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THE LAKE FRONT STEAL

INVOLVED IN

THE ILLINOIS CENTRAL—
SOUTH PARK CONTRACT

Address of Henry W. Lee, C. E., consulting engineer
Greater Chicago Federation, before U. S.
Engineers, January 13, 1913.

SYNOPSIS.

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STEAL \$2,000,000 LOCAL SMALL PARKS FUNDS AND 67 ACRES OF SUBMERGED LAND

**“Chicago Plan,” a Scheme Devised for Benefit of
Illinois Central to Rob the City of the Lake
Front for Ever—Proceedings Be-
fore U. S. Engineer.**

(From the Calumet Record, Jan. 16, 1913.)

Before Col. Zinn Tuesday a hearing was held relative to a permit requested by the South Park board to fill in the entire lake front from Randolph street to 67th street. Arend Van Vlissingen, on behalf of the Cook County Real Estate board, protested against Col. Zinn presiding over the hearing, as sworn testimony is on record that Zinn had already agreed to favor the permit, therefore the hearing before him was as much of a farce as a trial before a judge who had already decided the case.

Representatives of the Chicago Plan commission, the Chicago Association of Commerce and the Chicago Real Estate board favored the project.

As \$2,000,000 local small parks funds are about to be spent to build a breakwater for the I. C. and save the road thousands annually in shore protection and millions of dollars' worth of public land is also to be given to the railroad in exchange for nothing, The Calumet Record and its editor have fought the steal ever since it first became public in the fall of 1911. The following is the address of Henry W. Lee in full:

Address of Henry W. Lee, consulting engineer Greater Chicago Federation, at Hearing Held Before Col. Geo. A. Zinn, Jan. 14, 1913, On Objections to Granting Permit to the South Park Commissioners to Fill in Lake Michigan from Randolph to 67th Streets for Park Purposes.

Lake Michigan is the greatest geographical asset of Chicago. Nearly every great city in the world is located at the end of deep water navigation. Indeed, it can be readily seen that this strategic commercial location is the chief reason for the existence of most of the world's great cities at these points. The necessary and most important uses of Lake Michigan and the lake shore may be stated as follows in the relative order of their importance, according to many decisions of the Supreme court of the United States, the Supreme court of the state of Illinois and various expert authorities: domestic uses, navigation, fisheries, sanitation (sewage dilution), bathing beaches, excursion boats and other pleasure boats, ice,

skating, ice boating, and as a piece of scenery.

The situation at Chicago, America's "Great Central Market," the world's greatest railroad center, the end of the Great Lakes deep water navigation and the terminus of the Lakes to the Gulf waterway,—all these conditions make it necessary to provide at Chicago ample dockage, harbor and terminal facilities to take care of not only Chicago's own city trade but also the great commerce of the country, exchanging between rail and water, or between large and small vessels from West to East and vice versa, from South to North and from all these points via the Illinois and Mississippi rivers and the Gulf through the Panama canal to the ports of the world; and by way of the Great Lakes and the proposed Georgian Bay canal, or other route for deep draft vessels, are even greater possibilities leading direct to Europe and the world's greatest commercial centers, or via the enlarged Erie barge canal to New York City and other eastern cities. Other canals are contemplated between Lakes Michigan and Erie and from Lake Michigan via the Calumet, Tippecanoe, Wabash and Ohio rivers for another Lakes to the Gulf route. The Calumet-Sag channel is now under construction, making another connection between Lake Michigan and the Drainage Canal. These make Chicago the focus of the greatest waterway development in all history.

Thus it is seen that by reason of its natural waterways the city was located here and soon became the world's greatest railroad center. Its position at almost the exact center of population of the United States, its unequalled facilities for factories in the matter of transportation by rail and water, convenience of assembling raw materials and distributing the finished product to all parts of the country and the world, and its unexcelled labor market—all these things make it the duty of Chicago to conserve all its necessary terminal transfer, dockage and harbor facilities not only because it is good business, but because Chicago owes this duty to the nation as America's "Great Central Market." The Chicago Daily News

last Saturday in an editorial said: "Better harbor facilities are urgently required not only to bring back to Chicago some of its lost lake commerce, but to preserve the lake commerce that is left to us."

No one spot in Chicago can be called Chicago's harbor. This North Side proposition is just one unimportant item. The harbor of a city is the aggregate of all its water terminal facilities, lake, river, bay, etc.

New York City has over three hundred docks. The city itself owns 76 docks and they are worth in earning power over \$200,000,000. Baltimore, Boston, Philadelphia, San Francisco, New Orleans, all these and many other cities have municipal docks which are of incalculable value to the cities themselves and to the country at large.

Chicago's Harbor.

Chicago's harbor properly includes all branches of the Chicago and Calumet rivers, the lake front, the Drainage Canal, Lake Calumet and a part of Wolf Lake—in fact, all the waterways within or adjoining the city that are adaptable to practical use for docks and terminal facilities. The federal engineer has approved a suggestion of mine to the council harbor committee that municipal docks should be built and maintained by the city on all of these waterways with additional docks as the city's growth requires at intervals of three to five miles so that the boat loads of coal, building material or miscellaneous cargoes can be brought as near the final consumer as possible, eliminating a long teaming haul (the most expensive of all transportation) and obviating excessive congestion at any one point or at a few points.

For this reason municipal docks were advised on the rivers, interior lakes and channels and the lake front. Take the single item of coal alone—it costs \$3.50 a ton by rail from eastern points to Chicago. By boat it costs 40 cents. Coal can be brought by boat a thousand miles almost as cheaply as it can be teamed a mile in Chicago. This will give some idea of the necessity of harbor facilities and the criminal folly of any act that

would destroy forever a great portion of Chicago's harbor facilities.

The Best Uses of the Lake Front.

The highest and best uses of the lake front are municipal docks located at convenient intervals for commerce, fisheries and the excursion business; recreation piers, bathing beaches and a promenade like the famous board walk at Atlantic City, where all the people in throngs of tens of thousands can walk along the shore and enjoy the lake, where the children can play in the sand—a most necessary feature of all bathing beaches, the sand constitutes almost as much of a charm as the water. No expensive automobile speedway is needed here, but such development as I have described, where all the people can enjoy this splendid and inspiring recreation which has been filched from them, stolen and trespassed upon for sixty years by the Illinois Central railroad, that "old man of the sea" astride the neck of Chicago that has not only robbed this city of its chief asset for more than half a century, but that by means of a legislative enactment drafted by the railroad's own attorney, and now with the assistance of the Stock Yards South Park board, and the accommodating acquiescence of the mayor of Chicago, and the pending consent of the war department of the United States—the plan now is to grant the railroad upwards of 67 acres additional land, to confirm its holdings which are illegal, and to increase and perpetuate the barrier of railroad tracks, smoke and noise that now separates the people from the health and life-giving lake. This plan would destroy the lake front for all its highest and best uses and reduce it merely to a piece of scenery for the chief benefit of automobile speeders.

There will be no place in Chicago for lake front municipal wharves anywhere near the center of the city if this permit is granted. Beginning at the Indiana state line, Calumet park, the E. J. & E. R. R., the American Smelting & Refining Co., and the Iroquois Iron Co. occupy the lake front to the Calumet river. North of this the Illinois Steel Co.'s plant extends

to 79th street. From here to 75th street is the only stretch on the South Side where the people have free access to the lake. A municipal bathing beach and several private beaches are here. From 75th street to 71st street is private ownership—dwellings. From 71st street to 67th street the South Shore Country club is located.

The permit requested covers the lake front from 67th street to Randolph street. It seems that the first permit did not cover a wide enough stretch so that more is now required even there. Perhaps the 4,000-foot strip will also be increased lakeward by future permits if the one now pending be granted, which Heaven forbid. The Illinois Central terminal occupies the space between Randolph street and the Chicago river. North of the river the ownership is uncertain. Chicago Harbor District No. 1 is located here, but no progress is being made. An alleged joker has been tardily found in the bill after a year's scrutiny. It has been charged that even here the park authorities threaten to take possession. North of Ohio street the lake front is entirely taken up with boulevards and parks with power of extensions to a point far north of harbor availability.

This it is seen that the granting of this permit would destroy forever the highest and best uses of the lake front for Chicago. Navigation without proper landing places and terminal facilities is possible.

Highest Authority in United States.

The truth is always the truth, no matter by whom spoken. But as great names seem to be able to gild the lily and paint the rose, I will quote the highest possible authority in the United States on this point. I will first quote from an address made by General W. H. Bixby, now chief of U. S. engineers, before the Chicago Harbor commission and appearing in the report of said commission, dated 1909. on pages 309 to 320:

"The main duty of the war department in such matters is to safeguard naturally useful waterways from being abandoned or destroyed or used for some other purpose. . . .

"It is not specially the business of the war department to show how a harbor can be built. . . but . . . to see specially that the areas useful for such purposes are preserved, so as to retain their navigable uses, to retain their potentiality so that they can be used in such a way later on.

"The act of March 3, 1899, under which the war department now acts . . . gives the Secretary of War the power to stop the construction of anything which interferes with navigation or is liable to interfere with navigation.

"When they (the federal government) put the breakwater in front of Grant Park originally it was with the expectation that the piers and docks of the Illinois Central railroad would be gradually extended down southward, and just as fast as boats wanted docks they would build them and they would all be under the protection of the breakwater, and after all the ground behind the original breakwater had been used up, they expected to extend the breakwater south, but they didn't exactly know how the conditions that obtained in the deed of donation of Grant Park to the public held."

"But just because the park occupies a portion of the lake front, because it is there and because it is useful for other purposes, because it is pleasant as a park is no reason why they (Chicago) should necessarily sacrifice all the rest of the lake front harbor.

"Every engineering officer who has been in the district since 1867 and who came to it from other districts where they have had other boats and other harbors in front of them has sided with that original board, and has felt that if * * * there ever was to be a good harbor in Chicago—one that could expand with the city—it would have to go out into the lake. * * *

"The interests of all other harbors on the Great Lakes are entitled to a great deal of consideration in anything that is done in Chicago. So long as the only action in progress is that of using Lake Michigan's navigable waters for purposes of navigation and commerce, I don't have much to do in my office except look on.

* * * But when any one commences to destroy navigation possibilities it is my business to protest and to make reports to Washington and take any other action as seems proper. * * *

"The War Department holds every engineer in charge of districts responsible for protecting and safeguarding navigation needs of the general public. That includes the commerce of the Great Lakes that wants to come to Chicago. * * * And that department holds him responsible for protecting all these navigation interests in the individual cases actually in progress and in safeguarding them from matters not actually commenced but liable to come up. When I came to look around I found there was not a foot of frontage on the lake from Wisconsin down to Indiana where a man could erect a legal wharf. He could put it up at his own risk and take his chances on taking it down. * * * But I found that the Park Commission, under the act of May 14, 1903, could occupy the shores to the exclusion of any one else from the Indiana state line to about 95th street; then skip the Calumet River front and the Illinois Steel Company's property, and they could then go from north of the Illinois Steel Company's property, about 79th street, up to Jackson Park. You see, they were already occupying Jackson Park. Then from Jackson Park up to Grant Park there was a place that no one was doing anything, and the Park Commissioners did not have any special act authorizing them to step in there. But Grant Park, of course, was occupied and has been for fifty or sixty years. Then came the Michigan Central Railroad piers, which have been there from olden days, but they could not spread them out anywhere or do anything else with them. And then when you get north of that and get to Indiana avenue, from there to Lincoln Park is a boulevard, that the park controls. Then comes Lincoln Park, and beyond that they have state authority under an old law to go from Lincoln Park to Lawrence avenue, and to that extent they have had the authority and permission of the Secretary of War. Then their

state authority authorized them to extend all the way up to Devon avenue. * * * Now, this present law comes in and, of course, allows them to go anywhere.

"This gives over thirteen miles of the city front dedicated to park purposes and practically the only length that is left available for lake harbor is five or six miles between Grant Park and Jackson Park. That is everything that is left. Now, if this were to be used, that is the only thing that is left for your next fifty or sixty years.

"Now, if there were to be a harbor— if that place from Grant Park down were ever to be used for a harbor— it would be natural to expect the general government to build a break-water out there * * * about a mile from shore, so that it would be practical to put in anything that was wanted: slips and docks, and make any arrangements so that boats could pass behind that into the Chicago River. It would be practical to allow one thousand feet width of strip along the shore next to the Illinois Central to be used for track accommodation of all the railroads in the city that might desire to reach these piers and slips. There would be room enough in this area for nearly every railroad in the city to build its own piers and docks enough to take care of its share of the general commerce, or for a corporation, a docks corporation, to go in there and do it, or even the city itself could go in and establish a dock organization that would be available for all railroads and other transportation companies. * * * Now, boats of all sizes could run right in there, the biggest on the lakes, no matter how big, if they get to be eight or nine hundred feet long, they could get in there. * * * There would be a chance to do something. * * *

"Chicago needs some kind of a harbor equipped to handle goods, so that it will attract shipping instead of doing some of the things we have done to drive it away; and if that is done, I think we will be astonished at the results. We have no such place now and we cannot possibly have on the Chicago River. I can name at least

four reasons, any one of which is sufficient to dispose of the subject. * * *

"The question is, where should the harbor be placed, if it cannot be placed in these (Calumet & Chicago) rivers? The Illinois shore is limited. In fact, we have no place to put the harbor that will do the work entirely except in the center of the city, as near as possible, with approaches for all railroads."

I will next quote from Part I of the Commission's report (page 1): "The Harbor Commission created primarily to consider the question as to whether any part of the Chicago lake front should be reserved for possible future harbor uses, was not limited to the consideration of that one question. The resolution creating it called for a comprehensive study and detailed report on Chicago's harbors and their relation to railway terminals and park plans. * * *

"In 1903 and 1907 the General Assembly of Illinois enacted laws authorizing the Board of South Park Commissioners to take possession for park purposes of that portion of the lake front lying between Grant Park and Jackson Park. Under these laws that Commission was proceeding to acquire by agreement the riparian rights of land owners, chief among them the Illinois Central Railroad Company.

"These riparian rights secured, the Park Commission planned the development of park areas and lagoons.

"Apparently the only thing needed to complete the dedication for park purposes, to the exclusion of navigation uses, was the consent of the War Department.

"January 6, 1908, Mayor Busse sent to the city council a special message calling attention to the legislation referred to and the plans of the South Park Commissioners. In this message the mayor indicated that nearly all of Chicago's lake front was already dedicated to park purposes, to the exclusion of navigation which may require harbor accommodation in portions of the lake front in the development of the city as a port. Accompanying the message was a copy of a letter from the mayor to the Secretary of War asking a hearing before

permission to complete the park plan should be granted. * * *

"Appended are copies of Mayor Busse's message to the city council. * * *

Message of Mayor Busse.

"It is a notorious fact that the lake commerce of Chicago, once the pride and boast of this city, has been steadily decreasing. * * * The one and only reason for Chicago's decline in this respect is the inconvenience and inadequacy of its harbor facilities. * * * The time has come when Chicago must decide whether it will depend for the future entirely upon the harborage afforded by the Chicago River and the Calumet River or whether it should not take steps to utilize at least some portion of its lake front for shipping purposes. Legislation was enacted at the last session of the General Assembly, which contemplates turning over to the various park boards, practically all of our lake front for development and beautification as adjuncts to our park systems. We are all proud of our splendid system of parks and boulevards. We all want to see them grow, but no city, and particularly no strictly industrial and commercial city, such as Chicago is, can thrive on beautification alone. Lake commerce played a large part in making Chicago what it is. I do not believe it wise to ignore entirely that advantage which Chicago has by reason of its location, and it is only a question of time when that advantage will be lost, unless we secure other harborage facilities than those afforded by the Chicago and Calumet rivers. If lake commerce cannot find convenient accommodation at Chicago, it will go to the harbors being developed just over the state line in Indiana, just as certainly as water runs down hill.

"Practically all of our lake front that has not been already dedicated to park purposes is that comparatively short stretch of shore line between Twelfth street and Jackson Park. Under the legislation enacted last spring, this will also be turned over to the South Park Board as soon as the War Department gives its consent. * * *

From copy of Mayor Busse's letter

to the Secretary of War (page 7), I quote:

" * * * I desire particularly, however, to call your attention to one portion of this plan of which I do not approve; that is, the filling in of the lake on the lake front from Twelfth street to Jackson Park, a distance of five and one-half miles in length, for some little distance from the shore line, for park purposes, then lagoons, and beyond more park land, out to the navigable water. **This would forever prevent the city, should it wish to do so, from using this portion of its lake front for docks and wharves for commercial purposes,** as at Duluth, Cleveland, Buffalo and other ports. * * * There is no other portion of our lake front that could be used for this purpose which would be adequate. * * *

"The Park Commissioners can, at the present time, ignore the commercial interests of the city of Chicago in this matter unless the city be assisted by the Federal Government, acting in the interests of general commerce and navigation, to prevent the loss of this lake frontage and for commercial purposes to the city forever.

"Chicago has developed its wonderful prosperity from its commerce and manufactures. Its future growth, both artistic and practical, depends upon its commerce, and I feel that its growth and prosperity will be checked very largely forever if our lake commerce is retarded by the proposed plan of the Commercial Club and the Park Commissioners in respect to the lake front from Twelfth street to Jackson Park. * * * The Lake Carriers' Association, representing the interests of the entire system of the Great Lakes, is strongly of my opinion."

Harbor Commission Report.

Returning now to the report of the Chicago Harbor Commission, I quote from page 41:

"The question now presented to this community is whether the lake front, from Grant Park to Jackson Park, shall be permanently dedicated to park purposes, to the entire exclusion of harbor development and of navigation.

"While the Harbor Commission is not prepared to make an affirmative

recommendation as to the extent and nature of any possible harbor development in the area between Grant Park and Jackson Park, it does believe most strongly that no park development should be favored which will forever prevent the possibility of utilizing a portion of this area for harbor purposes. * * *

"It has been pointed out by advocates of lake front harbor development that at Sixteenth street seventeen trunk lines are located within a mile of the lake front. Connections between these railroads and the lake front could be secured by possible subway development, or by the existing overhead rail lines running to the lake front at Sixteenth and Forty-first streets, which lines could be widened, if necessary, to afford adequate track accommodations.

"It has also been suggested to the Commission that utilization of the lake front for navigation purposes would not impose upon the public the necessity of condemning the rights of riparian owners or compensating them, either by money payments or by cessions of land. * * *"

On November 20, 1911, the City Council of the City of Chicago, by unanimous vote, passed five ordinances creating certain harbor districts. (Council proceedings pages 1787 to 1792.)

Harbor District No. 1 included all of the Chicago River and the lake front from the south side of the river to Chicago avenue and extended lakeward one mile.

Harbor District No. 2 included the lake front from the south side of the river to the south side of Randolph street and extended lakeward one mile.

Harbor District No. 3 included the lake front from the south side of Grant Park to the south side of 31st street and extended lakeward one mile.

Harbor Districts Nos. 4 and 5 included lands and waters in the Calumet District of Chicago.

Section 3 of the ordinance creating Harbor District No. 3 provided (page 1790):

"Section 3. The aforesaid lands and submerged lands shall be acquired,

owned, used, occupied and reclaimed by the City of Chicago as soon as may be for the future construction, maintenance and operation thereon of harbors, canals, wharves, docks, piers, slips, levees and all other appropriate harbor facilities and improvements and operation of all elevators, vaults and warehouses (including cold storage warehouses), as may be a necessary adjunct or incidental to transportation, and all other necessary and appropriate harbor and terminal facilities, as authorized and provided by the aforesaid Act of the General Assembly of the State of Illinois."

The creation of Harbor District No. 3 was an expression by the agency of the State of Illinois, the City Council of the City of Chicago, of the need of a harbor along the lake front from 12th to 31st streets, and, so far as it went, was in harmony with General Bixby's recommendation above quoted, even to the extent of fixing the eastern harbor limit at one mile from shore—the location proposed by General Bixby for the protecting government breakwater.

The Act of the Assembly last referred to provides that the grant to the city of the submerged lands shall take precedence over any grant of the same lands to the park authorities, provided the city elects to use such lands for harbor purposes before the park authorities elect to use them for park purposes. At date of passage of ordinance the Park Commissioners had not taken action with respect to the submerged lands embraced in said Harbor District No. 3 and the City of Chicago and the public harbor had precedence.

"Chicago Plan" an Impractical Dream.

The Chicago Plan has been looked upon as a divinely inspired document handed down from on high with about the same degree of authenticity as the Book of Psalms, or Deuteronomy, or the Revelations of St. John the Divine. It is a copyrighted, patented, ready-made scheme, a purple dream of landscape and waterscape gardening that was not made by any official government body, but that was prepared at great expense and carefully promoted and foisted upon the public by a body of self-appointed guardian angels of

Chicago's destiny. These gentlemen were never known before to be guilty of such reckless generosity and public spirit and at the time the so-called Chicago Plan was first promulgated it was a matter of general wonder why these gentlemen were so suddenly and tremendously solicitous for the welfare of the dear people. The real purpose of the Chicago Plan and its public-spirited promoters did not become known until this Illinois Central-South Park contract was smoked out of its hiding place by the ordinance for Harbor District No. 3. Thus the Chicago Plan, with its purple tinted dreams is seen to be but a ruse and a means of bringing about a great steal of public lands, and our idol's feet are made of clay.

Personally, I should like to see the \$2,000,000 cash of our small parks money that the South Park Board has been playing with for five years—I would like to see this spent for the purpose for which the bonds were issued, instead of building a breakwater to protect the I. C. tracks that will cost more than that sum.

The Supreme Court has decided in the Grant Park case, to which Montgomery Ward was a party, that land once dedicated for park purposes cannot be used for other purposes. The contracts between the Illinois Central and the South Park Board have always been careful to state "for park purposes," instead of "for public purposes." So that, no matter what promises are made, once the lake front is given up to the South Park Board its uses for harbor purposes are gone forever.

The city and state authorities and the people place great confidence in the War Department. It cannot be used as a convenient tool for wealthy interests, as can most of our other governing bodies. Therefore it is with confidence and hope that we appeal to the War Department to refuse the permit for this scheme that will not only destroy the lake front for its highest and best uses—navigation, fisheries, bathing beaches, etc., but that will consummate the biggest steal of public lands and public rights in the history of this state. While the department's chief concern is with navigation, the permit is requested for

a certain alleged purpose. The park plans are sketched out on the plat accompanying the request, and as such these plans are included legitimately in this discussion.

Park Act Drawn by R. R. Attorney.

The legislative act empowering the South Park Board to make these lake front contracts was drawn by Mr. John G. Drennan, attorney for the Illinois Central Railroad.

The Illinois Central has always taken a lively interest in legislative proceedings, but never before in such a humanitarian manner. And it is difficult to picture the railroad attorney sweating and laboring and burning the midnight oil in framing up this legislation for the benefit of the dear public and the South Park board. Why this sudden generosity? Yet we must believe it, for we find on page 1161 of the Chicago City Council Proceedings of September 27, 1909, an opinion of Howard M. Hayes, assistant corporation counsel, on the South Park Act. He says, among other things: "My conclusion on this subject is concurred in by Mr. R. C. Hollett, who was attorney for the South Park Commissioners at the time the Act of 1907 was introduced in the legislature as well as by Mr. John G. Drennan, who assisted in the drafting of the bill." This was in 1909, when Mr. Hayes was young and guileless. But his testimony is unimpeachable, for since that time his ability has been so conspicuous that it has won him a place in the firm of Redfield, Sexton & Tolman, expert municipal and park attorneys, with side lines for securing favorable ordinances for sidewalk users and the notorious Marshall Field Washington Street basement grab. Thus are we hoist upon our own petard.

After the Illinois Central had secured the passage of the desired park legislation, it waited for a few years until the right kind of accommodating gentlemen were appointed upon the park board. They are there now, mostly stock yards financiers, stock yards bankers, stock yards lawyers, and other stock yards hangers-on. The stock yards railroad, the Chicago Junction Railroad, connects with the Illinois Central at about 41st Street.

The contract, which is under discussion, became known only when the creation of Harbor District No. 3 threatened to thwart the lake front steal. Then pictures of the Chicago plan were published, and the Mayor was induced to veto the measure.

Scheme Repudiated by City Council.

It was my privilege and pleasure to show up the steal to the City Council Committee who thereupon repudiated an ordinance confirming the contract. Then Judge Honore heard the case. You see the legislation was carefully drawn, and allowed several different ways to confirm the contracts. The judge confirmed the contracts in spite of the protests of the objecting tax payers. I am pleased to state that 49 per cent of this judge's decisions are reversed on appeal, according to Chicago Tribune statistics.

The City Council had passed a resolution condemning the contract, which the mayor also kindly vetoed, and then the council passed an order requesting the Secretary of War and Chief of Engineers not to grant any permits for filling the lake front without a public hearing. The city beautiful aggregation found this order awaiting them in Washington last summer, and the Secretary of War also told them that he had no authority under the law to grant the permit. (This was the first permit recently granted.) The "city beautiful" planners then found a congressman sufficiently accommodating who had a bill passed in jig time. Then the public hearing was held and the permit granted. The principal gain under the first permit was the location of the Field Museum at 12th Street. This chief piece of scenery gained, there remains now no good reason for spoiling the rest of the south side lake front. I was at first greatly disappointed but now it seems that the federal engineers are going to take all that is good in the scheme and reject all that is bad.

Supreme Court Decisions.

In Vol. 146 U. S. Supreme Court Reports, pages 376-476, covering cases Illinois Central v. The People, City of Chicago v. The Illinois Central and the State of Illinois v. The Illinois Central we find the following decisions:

"The bed or soil of navigable waters is held by the people of the state in their character as sovereign in trust for public uses for which they are adapted. * * * It is a title held in trust for the people of the state that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein. * * *

Parcels of land may be granted for docks, wharves, etc.," but that is a very different doctrine from the one which would sanction the abdication of the general control of the state over lands under the navigable waters of an entire harbor or bay, or of a sea or lake. Such abdication is not consistent with the exercise of that trust which requires the government of the state to preserve such waters for the use of the public." * * *

Here is a section that applies particularly to this case:

"In the administration of government the use of such powers may for a limited period be delegated to a municipality or other body, but there always remains with the state the right to revoke such powers and exercise them in a more direct manner, and one more conformable to its wishes." * * *

State Given Water Front in 1818.

In 1818 when Illinois was admitted to the Union as a state it was at first intended that the northern boundary line should be on a line with the south end of Lake Michigan. This city would then be in Wisconsin. Congressman Nathaniel Pope saw the necessity of a water front for Illinois. In 1816 the treaty of Black Partridge had given Uncle Sam a strip of land twenty miles wide including both the Chicago and Calumet Rivers, and extending from Lake Michigan to the junction of the Kankakee River and Des Plaines River. In 1818 Congressman Pope had the present boundary fixed and thus won over sixty miles of water front for Illinois in order that the Lakes to the Gulf waterway and its lake termini should be largely in this state, and that each of the states near the lake might have water frontage, Illinois, as well as Michigan, Indiana and Wisconsin.

In 1852 the Illinois Central stole its present right-of-way most of the distance from 51st Street to the Chicago River. Except for a few points that ran out in the lake, across which the railroad had to buy its right of way, the road was built on piles in the lake from 300 to 600 feet from the shore. The intervening space has been filled in since with debris, ashes, etc. The ruins of the great Chicago fire furnished a great part of the material.

I. C. Has No Shore Title.

The Supreme Court has repeatedly decided against the railroad in suits as to its title. The suit in which my friends and I are parties will soon be taken to the Supreme Court. The City and State are also suing the road and deny its title to a great part of its right-of-way. Honorable Theodore K. Long has signed an opinion that the railroad is a trespasser, therefore I am inclined to believe that the Supreme Court is right in the matter. It is manifestly improper to settle these cases out of court while they are still pending and thus help this steal.

Now, it is proposed by this contract and this permit that will consummate it, not only to confirm the Illinois Central in its present illegal holdings, but to give to the road upwards of 67 acres more land worth millions of dollars in exchange for alleged riparian rights which Alderman Long and the Supreme Court say do not exist. Therefore this entire deal is a tremendous steal planned by and for the Illinois Central, and everyone, knowing this, who assists in it is not only a common criminal, but is disloyal to his city, an enemy of the state, and a traitor to his country.

100 Years to Complete Plan.

It is proposed to build parkways, boulevards, lagoons, etc., and to plant and maintain trees and shrubbery along the five-mile stretch between Grant Park and Jackson Park. The Illinois Central-Grant Park scheme was perpetrated in 1895, eighteen years ago. Grant Park, which should be docks, wharves and slips, has for eighteen years been the city dump, a mecca for tramps and a place of assignation for abandoned women. The park board is now building a disposal

station there—shades of John Barton Payne, a disposal station in a park! The Lord only knows how many more years it will take to make it a park. It may be for years and it may be forever.

The same body proposes to park the lake front for five miles south to Jackson Park. Assuming the same conspicuous success in park making as has been the case at Grant Park it is conservatively estimated that the city beautiful dream cannot come true within a hundred years, five times twenty, or some time along about A. D. 2015 or 2020.

Then again, all the cost of this dream park must be borne by the South Side. It is planned to move the shore line about 4,000 feet east. This is nearly a mile. The cost will mount into the hundreds of millions, and tremendous maintenance cost for upkeep and protection for the long shore line, which item will also be saved to the Illinois Central in addition to the 67-acre land gift. But there is no assurance the people will ratify a bond issue to pay for this nightmare of a scheme. The entire plan is conceived in corruption, its progress has been through a maze of secret meetings, underhand agreements, disregard for public rights, and insolence in the face of the expressed harbor plans of the City Council and the Federal engineers. If the people of the South Park district refuse to ratify a bond issue to pay for this idiotic outer park, the net result will be 67 acres additional to the Illinois Central nuisance, a perpetual and legalized barrier between Chicago and the lake, and the people will get nothing.

Threatens Malfeasance Suit.

I desire at this time to make a few remarks directly to every public official connected with this steal. Heretofore my friends and I have confined ourselves to fighting this steal at every turn in the City Council, in the Circuit Court, at Washington, and here before the engineers. We have laid bare all the facts, they have not been denied, they cannot. Everyone who has followed this matter must know by this time that this plan is a shameful attempt to steal public property and to present it to the Illinois Cen-

tral Railroad, who will doubtless divide the spoils proportionately. A part of the lake front may legitimately be used for park purposes, but not all of it. I, for one, am getting tired of giving my time and energy and money to fight a combination of railroad thieves and public officials, who should safeguard the public rights instead of betraying their trust. Mr. Van Vlissingen and I and our lawyer, Mr. Levering, are preparing to take this matter to the Supreme Court of Illinois. We will do this as soon as the lapse of time shall forfeit all grants to the Field museum under the will, while the Illinois Central fails to deed the site free of all encumbrance.

Our next move will be to sue the South Park Commissioners for malfeasance in office. Personally, I cannot imagine these gentlemen of the stock yards presenting 67 acres to the Illinois Central unless there is a quid pro quo. A good size switch yard for cattle cars on the lake front near 41st street seems to me to be the most likely perquisite.

Every organization in Chicago that has considered this matter in meetings attended by the general membership, has protested against it. The Chicago Association of Commerce and the Chicago Real Estate Board, notoriously representative of the wealthy interests only, are the only bodies that have approved it. Even this, I understand, was a star chamber proceeding, merely the action of the board of directors.

Organizations Opposing Lake Front Steal.

In open meetings after full discussion and consideration the following bodies have protested against the project for which a permit is now sought from your department: The Greater Chicago Federation (composed of delegates from upwards of 40 civic and business men's clubs in Chicago), the Cook County Press Club (representing over 80 local editors and publishers), the Cook County Real Estate Board (whose representative is here), the South Chicago Business Men's Association, the South End Business Men's Association, the Chicago Federation of Labor, other civic bodies that I do not recall, and a host

of private citizens. I represent several of these organizations. They do not all have time to follow around these lake front thieves in various courts, offices and other parts of the country, but they are all on record against this project.

Most of the people of Chicago have never had a chance to know what they have been cheated out of by the Illinois Central. Those of you who have been to Atlantic City, or in a smaller way as may be seen at Windsor Park, can understand the possibilities. Families go to the beach and spend the day in the sand, on the piers, under the trees, boating, bathing and enjoying the magnificent health-giving, life-saving lake. Between 51st street and the river the railroad has stolen the entire lake front. They have fooled the Legislature, conspired with the park board, evaded the City Council and cheated the public.

I. C. Plans Described.

The Chicago Examiner of June 28, 1912, describes a great terminal for 13 railroads contingent upon the consummation of the Illinois Central-South Park contract. These include, we are informed, the present roads using the Illinois Central station: The Illinois Central, Minneapolis, St. Paul & Sault Ste. Marie; Cleveland, Cincinnati, Chicago & St. Louis; the Michigan Central; South Shore Interurban and nine other railroads now using "two great railroad stations in the heart of Chicago, to be abandoned." This gives us an idea of how our lake front will look with 67 more acres of trains, soot, smoke, switch tracks and puffing engines between us and the proposed parkway, which will further remove the lake a distance of over 4,000 feet from the nearest existing roadway.

Parks Now Kill Navigation.

Railroads used to run along waterways with their own tracks to shut off the people from possible access to navigation. Nowadays they get park boards to assist a fool public to cut itself off from navigation by building cement walled automobile speedways along the water fronts while children cry for the sand and tired mothers view the lake through a vista of railroad tracks and smoke or speeding

automobiles and the sacred odor of gasoline. Parks can be built anywhere, navigation and harbors only where the deep water is.

The crime of 1912-13 is almost accomplished to take its place in history with the crime of "'52," the crime of "'69," and the crime of "'95."

A doctor tending a patient would not let a thief steal a watch from under the pillow. So the War Department, although considering only navigation, should not permit this gigantic theft, this grand larceny, to proceed unchecked. Do not allow this old man of the sea to throttle the port of Chi-

cago. Do not let us lose our grandest and best asset. Let us not commit commercial suicide for insincere dreams that will never come true. Let us not cut off our own good right arm.

Suggestion.

The city council should at once condemn desired streets across the I. C. tracks to the lake shore and compel the I. C. to elevate, like every other railroad in Chicago.

Then the people would have free access to the lake shore, which could be improved at will.



