

SEVEN TO SWING.

The Supreme Court of Illinois
Enters a Ruling Against
the Anarchists.

Spies, Schwab, Lingg, Fielden, Parsons,
Fischer, and Engel to
Be Hanged.

Their Counsel Will Take the Case to
the United States Supreme
Court.

How the Condemned Men Bear Themselves—Precautionary Measures Taken.

[Chicago special.]
Justice Magruder, for the Supreme Court of the State of Illinois, sitting at Ottawa, on Wednesday, affirmed the finding of the Criminal Court of Cook County, and thereby sentenced to death August Spies, Michael Schwab, Samuel Fielden, Albert R. Parsons, Adolph Fischer, George Engel, and Louis Lingg, found guilty of the murder of Police Officer Mathias J. Degan. By the same finding Oscar W. Neese goes to the penitentiary for fifteen years. The date of the execution is fixed for Nov. 11.

The crime charged is the throwing of a dynamite bomb on the evening of May 4, 1886, at a meeting held in Haymarket Square, corner of Randolph and Desplaines streets, Chicago, when seven policemen were killed and a number more injured. It is undisputed that the bomb was thrown, and that it was the cause of Degan's death, but there is no evidence to show that any one of the defendants was present in throwing it. It is conceded that no one of them actually committed the deed. The charge is that they were accessories before the fact.

There are sixty-nine counts in the indictment. Some of the counts charge that the eight defendants above named, being present, abetted and assisted in the throwing of the bomb; others, that not being present, aiding, abetting, or assisting, they advised, encouraged, aided, and abetted such throwing. Some of the counts charge that said defendants ad-

vised, encouraged, aided, and abetted one Rudolph Schnaubelt in the perpetration of the crime; others, that they advised, encouraged, aided, and abetted an unknown person in the perpetration thereof.

The statute on this subject reads:

"Sec. 2. An accessory is he who stands by and aids, abets, or assists, or who, not being present, aiding, abetting, or assisting, hath advised, encouraged, aided or abetted the perpetration of a crime. He who thus aids, abets, assists, advises or encourages, may be considered as principal and punished accordingly."

"Every such accessory, when a crime is committed within or without this State by his aid or procurement in this State, may be indicted and convicted at the same time as the principal, or before or after his conviction, and whether the principal is convicted or amenable to justice or not, and punished as principal."

In consideration of this statute the court asks the questions:

Do the defendants have a common purpose or design to advise, encourage, aid, or abet the murder of the police?"

Did they combine together and with others with a view to carrying that purpose or design into effect?"

Did they, or either, or any of them, do such acts or make such declarations in furtherance of the common purpose or design as did actually have the effect of encouraging, aiding, or abetting the crime in question?"

The questions are based on the propositions of law as drawn by the court and sustained by previous decisions of this and other States. The premises are held that if the defendants advised, encouraged, aided, or abetted the killing of Degan they are as guilty as though they took his life with their own hands. If any of them stood by and aided, abetted, or assisted in the throwing of the bomb, those of them who did so are as guilty as though they threw it themselves."

Joined to this is the charge that the defendants formed a common purpose and were united in a common design to aid and encourage the murder of the police, and that for whom the bomb was thrown. If they combined to accomplish such murder by concerted action the ordinary law of conspiracy is applicable, and the acts and declarations of one of them, done in furtherance of the common design, are, in contemplation of law, the acts and declarations of all. This prosecution, however, is not for conspiracy as a substantive crime. Proof of conspiracy is only proper so far as it may tend to show a common design to encourage the murder of the police and the principals. It may be introduced for the purpose of establishing the position of the members of the combination as accessories to the crime of murder.

Also the statute abolishes the distinction between accessories before the fact and principals. By it all accessories before the fact are made principals. As the acts of the principal are thus made the acts of the accessory, the latter may be charged as having done the acts himself, and may be indicted and punished accordingly.

Following the propositions of law above laid down the court holds that the evidence under them amply sustains the charge under which the defendants were engaged in a great conspiracy to overthrow the law, and that the throwing of the bomb in Haymarket Square on the evening of May 4 was the direct result of that conspiracy. First, there was at that time existing in Chicago an organization of Socialists or Anarchists whose purpose was the overthrow of

all laws which were enacted for the protection of private property. This overthrow was to be accomplished by force. The organization was a national one, divided into groups, eighty in all, of which there were located in Chicago, the North Side, with headquarters at No. 58 Clybourn avenue; the Northwest side, No. 54 West Lake street; the Karl Marx, No. 63 Emma street; the Southwest, No. 611 Throop street; Jefferson, No. 600 Milwaukee avenue, and the Freibheit, on Sherman street. Schwab, Neese, and Lingg belonged to the North Side group; Engel and Fischer to the Northwest; Spies, Parsons and Fielden to the American; Connected with these organizations were sections, the Lehr und Wehr Verein, containing one thousand drilled men, and these soldiers were known by numbers instead of names, desire for secrecy being so great. The other armed sections were to be commanded by details from the Lehr und Wehr Verein if called into action. The proof shows that it was this organization, which called the meeting of May 4, during which the bomb was thrown. This bomb was spherical in shape, filled with dynamite and lighted by fuse. The fuse was of a composite metal mainly tin and lead, with a trace of antimony. This composition is not a commercial metal, and yet Lingg was discovered making bombs of exactly the same material, of the same form, and corresponding so nicely that the nut which fitted the bolt which held the Haymarket bomb together, also fitted the threads of other bolts found in Lingg's room, and which were intended to hold together other similar bombs.

The evidence also shows that the meeting of May 4 was the result of a previous conference at which all the defendants took part; that the call for the meeting, the word "ruhe," was first used by Spies; that the defendants controlled at that meeting when a speaker said "We are peaceable," he used the word "ruhe," which was the signal for the bomb-throwing, and immediately the bomb was thrown.

It is held that the police were right in their presence at the meeting. The times were troublous, strikes were everywhere. There had been trouble at McCormick's the day before, and the circulars which called the meeting were threatening in their character. Hence it was the duty of the police to be on hand to protect the peace and to break up the meeting, which was an entirely one.

In view of the facts represented by the record, the finding is that the defendants were engaged in a common conspiracy, that that conspiracy was for the purpose of overthrowing the law; that the meeting was called to further the conspiracy, and the bomb-throwing was the result of it; that Officer Degan died from wounds received from the explosion of the bomb. Held, that the defendants are guilty of murder as accessories before the fact.

Justice Mulkey thought there was error in

the record, but not enough to vitiate the verdict. He did not file an opinion.

THE FATED SEVEN HEAR THE NEWS.

The condemned at the County Jail yesterday were somewhat exercised. At the regular hour the usual visitations were not disturbed, but for six minutes before the signal was given for the anarchists to return to their cells. It was then that August Spies received a telegram from Carl Axwans, editor of the Ottawa German Herald, informing him that there was no hope from that quarter. The telegram was passed from one to the other of the condemned men, but its contents was not fully realized when they were ordered into confinement, so that there was no opportunity for them to exhibit their feelings to those who were visiting the cage. They had not long to meditate upon their surroundings, however, when they were disturbed by a visit from newspaper reporters asking the "special favor" of an interview. The old rule still held good. That is to say, an accredited reporter would be admitted to the doors of their cells upon their request. It must probably be admitted that the reporters, generally speaking, had not won the confidence of the anarchists to a very high degree, and in this hour of their greatest trouble the condemned men probably turned to a remembrance of some of their long-forgotten prayers, and found more consolation therein than from reporter visits. At any rate, they all returned the same answer to these applications, to wit: "There is no answer." The hours passed wearily, if not sadly, with the condemned men. The visitor to the cage could easily watch their movements as they passed to and fro in their cells. Lingg appeared less stubborn than usual. He took down from the shelf in his cell the several little pieces of handwork which he has made since his confinement, and seemed to content them fondly, yet sadly. He arranged them before him, and then appeared to assume an attitude of prayer. A careful observation of the manner in which he placed his hands and his occasional movement of them told plainly that the iron-hearted German bomblaker had been conquered, and was going back to the recollections of an early German Christian home and endeavoring to recall them for his own consolation in this hour of trial. The reporter called Chief Justice Gary to the scene, and he, comprehending its import, turned away without a remark. Engel sat in his cell, drumming on his hands and did not move during the two hours that he was more or less constantly observed. Fischer passed to and fro in his cell with the agility and nervousness of a tiger. Fielden was restless, but appeared to be packing up his cell effects as if it were moving day. Schwab sat in plain view of the party in the cage reading a newspaper in a calm, careless attitude. Spies was examining photographs, probably out of New York, in his cell door occasionally with a smile of contempt for these whom he recognized below. Parsons was too sick to render his actions visible.

TO THE FEDERAL SUPREME COURT.

The attorneys for the condemned men will next make an appeal to the United States Supreme Court. The brief in the case has already been prepared. The first point raised is on an alleged error in Judge Gary's rulings concerning the selection of the jury. In this connection the sixth amendment of the Constitution states: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury."

The second point raised is regarding the forcible search of the editorial rooms of the Ar-

biter Zeitung. In this connection the fourth amendment to the Constitution is quoted: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated." It is claimed, of course, that the forcing open of Spies' door by the letters of Horn Most were a violation of this provision of the Constitution.

The third error claimed is that Spies was compelled to be a witness against himself and against all of the defendants when he was compelled to state whether or not he had received the famous Most letters. The fifth amendment to the Constitution is quoted in support of this contention: "Nor shall any person be compelled in any criminal case to be a witness against himself."

The fourth error claimed is supported by the sixth and eighth amendments to the Constitution, as follows: "In all criminal prosecutions the accused shall be informed of the nature and cause of the accusation;" and "Cruel and unusual punishment shall not be inflicted." On this head the defense claim that, while a conspiracy to incite may have been proved, a conspiracy to use violence was not proved, and that nevertheless, the penalties of the latter were administered.

The fifth error which the United States Supreme Court will be asked to pass upon is the right of the defendants to preach and teach socialism and anarchism. This is contained in the first amendment to the Constitution, which states: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." The point may seem a little far-fetched, but it is proposed to protect the teachers of anarchy and socialism by this constitutional provision.

But the point upon which the main hope of the Anarchists rest with the Supreme Court of the United States is the alleged error concerning the right of the prisoners to hold the Haymarket meeting. The first amendment to the Constitution is quoted: "Congress shall make no laws abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble."

It is believed by the attorneys for the condemned men that one or more of these errors will be found available for their purpose.

The procedure in reaching the United States Supreme Court in the case cannot be determined until the full text of the State Court opinion is examined. The latter cites all constitutional points raised in the record, then the defense will have nothing more to do with that Court, but if, as is often the case, some of these points raised are not replied to, then it will be necessary for the attorneys for the Anarchists to apply to the Chief Justice of the Supreme Court for a certificate to the effect that the record contains such alleged errors. With this certificate, if one be obtained, and the complete record of the case from Judge Gary's court, and from the trial court, a writ of error will be filed. The application will be made to one of the Justices of the United States Supreme Court for a writ of error and supersedesas. If the former is granted, of course the latter will be, and the next step will be to argue the case before that court. A writ of error may be granted by any one of the Justices of the Federal Supreme Court.

EXECUTIVE CLEMENCY.

A movement is at once to be inaugurated to circulate a petition for Executive clemency. This was started at the time the verdict in Judge Gary's court was rendered, but was soon afterward dropped until the decision of the Supreme Court should be reached. Now it is to be undertaken in earnest.

POLICE PRECAUTIONS.

Ample precautions against an outbreak or violence of any kind on the part of the anarchists have been taken by both the police and sheriff's authority.

DEFENSE COMMITTEE.

The Anarchist Defense Committee has entered upon a new lease of activity. As soon as the decision of the Supreme Court that the condemned men were to hang Nov. 11 was received, a meeting of the committee was at once called, and steps taken to raise money to defray the expense of an appeal to the highest court in the land.

The Queen's Necklace.

The disastrous episode in the career of Marie Antoinette, which, by associating the Queen's name with the scandalous adventures of a diamond necklace, seems instinct with fiendish irony, has been so frequently and, in one or two instances, so graphically described, that only a few words of comment will be ventured upon here. If in this untoward incident it be possible to detect even a shadow of blame upon Marie Antoinette, it is referable solely to her known infatuation for such costly trinkets. There existed ample proofs to establish the fact that the necklace had been stolen by a disreputable woman, who sought to implicate the Queen in the nefarious transaction in order to secure a very likely means of escape from the probable consequences of her crime. Her method of procedure was very ingenious. Being at the time on questionable terms of intimacy with the Cardinal de Rohan, whose position gave him access to the Queen, she cunningly contrived to convert him into a docile instrument for her purpose. Now, it is notorious that this man was ever conspiring, either openly or secretly, against the Queen, and that he never enjoyed, nor was he ever worthy to enjoy, her confidence. By most of those who know him he was regarded as a mere scoundrel; and there is an opinion of him, expressed many years before the unfortunate event in question happened, the unfavorable character of which was surely not lessened at time advanced. It is thus that Maria-Theresa describes him when, in 1772, he represented France at the Austrian court:

"The Prince de Rohan displeases me more and more. Without talents, without prudence, and openly depraved in manners, he sustains very badly the character of ambassador and ecclesiastic." A man presenting such qualities would surely feel very congenitally disposed to accept a part in the conspiracy suggested to him; not, it may be conceded, lending himself to the chief but concealed object contemplated by his mistress—the purloining of the necklace—but as a promising means of casting an ignominious stain upon Marie Antoinette. To this end he forged the Queen's name to a document seemingly authorizing him to purchase the necklace, and thus succeeded in mystifying the jewelers to whom the diamonds belonged. When very conclusive evidence of guilt was brought home to the culprits the thief was, to a certain extent, punished, while the forger—the far greater criminal, the man who sought to foul the fair reputation of the Queen—was acquitted. This acquittal was brought about through the influence of a certain dominant court cabal and prolonged for some time because seeming to justify the triumph of malice.

Gentlemen's Magazine.

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LAND FOR THE LANDLESS.

How the Public Domain Has Been Squandered Under Republican Rule.

[From the Indianapolis Sentinel.]

The Republican party, almost from the day that it came into power, began the work of giving away the public land to railroad and land sharks of every description. The rights, interests, and welfare of the people were totally disregarded by the Republican party. Said the Hon. S. M. Stockslager, a member of the Forty-eighth Congress from Indiana:

"The American people were amazed when they learned that on the 1st day of July, 1862, just forty-one days after the homestead law was approved, the same Congress, with a reckless disregard of their own action never before witnessed, granted to the Union and Pacific Railroads a magnificent belt of land forty miles wide, extending from the Missouri River to near the Bay of San Francisco, and containing to the Union Pacific 16,115,000 acres and to the Central Pacific 15,260,000 acres. Thus the homestead law, by which the millions of acres of unsettled land were pledged to the people as a heritage to the actual settlers—to the men of toil who would cultivate them and make them blossom and bloom and bear fruit—was violated, disregarded, and set aside, and a most gigantic system of reckless squandering of the lands inaugurated."

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The Republican party has been from the first the monopolist party. It has sought in every possible way to create an aristocratic class, based upon wealth. It has not only robbed the people of their lands to create a landed aristocracy as crushing as that of England, Scotland, and Ireland, but it has sought by tariff protection to enrich the few by burdening the poor with enormous taxation upon the prime necessities of life. There is no more vital question than that which relates to the public lands, the public domain—the broad acres designed by a benevolent Providence for the homes of the people. The Republican party has from the first ignored the people; it has legislated for the land-grabber, the land thief, the land monopolist, the landed aristocrat, and this policy of the Republican party was kept up until 200,000,000 acres of land was granted to railroad corporations. Says Mr. Stockslager, now acting Land Commissioner, in his speech in the Forty-eighth Congress:

"The mind is staggered in an effort to contemplate this imperial estate granted to great corporations. It can only be grasped by comparison. You can carve out of it 1,250,000 homesteads of one hundred and sixty acres each. It is equal to two hundred and forty States the size of Rhode Island. It is equal in area to seven States like Pennsylvania, with her 45,215 square miles; four and one-half times as large as all the New England States; equal to 204,001,280 acres. The total area of Great Britain and Ireland is 74,137,600 acres, or but little more than one-third these grants. There is not among all the enlightened nations of modern Europe one that has an area which equals that of our railroad kings. The empire of Austria-Hungary and the kingdom of Italy, with Switzerland and the Netherlands added, have an area of only 250,012,620 acres. The creation by law of this most gigantic land monopoly the world has ever seen must in the very nature of things be felt upon our institutions and upon our people. The example of the Federal Government has been followed by some of our States, which have granted millions of acres of their public lands to railroad corporations, or sold them in large bodies to individuals. All the barriers have been thrown down, and foreign and domestic capitalists have been reaping a rich harvest for themselves in the purchase of vast areas of land. But so far as the people are concerned, they, through their unscrupulous representatives, have sown the wind, and they are destined to reap the whirlwind."

The Democratic party is now engaged, and has been engaged at all times when an opportunity offered, to put a stop to the squandering of the public lands by the Republican party, and now that it has the power to stop the stupendous wrong it is regaining some of the land the Republican party bestowed upon railroad corporations, and which has been forfeited. A Washington dispatch of recent date says the Assistant Land Commissioner has issued orders relative to the land of the Atlantic and Pacific Railroad, and also in reference to the Florida Railway and Navigation and the Gulf and Ship Island Railway Companies, whose land grants all lie in Florida, and also to the Missouri, Kansas and Texas. According to the estimates made officially, the Atlantic and Pacific order throws open to settlement 25,000,000 acres, and the orders to the Florida Railway and Navigation Company and the Gulf and Ship Island Railway Companies will largely increase the amount of land restored to the people, and the policy now being pursued by the Democratic administration will result in the restitution of fully 50,000,000 acres of the public lands to the people, and open them to homestead settlement, enough for 312,500 farms of 160 acres each, a hundred thousand more farms than there are in Indiana of all sizes.

These are subjects which the people can afford to take into consideration. They will discover, on the one hand, the Republican party's throwing away the people's land, bestowing it on railroad corporations, seeking to build up a landed aristocracy, while the Democratic party is resolved by every lawful means to give as much as possible of the public land back to the people, the rightful owners of the acres.

Mainly Words from Mr. Conkling.

Overmuch significance need not be attached to perfunctory and spectacular reunions of former foes. There is apt to be a stroke of the theater in elaborately planned fraternal meetings between the soldiers of the Union and of rebellion, and this suspicion of insincerity is likely to repel real interest in such occasions. The dignity and appropriateness of the recent fraterniza-

tion upon the battlefield of Gettysburg by survivors among the men who made and the men who repelled the famous charge of Pickett's division were apparent,