAPTER XXXV.

The Last Legal Struggle—The Need of Money—Expensive Counsel Secured—Work of the "Defense Committee"—Pardon, the Only Hope—Pleas for Mercy to Gov. Oglesby—Curious Changes of Sentiment—Spies' Remarkable Offer—Lingg's Horrible Death—Bombs in the Starch-box—An Accidental Discovery—My own Theory—Description of the "Suicide Bombs"—Meaning of the Short Fuse—"Count Four and Throw"—Details of Lingg's Self-murder—A Human Wreck—The Bloody Record in the Cell—The Governor's Decision—Fielden and Schwab Taken to the Penitentiary.

IN spite of this overwhelming defeat at the hands of the Supreme Court of Illinois, counsel for the Anarchists did not lose hope. They at once set about formulating plans to carry their case before the highest tribunal under the law, the Supreme Court of the United States, and for some time they labored unremittingly in preparing the necessary grounds on which to bring the matter within the jurisdiction of that court. The point on which they mainly relied was a constitutional question involving the validity of the jury law of the State of Illinois, but time was necessary to put in proper shape other questions incidental to the main issue, growing out of rulings in the trial court. Meanwhile money was needed, just as it had been during the trial and the appeal to the State Supreme Court. It had been resolved to call into the service of the convicted men eminent constitutional lawyers, of national reputation as well as of high standing before the highest tribunal in the land, and contributions were accordingly sought throughout the country by the Anarchist "Defense Committee" of Chicago, a body which had been organized preceding the trial. In compliance with the call, a great deal of money was subscribed, and the local counsel began to cast about for legal assistance among the most noted constitutional expounders in the Union, to properly prepare the case for presentation at Washington. Capt. Black, to whom this duty seems to have been mainly intrusted, finally decided upon Gen. Pryor, of New York, and J. Randolph Tucker, and with these eminent jurists he held long consultations on the best points to make before the court of last resort. Gen. Benjamin F. Butler was also called into the case as special counsel for Spies and Fielden.

Finally, on Thursday, October 27, 1887, the case was brought before the United States Supreme Court, and arguments were heard before a full bench. Mr. Tucker was the first to speak, and held the court's attention for some time, contending that the Illinois jury law was in contravention of the Fourteenth Amendment to the Constitution of the United States. That amendment, he said, had been adopted, and had been construed by the court as for the special protection of the negro, and he insisted that it should be opened up for the protection of the whites as well. Upon this

point he elaborated at some length, consuming nearly the whole time allotted to him, and then he proceeded to show that an impartial jury had not been chosen in the trial court, some men upon it — reference being made to Denker and Sandford — having formed a newspaper opinion, but, in spite of that fact, having still been admitted under the rulings of the court. The first ten amendments to the Constitution, he held, limited the States in the adoption of laws abridging the rights of citizens. His whole argument received marked attention and was ably presented.

Benjamin F. Butler made a few points in addition to those presented in his brief, but the main burden of his plea was that his clients, Spies and Fielden, were aliens and had come to this country under treaties made with Germany and England, long before the jury law of Illinois was passed.

Attorney-General Hunt, of Illinois, replied to the various points made by the petitioners, showing that the Federal Constitution, in its first ten amendments, did not restrict the rights of a State in the regulation of jury selections, and that there was no refuge for any of the defendants under the treaties. It was an eloquent and masterly argument, and its effect on the court was subsequently shown in the decision, which closely followed in the line of Mr. Hunt's position on the matters in question.

State's Attorney Grinnell was present simply to assist the Attorney-General in pointing out the salient features in the record of the trial court, with which he was so thoroughly familiar, but, on solicitation, he also addressed the court at some length. He spoke with reference to some details in the trial, and made a clear and concise exposition of the case. He was followed by General Butler, who spoke at considerable length, but advanced no new points, except that he maintained that Spies had been compelled to testify against himself.

The arguments occupied two days, and the court reserved its decision until Wednesday, November 2. On that day the court decided, on the claim that the first ten amendments to the Constitution limited the rights of a State in the passage of laws affecting personal rights, that they "were not intended to limit the powers of the State Government in respect to their own citizens, but to operate on the National Government alone." This had been decided more than fifty years before, and that decision had been steadily adhered to ever since. "It was contended in argument," said the court, "that, although originally the first two amendments were adopted as limitations on Federal power, yet, in so far as they secure and recognize fundamental rights, common-law rights of the man, they make them privileges and immunities of the man as a citizen of the United States and cannot now be abridged by a State under the Fourteenth Amendment." The objections raised, in brief, were that a statute of the State, as construed by the court, deprived the petitioners of a trial by an impartial jury and that Spies was compelled to give evidence against himself. The statute to

which special objection was made, continued the court, was approved March 12, 1874, and went into force on July 1 of that year. The claim set up by petitioners was that the trial court, acting under this law, compelled them against their will to submit to a trial by a jury that was not impartial, and thus deprived them of one of the fundamental rights they had as citizens of the United States under the Federal Constitution, and that if the sentence was carried out they would be deprived of their lives "without due process of law." The court then referred to the peremptory challenges allowed petitioners and held that with these the constitutional right of the accused had been maintained.

"Although a juror called as a juryman," said the court, "may have formed an opinion based upon rumor or newspaper statement, he is still qualified as a juror if he states that he can fairly and impartially render a verdict thereon in accordance with the law and the evidence. Indeed, the rule of the statute of Illinois as construed by the trial court is not materially different from that which has been adopted by the courts in many other States without any legislation. We agree entirely with the Illinois Supreme Court in the opinion that the statute on its face, as construed by the trial court, is not repugnant to section 9 of article 2 of the Constitution of that State, which guarantees to the accused party in every criminal prosecution a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed."

Speaking of the alleged bias of one of the jurors — Denker — the court says that neither party at the close of the examination challenged the juror peremptorily. "When this occurred it was not denied," says the court, "that the defendants were still entitled to 143 peremptory challenges, or about that number." As to Juror Sandford, the court said that "at the close of his examination on the part of the defendants the juror was challenged on their behalf for cause, and the attorney for the State, after having ascertained that all the peremptory challenges of the defendants had been exhausted, took up the examination of the juror." It then appearing that he could render an impartial verdict, he was sworn in under the proper rulings of the court.

As to Spies being compelled to be a witness against himself, the court ruled that, inasmuch as he had voluntarily offered himself as a witness in his own behalf, by so doing he had become bound to submit himself to a proper cross-examination. But it was said that the reading of Most's letter was not proper evidence. "That is," continued the court, "a question of State law in the courts of the States, and not of Federal law." Something was said about the alleged unreasonable search and seizure of the papers and property of some of the defendants, and their use in evidence in the trial of the case. Special reference was made to letters from Most to Spies, about which he was cross-examined; but "we have," said the court, "not been

referred to any part of the record in which it appears that objection was made to the use of the evidence on that account," and therefore, "as the Supreme Court of Illinois says so, we cannot consider the constitutional question involved."

The writ of error prayed for in the petitions and briefs filed and the arguments made on their merits was therefore denied.

The late Chief Justice Waite read the decision, and there was not a dissenting opinion, thus overwhelmingly sustaining the most important rulings made by Judge Gary and attesting the impregnable position taken by the State.

The prisoners in the Cook County Jail were now confronted with the awful fate in store for them nine days hence from the rendering of the Supreme Court's decision. But, like drowning men grasping at straws, they turned in the direction of executive clemency. Their counsel, Capt. Black especially, entertained strong hopes of securing from Gov. Oglesby a commutation of sentence to imprisonment in the penitentiary. Steps were accordingly taken looking to that end. Petitions to the chief executive of Illinois were at once put in circulation for signatures, and friends and sympathizers of the condemned busied themselves in writing personal letters pleading for mercy.

As the day of execution approached, it was surprising to note how many, who had hitherto clamored for blood in atonement for the Haymarket massacre, now exerted themselves in the effort to secure executive clemency. With my own eyes I saw people who had made the most fuss shouting, "Hang the Anarchists! Don't give them a chance for their lives. Destroy them at once. They must be roasted out; the balance of them must leave the country," the first to weaken. They began calling the doomed Anarchists "poor innocent men; it is too bad to hang them. If they would only promise to do better hereafter, the authorities ought to let them go." There were others, again, who wished to see the laws enforced, but who failed to make their true feelings known during the interval immediately preceding the day set for the execution. These, when it became almost certain that the Anarchists must hang, showed themselves very firm and openly declared that the men fully deserved hanging, and should be hanged as determined by the verdict of the jury.

Some of those who had given their moral support to the prosecution even went to the extent of giving up rooms in their residences for meetings of parties interested in imploring executive clemency, and avowed Anarchists and Socialists spread their feet under mahogany tables and shuffled dirt-laden shoes over velvety rugs in houses that had hitherto sheltered owners who, on the streets and in the marts of trade, had denounced the Anarchists in unmeasured terms. But there were those who believed, from the conclusion of the trial up to the last moment, that the law should take

its course, and these were largely in the majority. Governor Oglesby is made of stern material, but the most stern and rugged natures, with the clearest perceptions of duty and the most absolute belief in guilt, would have yielded to public sentiment as being the best guide in a case involving the lives of human, fallible beings. Really public sentiment upheld the verdict, and only yielded in the abatement of the sentence of Fielden and Schwab as justified by the mitigating circumstances in their cases.

The day drew near for decisive action, and, on the 9th of November, Capt. Black, accompanied by his wife, George Schilling, Mrs. Schwab, Mrs. and Miss Spies, Miss Engel, Miss Mueller, Lingg's sweetheart, and Mrs. Fischer, repaired to the Capitol at Springfield, to personally intercede for mercy. The "Amnesty Committee," organized shortly before to arouse interest in preventing the execution, was represented by Cora L. V. Richmond, a noted trance-spiritualistic exhorter, and a few others of less renown. Mr. W. M. Salter, of the Ethical Society of Chicago, Gen. M. M. Trumbull, Henry D. Lloyd and S. P. McConnell also proceeded to the State capital on special missions in behalf of one or the other of the Anarchists, and besides there was a large sprinkling of labor representatives. Governor Oglesby, who had meanwhile accumulated a voluminous mass of letters and had received lengthy petitions from Chicago and all other parts of the country, even from the Commune of Paris, met the various delegations in his office in the Executive Department.

The first speaker was Capt. Black, who presented a long petition, which he read, signed by Schwab, Fielden and Spies. It set forth the grounds upon which an exercise of the pardoning power was invoked, claiming that the signers were wholly innocent of any knowledge of the throwing of the bomb, and giving a brief epitome of the history of the case. It gave ten reasons for asking a pardon. These reasons may be summarized as follows:

1. They were innocent of the bomb-throwing, alike in act and intent.
2. They had no knowledge of any purpose or arrangement for the throwing of the bomb.
3. They (those present) counseled peace at the Hay-market meeting and there disclaimed any purpose of violence.
4. A great deal of evidence was permitted to be presented in court which had no specific reference to the crime charged, and an effort was made to prove that their utterances and advice had reference alone to "defensive action by the wage class as against any unlawful attacks upon them," and in thus publicly expressing their sentiments by pen and speech they were not conscious that they were violating the law.
5. Under a rule of responsibility allowed, which was contrary to Anglo-Saxon legislation but expressed in the statute law of the State, they were held to be accessories "for the act of a supposed but absolutely unknown and unidentified principal, when the actor in the commission of the crime charged may have acted, not as the agent, but the enemy, of the accused;" and they had been tried as "the supposed leaders

of a general movement or conspiracy embracing a much larger number of men." 6. Their trial was at a time of great public excitement, when press and public demanded their conviction as enemies of public order. 7. That men were allowed to sit upon the jury with strong prejudices against them. 8. They were not tried by men according to constitutional rights, but had jurors "with a prejudgment of their guilt induced and inflamed by the daily reading of the papers," whose columns had never ceased to denounce them, 9. Some of them were subjected to illegal cross-examinations, and "the provisions of the Constitution and the law were set aside, and property unlawfully seized in unauthorized searches was introduced to bring about a conviction." 10. They believed and charged that the special bailiff who was intrusted with securing talesmen for the jury had deliberately selected men whose views he was assured were hostile to them.

Capt. Black commented upon each point made in the petition, and explained that up to the time of the Haymarket meeting his clients had had the absolute, uniform acquiescence of the municipal authorities in all their public and secret gatherings. He also read an affidavit of Otis S. Favor, to show that the bailiff had said to affiant that he was "managing this case" (meaning selection of the jury to try the Anarchists) and "he knew what he was about."

The plea was an eloquent and forcible one, but the Governor never gave the slightest sign as to how far it had affected his judgment of the case.

Mrs. Richmond spoke with reference to the petitions which her committee had presented, containing many signatures, and explained that "the majority of those who had signed them had done so because they considered it a matter of public policy that these men should not be hanged." Another reason she advanced was that "these men did not intend a murder, and the fact cannot be shown that they had any direct connection in the throwing of the bomb which caused the death of Officer Degan." She held that public opinion was unanimous that these men could not afford to be sacrificed. "The shock upon the rising generation will be such that it will take fifty or one hundred years to wipe it out, and we believe it never could be wiped out from the records of this State." She asked that the sentence be commuted "on the higher ground that it should be done for the welfare of the people," and then, after deploring the existence of capital punishment in Illinois, she said that if mercy was shown by the Governor, his name would forever be written on the scroll of humanity along with that of the martyred Abraham Lincoln. "I again implore you, sir, to extend clemency to these condemned men, and enroll your name among those who have dared to do for humanity what all the courts of the land have denied."

Gen. M. M. Trumbull had had a pamphlet prepared respecting the trial, and after presenting a copy of it to the Governor, and calling attention to the fact that he had therein reviewed the unfairness of the trial, he made a

few remarks, closing as follows: "In behalf of the families of these men; in behalf of the men themselves; in behalf of thousands and hundreds of thousands of people who sympathize with them in their misfortunes, I implore your Excellency to show mercy in their case."

Elijah M. Haines, ex-Speaker of the Illinois House of Representatives, said: "I do not come here, your Excellency, like others, to appeal to the executive of this State to exercise an act of clemency; neither do I come here representing petitioners. But I come here representing a sentiment appealing to the executive branch of the government for an act of justice." His plea was based simply on the ground of justice, not policy, and he held that what had been a crime years ago was not a crime now, and that "this sentence, at this time, would not have been the sentence of the barbarous race that preceded us." He held that no conspiracy had been proven, and that the men had been condemned to die through prejudice. He did not believe in capital punishment, and concluded that "the peculiar complication of this case would make the execution of these men hazardous to the best interests of society."

State Senator Streeter made a short address. He began by saying: "We are not here to favor any crime, but we do believe that this case marks an epoch in our history; that you and I, Governor, and the people who are living, probably never met or never will again meet an emergency in history like this. It is almost without parallel." He then pleaded for clemency on the ground of "the common good of society," and asked the Governor to give the petition a careful consideration.

Messrs. Bailey and Campbell, representing the Trades and Labor Assembly of Quincy, Ill., each spoke a few words for the doomed men, and they were followed by William Urban, who spoke "for the German workmen of North Chicago," and presented a set of resolutions passed by the Central Labor Union.

L. S. Oliver, on behalf of the "Amnesty Committee," made a few statements and presented a petition containing 41,000 names.

Mr. Shullenberg, of Detroit, Mich., said he represented forty-five organizations, and he asked, on their behalf, that executive clemency be extended.

C. G. Dixon, of Chicago, also submitted a long petition, and addressed the Governor at some length. He was followed by Samuel Gompers, of New York, President of the American Federation of Labor, who went into an account of the eight-hour movement, and held that the police were responsible for the Haymarket riot. He said that thousands would consider that the men had been executed because they had stood up for free speech and free assemblage, and maintained that throughout the civilized world there had arisen a protest against the execution of the men. He concluded by saying that the throwing of that bomb had killed the eight-hour move-

ment, and that, had it not been for that, it would have been successful to a great extent.

Other addresses were made by Edward King, of District Assembly 49, of New York; President Quinn, of the same organization, and George Schilling. The various delegations then withdrew to permit the relatives of the doomed men to confer personally with the Governor, and then each in turn gave a few reasons why the Governor should be lenient.

After this conference Mr. J. R. Buchanan and Mrs. George Schilling, accompanied by two friends, sought an audience with the Governor and presented a personal letter from August Spies. In that letter, dated November 6, among other things he wrote:

"I care not to protest my innocence of any crime, and of the one I am accused of in particular. I have done that, and leave the rest to the judgment of history. . . . If a sacrifice of life there must be, will not my life suffice? The State's Attorney of Cook County asked for no more. Take this, then! Take my life! I offer it to you so that you may satisfy the fury of a semi-barbaric mob, and save that of my comrades."

This extract fully indicates the whole tenor of the letter.

Messrs. Salter, Lloyd and McConnell next visited the Governor and spoke on behalf of the men.

Mr. Edward Johnson, a slate and stone dealer of Chicago, presented a petition on behalf of Fielden's former employers, numbering thirty-one firms, and in that document they set forth that they had known Fielden for fifteen years as an honest, hard-working, sober, reliable employé, with no brutal or bloody instincts, and that the only trouble with him was that "he was cursed with a gift of rude eloquence, a fatal facility of speech, and had a consuming desire for the praise and applause of his fellow-men, and in this lay the cause of his downfall."

This petition was accompanied by a personal letter from Fielden, dated November 5, 1887. After speaking of his earlier years, and his interest in the cause of workingmen, the letter concludes:

"I was intoxicated with the applause of my hearers, and, the more violent my language, the more applause I received. My audience and myself mutually excited each other. I think, however, it is true that, for sensational or other purposes, words were put in my mouth and charged to me which I never uttered; but, whether this be true or not, I say now that I no longer believe it proper that any class of society should attempt to right its own wrongs by violence. I can now see that much that I said under excitement was unwise, and all this I regret. It is not true, however, that I ever consciously attempted to incite any man to the commission of crime. Although I do admit that I belonged to an organization which was engaged at one time in preparing for a social revolution, I was not engaged in any conspiracy to manufacture or throw bombs. I never owned or carried a revolver in my life and did not fire one at the Haymarket. I had not the slightest idea that the meeting at the Haymarket would be other than a

peaceable and orderly one, such as I had often addressed in this city, and was utterly astounded at its bloody outcome, and have always felt keenly the loss of life and suffering there occasioned.

"In view of these facts I respectfully submit that, while I confess with regret the use of extravagant and unjustifiable words, I am not a murderer. I never had any murderous intent, and I humbly pray relief from the murderer's doom. That these statements are true I do again solemnly affirm by every tie that I hold sacred, and I hope that your Excellency will give a considerate hearing to the merits of my case, and also to those of my imprisoned companions who have been sentenced with me."

Judge Gary and Mr. Grinnell also wrote a letter setting forth this natural desire of Fielden's for applause and saying that there was no evidence showing that he knew of any preparations to throw the bomb. They believed him to have been an honest and industrious man and thought executive clemency in his case would be justifiable.

A letter from Schwab was also presented to the Governor. It was short and read as follows:

"As supplemental to the petition heretofore signed by me, I desire to say that I realize that many utterances of mine in connection with the labor agitation of the past, expressions made under intense excitement, and often without any deliberation, were injudicious. These I regret, believing that they must have had a tendency to incite to unnecessary violence oftentimes. I protest again that I had no thought or purpose of violence in connection with the Haymarket meeting, which I did not even attend, and that I have always deplored the results of that meeting."

This was accompanied by a letter from Judge Gary, concurring with State's Attorney Grinnell's opinion that Schwab's case deserved consideration, as the man was friendless and had evidently been the pliant tool of stronger-willed men. George C. Ingham also wrote, saying that if executive clemency was shown to Fielden and Schwab it would not be misplaced.

While the case was thus being discussed at Springfield, Parsons, Lingg, Engel and Fischer were strongly urged by their friends to send personal letters appealing for clemency, but each absolutely refused. They wrote letters to the Governor, but declared that they would not accept a pardon unless it restored them to full liberty. They held that they had committed no wrong, and hence could seek no clemency except that which would release them from imprisonment.

On the same day that the delegations appeared before the Governor, Mr. Vere V. Hunt went before Judge Richard J. Prendergast, of the County Court in Chicago, and filed a petition to try the sanity of Lingg. He gave as witnesses Dr. James G. Kiernan, George E. Detwiler, Ferdinand Spies, Ida Spies, Henry Spies, Chris Spies, Mr. Kuttelman, Gustav Poch, Louis Zetter, Mr. Linnemeyer and W. Bentthin. After arguments, Judge Prendergast held that, in view of the judgment of the Supreme Court, affirming the sentence of the Criminal Court, he had no jurisdiction. The next

day Mr. Hunt presented the same petition to Judge Frank Baker, but, after hearing arguments, the court declined to examine into the question of the bomb-maker's sanity.

Another curious move was also made on behalf of Parsons on the day preceding the execution. It was an application for a writ of *habeas corpus* by Attorney Salomon, and was presented before Judge M. F. Tuley. The grounds on which it was based were that the judgment affirmed by the Supreme Court was directed against seven men and not against one, and that the prisoner, not being in court when the sentence was passed, could not be executed under it. He also claimed that the death warrant was not legal because it did not run in the name of the people of the State of Illinois. Judge Tuley said the court had no power to correct any errors of the Supreme Court, and that the prisoner was legally in the custody of the Sheriff, and the application would accordingly be denied.

While favorable results were being anticipated by some as to the Governor's decision, an incident occurred which dampened their expectations and somewhat affected public sentiment in the belief of the guilt of the conspirators. Although it probably had no effect on the Governor's decision, Anarchists at large thought it would highly prejudice the case of their friends at his hands. This incident was the horrible suicide of Louis Lingg.

While the Anarchists were confined in the Cook County Jail they were quartered in that portion of the premises known as "murderers' row." This row faces south on the first gallery, in view of the entrance to the jail corridor, and had been so designated because in times past men accused of murder and awaiting trial, or men convicted of murder and awaiting execution of sentence, were kept in the cells on that tier. Lingg, the most defiant Anarchist of them all, occupied cell No. 22; Engel, No. 23; Spies, No. 24; Schwab, No. 26; Fielden, No. 27, and Fischer, No. 28. During Neebe's detention, before being taken to the penitentiary, he occupied cell No. 21. All the prisoners were subjected to strict prison discipline. The rules of the jail knew no relaxation in the case of any one brought into that part of the establishment, and each regulation was carried out to the very letter.

Jailor Folz is a veteran in the service, having filled the jailorship off and on for twenty-two years, and he thoroughly understands all the requirements in the way of jail discipline, to prevent escapes and guard against suicides and assaults. I know him well, and he always has one ear and one eye open.



JAILOR FOLZ.
From a Photograph.

to the conduct of the prisoners and the other eye and ear for his own security, like a sailor who gives one-half of his body to the ship and reserves the other half for his own safety. Where so many desperate characters are confined it requires the utmost vigilance to keep them under control and restrain them from violent outbreaks. Men whose lives have been almost a continual record of misdeeds, crimes and murders are not, as a rule, easily handled, and the wonder is that there have been so few to create trouble in Folz's bailiwick.

One of the rules is a regular inspection of all the cells for contraband articles and the exclusion of all implements calculated to aid a prisoner in effecting his escape. Sometimes a revolver may be found during these inspections; at other times a tiny saw for cutting the bars, and then again some tool for cutting through the flagstones with a view to reaching the air-shaft or getting into the sewer underneath; and, though rarely, even smuggled poison has been discovered.

All prisoners are carefully searched before being locked up, but it frequently happens that prisoners are permitted to talk with their friends through the lawyers' cage. This cage is an inclosure ten by sixteen feet in dimensions, with iron bars and strong wires, and while it would seem impossible to pass anything through the narrow interstices, now and then an aperture is pried open wide enough to pass in contraband articles. In this way many things have been found smuggled into the jail. Food and delicacies handed into the jail office for prisoners are always carefully examined, and this precaution was particularly exercised in the case of the Anarchists as the time approached for their execution.

On Sunday morning, November 6, 1887, Mr. Folz gave orders about eight o'clock to have the cells of the Anarchists searched, and Deputies John Eagan and O. E. Hogan were detailed for that purpose. Lingg's cell was first examined, and while the search proceeded he was locked up in the "lawyers' cage." A lot of revolutionary books, copies of the *Arbeiter-Zeitung* and other papers were taken out and thrown temporarily in the corridor. In one corner of the room stood a ten-pound starch-box, in one nook of which there was a kerosene lamp, about which again some onions were piled. Box and onions were placed on the gallery platform for the time being.

The officers were next about to proceed to a search of Engel's cell, but just before doing so Hogan happened to kick box, onions and all over the platform, down onto the main floor. At the time some of the prisoners, who were exercising themselves in the corridor, got curious as to the contents of the rubbish, and, in the hope of finding something they might desire, began a search of the pile. Some of them seemed particularly interested in something they had discovered, and Hogan, noticing their intent gaze, stopped to look at them. He noticed that one of the prisoners

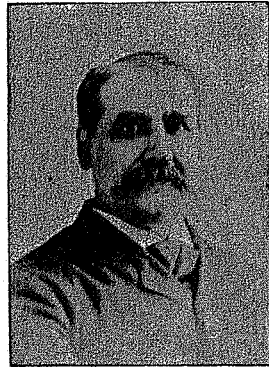
had something strange in his hands. Eagan also noticed the same thing and started on a run down-stairs. Arriving at the place where the knot of prisoners had gathered, he found that the curious object which they were scrutinizing was nothing else than a dynamite bomb. The bomb, it appears, had been dashed out of the box as it fell on the floor from the gallery platform above, and interest at once centered in the innocent-looking box. Mr. Eagan found therein three other bombs, and they were immediately taken to Jailor Folz's office. The box was next carefully examined, and it was found to have a false bottom, in which the bombs had been concealed. Some six days before this box had been brought into the jail, and, being apparently empty, it had been passed in to Lingg. It was evident that it had been made according to Lingg's instructions by some handy carpenter who was a close friend, and, judging from its construction, it seems to have been patterned after Lingg's trunk, which, it will be remembered, also had a false bottom, and in whose secret apartment I found a lot of dynamite, together with a coil of fuse and a supply of caps. Either the bombs were in the box at the time it was brought to the jail, or they must have been smuggled in through a temporarily-forced opening in the wire cage. The officials incline to the former theory.

Lingg was a most interested spectator. It was evident from his actions that the discovery greatly troubled him. His face became almost livid with rage, his eyes fairly snapped fire, and he fumed in his cage like an imprisoned beast of prey. He was speechless with anger, and every motion betrayed an energy of passion that was fearful to behold.

After a little while Lingg was taken out of the "lawyers' cage," and thereafter he was confined in a cell fixed up for him on the lower floor, where he could be directly under the eyes of the officials, who by this time had come to regard him as a very dangerous man. At ten o'clock on the same morning, I received a dispatch from the Sheriff asking me to call at the jail immediately. Arriving there, I met Sheriff Matson and Jailor Folz, and after they had explained the circumstances of the morning's find, the four bombs were handed to me for examination. I found that they were all loaded with dynamite of the regular kind, and I gave it as my opinion that they were manifestly intended for suicidal purposes, to escape the gallows. I could not believe that they were made for any other purpose. Both the Sheriff and the Jailor concurred in this view, and they so expressed themselves to outsiders, although sensational reports were circulated in the newspapers that the bombs were smuggled in to be used especially on the day of the execution, to blow the jail, prisoners and visitors to the four winds.

I took charge of the bombs, and subsequently, at the station, gave them a more thorough examination. They were all of the same size, being six inches long, three-eighth gas-pipe, and one end of each had been plugged

with a boiler rivet one inch long. On each rivet there had been cut about a dozen notches with a sharp chisel, and after the rivets had been inserted hot lead had been poured into the pipe from the top, thus fastening them in place. A wooden plug, through which a hole had been bored in the center for the cap and fuse, had been put at the other end of each pipe; and thus plugged, with a charge of dynamite inside, it was a most destructive implement. The dynamite used was of the regular factory make, the percussion cap of English manufacture, and the fuse of the tar-cloth, waterproof kind. The fuse was cut scarcely an inch long, and a fuse of that length would explode the cap as soon almost as it was ignited. I explained these features in a general way to Sheriff Matson and Jailor Folz, and told them that with such a short fuse no one using one of these deadly contrivances could light it and then throw the bomb away before it would explode. It might, as I explained to them, be kept about the body or inserted in a man's mouth, and in an instant after being lighted an explosion would follow.



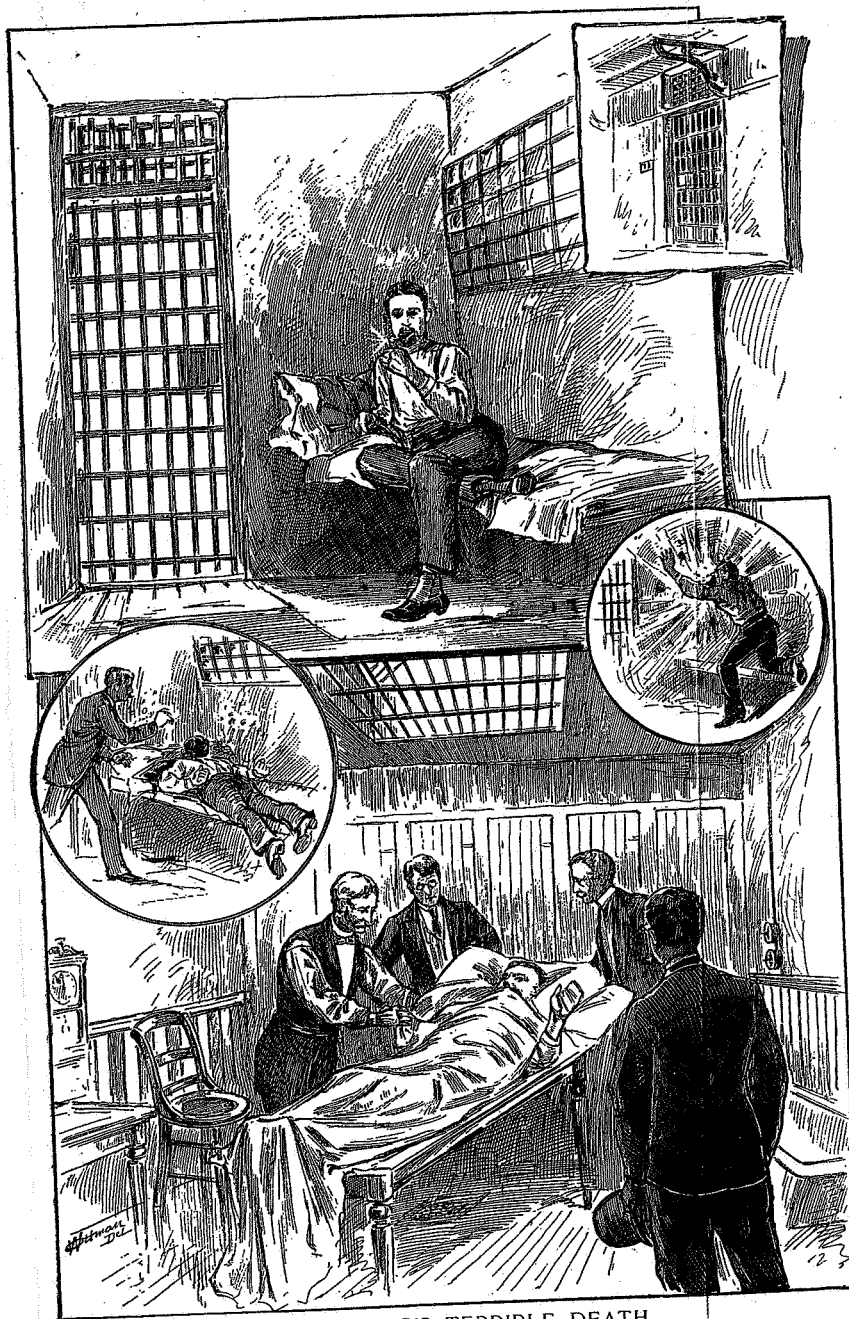
BENJ. P. PRICE.

Hence my theory was that they were designed exclusively for suicidal purposes. A photographic illustration of the suicide bombs appears on page 595.

The bomb used at the Haymarket was of the kind called the "five and six seconds fuse." The fuse on a bomb of that kind was cut at a length of four inches, and the instruction to Anarchists in handling one of them was to count four just as soon as the fuse caught fire, and then throw it. If the bombs found in Lingg's cell had had that length of fuse, then it might have been possible that they were intended for general destruction. These bombs had evidently been made under instructions from Lingg. He was the only one who made bombs by plugging up one end with lead, and, whoever the party was that turned them out for him, he must have had some prior experience with Lingg in bomb-making. That could be plainly seen, too, in the way the fuse had been fastened in the caps. It was also manifest that the man must have been a machinist. But no clue as to his identity could be secured, and, of course, Lingg never gave the slightest hint to any of the officers, or even to his associates.

Thereafter, as might have been expected, Lingg was more carefully watched than ever. No strange visitors were permitted to see him. The discovery of the explosives had created an intense and widespread excitement, and Sheriff Matson issued most stringent orders with reference, not only to Lingg, but to all the other confined Anarchists. By these orders the public was measurably reassured.

The bomb-maker had been committed to cell No. 11, and every article



LOUIS LINGG'S TERRIBLE DEATH.

constituting its outfit had been subjected to the closest inspection. It seemed certain that there could be no dynamite in that cell. Besides this, Mr. Benjamin P. Price, the Jail Clerk, made it his special business to look after the desperate man, and there seemed no possibility of danger from that quarter.

But on the morning of the 10th of November, at 8:45 o'clock, the officials as well as occupants of the jail were startled by the sound of a terrific explosion. Consternation seized everybody for the moment. Each surmised that some sad havoc had been created in some portion of the jail, and that his special section had miraculously escaped. All within the jail precincts jumped to their feet, and the most eager inquiries were made as to the cause of the noise. Even the inmates of the cells in the immediate vicinity of the spot where the explosion had occurred thought that some other portion of the building had been blown up, and they were uncertain whether the attack had come from without or within.

The first idea credited the explosion to confederates of the Anarchists on the outside. This was a perfectly natural conclusion. All sorts of rumors about violent demonstrations and forcible attempts at rescue of the doomed Anarchists were in circulation about the city, and the instant this detonation was heard it was supposed that the threats had been finally carried into effect. So loud was the report that people passing on the streets surrounding the jail imagined that fearful destruction must have been created inside. But after the first flush of excitement had subsided, the source of the commotion was easily and speedily ascertained.

The explosion had occurred in Lingg's cell. The night before Lingg had appeared in one of his complacent moods, and when the death-watch eyed him closely the next morning nothing unusual was discovered in his demeanor. Lingg seemed to be resting easily on his couch, and there was not the slightest indication that anything tragic was contemplated. While the death-watch, Deputy Sheriff Osborne, was giving his attention to something else for a moment, however, Lingg saw his opportunity, rose stealthily from his bed, seized a candle that flickered dimly in a corner of the cell, and, jumping back to his couch, put the bomb in his mouth and applied the flame. In an instant a loud explosion followed.

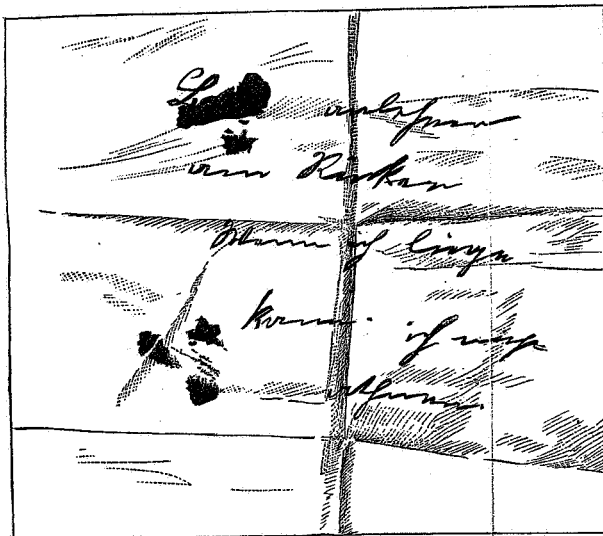
Officials were soon in the cell and found Lingg lying on his side on the couch, with one arm thrown over his head and the other resting on a little table. A stream of blood was coursing down the pillow, and pools of it had gathered upon the bedding. The deputies raised him up gently. A ghastly sight met their gaze. The lower jaw had been almost entirely blown away, the upper lip was completely torn to shreds, the greater part of his nose was in tatters, only a fragment of his tongue remained, and every vestige of front teeth had disappeared. What remained of his cheeks looked like flesh torn by vultures, and every jagged part bled pro-

fusely. The inside of his upper jaw was horribly lacerated. It looked as though no man could survive such a wound for a moment after its infliction. And yet the bomb-maker was alive and breathing regularly.

Lingg was at once removed from the cell to a large bath-room near the Jailor's office, and made as comfortable as circumstances would permit. Drs. Fenger, Moyer and Bluthardt were at once sent for, and they responded immediately. They applied such restoratives as medical science suggested, but they found no little difficulty in stopping the bleeding and preventing the blood from running down the man's throat and interfering with his breathing. Now and then he coughed, and with each spell emitted large quantities of blood. The pallet upon which he rested, and the floor underneath, were saturated with blood, and its strong flow attested a superb physical condition—a wonderful vitality.

During all the operations of the surgeons Lingg remained perfectly conscious and eyed them as complacently as though they had been at work on some other patient. He showed no concern and never quivered.

While calmly stretched on the cot, he closely observed all who entered the room and seemed surprised at their consternation. It was only when some police officers entered to look at him that he showed signs of nervousness, and then, with pantomimic flourishes of his hand, he indicated that he desired them to leave. The signs were correctly interpreted; for the moment the officers left he quieted down easily, and a grateful look from his eyes expressed his satisfaction. John C. Klein, who afterwards became famous for the active part he took in the troubles in the island of Samoa—readers will remember that there was a great deal of diplomatic correspondence on account of them, that there was even talk of war between the United States and Germany—was at that time a reporter for one of the



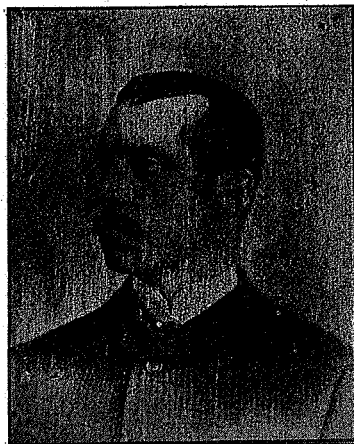
LINGG'S LAST WORDS.

From a Photograph.

Chicago dailies, and in that capacity was present in the room. While still being operated upon, Lingg beckoned to Klein for pencil and paper, and, these being handed to him, he wrote, in German: "Please support my back. When I lie down I cannot breathe." That piece of paper, stained with Lingg's blood, is still in existence, and is shown in the engraving.

Everything was done to alleviate Lingg's sufferings, but he died at 2:45 that afternoon.

The bomb-maker's remains were placed in a neat coffin, and Bailiff Eagan was detailed to critically examine Lingg's cell. It was discovered that when Lingg had lighted the bomb, which had been placed firmly between the teeth, he was reclining on his cot, with his head near the wall. This was indicated by the fact that Eagan found portions of the man's mustache, pieces of the tongue and shreds of flesh clinging firmly to the wall nearest where the head had rested. A piece of the tallow candle which had stood before its tragic use in a corner of the cell was found in the bed, and the wall where the head had lain was not only marred by the almost direct force of the explosion, but thickly bespattered with blood. All this indicated unmistakably the means Lingg had used to light the bomb and the position he had assumed when applying the fatal spark.



JOHN C. KLEIN.

The bomb used was undoubtedly similar to the lot discovered a few days previously. But how it became separated and in what manner it was concealed and smuggled into Lingg's hands after he had been placed in a new cell and put under strict surveillance, are matters of conjecture. My own theory is that Lingg had a confidential friend among the smaller class of criminals. To such a friend this bomb was intrusted for safe-keeping in the event of the discovery of the bombs in his own cell, and when they were found he relied on that trusted friend to help him to escape the gallows. In no other way could this bomb have come into the possession of Lingg, since the prisoner had been searched several times and nothing found upon him. A confederate must have carefully kept the bomb and smuggled it to him at the last moment. Everything indicated that the bomb had been part of the discovered explosives, and its use fully corroborated the opinion I had given to Sheriff Matson and Jailor Folz at the time of the find, that the bombs were only intended for suicidal purposes and had been brought into the jail for no other object. At the time this opinion was given I was severely criti-

cised by Chief Ebersold and others—the newspapers especially—for advancing such a theory. They maintained that the bombs had been brought in to be thrown at the time of the execution, so as not only to kill all who might become spectators, but to enable the Anarchists to escape hanging by death in the general destruction around them. A few of the papers even went so far as to attribute the opinion to “Schaack’s stupidity.”

The doomed Anarchists were closely watched when it became quite apparent that there was no chance of their escaping the gallows either through an intervention of the courts or through executive clemency. Before this, however, some latitude had been allowed them. They had been watched, of course, but the rigorous scrutiny subsequently adopted had not then prevailed. Visitors had been admitted, and, although separate conversations had not been permitted, prisoners and friends had been close together. No contraband articles had ever been noticed, however, the general opinion among the jail officials being that, considering the prisoners were so hopeful of good results from the labors of their counsel, such a thing as suicide was not contemplated by any one of them.

The first thing to arouse Jailor Folz’s suspicion was Engel’s action one day about the 1st of November. It appears that at that time Engel was very nervous and restless, and secured some morphine to quiet his nerves. He took an over-dose, and when charged with having deliberately done so with suicidal intent, he stoutly maintained that he had taken too much by mistake. Folz thought no man could take such a dose except with a view to suicide, and he resolved to keep a close watch on Engel thereafter and allow him no medicine save what was administered by a physician. The others were also more closely watched after that episode. All were searched at stated intervals, as I have already mentioned.

One day, while Parsons was being searched, he was handed a common white shirt by Otto Folz, a son of the Jailor. Parsons looked at it for a moment and then exclaimed:

“My God! you are not going to put a shroud on a live man?”

After the bomb discovery the doomed Anarchists were removed from their old cells and placed on the lower floor, along the tier containing Lingg’s cell. Parsons was put in cell No. 7; Fischer, No. 8, and Engel, No. 9. When Lingg had been removed to the bath-room, his comrades were again subjected to an examination, and their clothes were all changed in the Jailor’s office. While this change was being effected, Parsons became greatly agitated, and he remarked:

“If I only had one of the bombs Lingg had in his cell, I would make very short work of all this.”

Fischer also made a similar remark. He said that he was ready to die at any time, and he did not care how he died. He was very defiant, and showed that he was in earnest in his expressions.

Late in the afternoon of November 10, Gov. Oglesby gave his decision on the various applications for mercy. It reads:

STATE OF ILLINOIS, EXECUTIVE OFFICE, SPRINGFIELD, NOV. 10.

On the 20th day of August, 1886, in the Cook County Criminal Court, August Spies, Albert R. Parsons, Samuel Fielden, Michael Schwab, Adolph Fischer, George Engel and Louis Lingg were found guilty by the verdict of the jury and afterward sentenced to be hanged for the murder of Mathias J. Degan.

An appeal was taken from such finding and sentence, to the Supreme Court of the State. That court, upon a final hearing and after mature deliberation, unanimously affirmed the judgment of the court below.

The case now comes before me by petition of the defendants, for consideration as Governor of the State, if the letters of Albert R. Parsons, Adolph Fischer, George Engel and Louis Lingg demanding "unconditional release," or, as they express it, "liberty or death," and protesting in the strongest language against mercy or commutation of the sentence pronounced against them, can be considered petitions.

Pardon, could it be granted, which might imply any guilt whatever upon the part of either of them, would not be such a vindication as they demand. Executive intervention upon the grounds insisted upon by the four above-named persons could in no proper sense be deemed an exercise of the constitutional power to grant reprieves, commutations and pardons, unless based upon the belief on my part of their entire innocence of the crime of which they stand convicted.

A careful consideration of the evidence in the record of the trial of the parties, as well as of all alleged and claimed for them outside of the record, has failed to produce upon my mind any impression tending to impeach the verdict of the jury or the judgment of the trial court or of the Supreme Court, affirming the guilt of all these parties.

Satisfied, therefore, as I am, of their guilt, I am precluded from considering the question of commutation of the sentences of Albert R. Parsons, Adolph Fischer, George Engel and Louis Lingg to imprisonment in the penitentiary, as they emphatically declare they will not accept such commutation. Samuel Fielden, Michael Schwab and August Spies unite in a petition for "executive clemency." Fielden and Schwab, in addition, present separate and supplementary petitions for the commutation of their sentences. While, as said above, I am satisfied of the guilt of all the parties, as found by the verdict of the jury, which was sustained by the judgments of the courts, a most careful consideration of the whole subject leads me to the conclusion that the sentence of the law as to Samuel Fielden and Michael Schwab may be modified as to each of them, in the interest of humanity, and without doing violence to public justice.

As to the said Samuel Fielden and Michael Schwab, the sentence is commuted to imprisonment in the penitentiary for life.

As to all the other above-named defendants, I do not feel justified in interfering with the sentence of the court. While I would gladly have come to a different conclusion in regard to the sentence of defendants August Spies, Adolph Fischer, George Engel, Albert R. Parsons and Louis Lingg, I regret to say that under the solemn sense of the obligations of my office I have been unable to do so.

RICHARD J. OGLESBY, Governor.

This removed the last hope of the Anarchists. Spies said he had been prepared for the worst, and that he had only signed the petition of Fielden and Schwab for clemency at the solicitation of Miss Van Zandt.

On the next morning after the Governor's decision Fielden and Schwab were removed to the penitentiary at Joliet.