





Chicago Fair  
24

SPEECH OF MR. HAINES OF LAKE, IN THE HOUSE  
OF REPRESENTATIVES OF ILLINOIS, FEBRUARY  
—, 1872, ON THE MILITARY OCCUPATION OF  
CHICAGO.

---

The House having adopted the following resolutions to-wit :

*Resolved*, That the military occupation of Chicago should be discussed and decided upon the well known principles of constitutional law applicable to the existing facts in the case.

*Resolved*, That the military should be in strict subordination to the civil power, and we regard any infraction of this principle a matter of vital concern, establishing a precedent dangerous to liberty ; but we believe the military should never be called upon to interfere in the domestic affairs of a State or city, except in the mode pointed out by the constitution and laws of the land.

*Resolved*, That we declare unlawful, and an infraction of the constitution both of this State and of the United States, the late military occupation of Chicago, or military operations therein, yet, in view of the extraordinary circumstances, and the great calamity existing when this military power was exercised, we exonerate the federal government and federal military authorities from intent to wilfully trespass upon the constitutional rights of the State, or interfere with its properly constituted authorities.

*Resolved*, That the protest of the executive of this State against a violation of the constitution was the performance of a duty imposed upon him by his office, and establishes a valuable precedent, which is hereby approved."

Mr. BROWN, of Massac, offered the following as an additional resolution, and as forming one of the series heretofore adopted :

*Resolved*, That we most heartily approve and commend the humane feelings and manly regard for the protection of human life and property which prompted the active energies of his excellency the President of the United States, his excellency the Governor of this State, Lieutenant General Sheridan, the Secretary of War, and others in authority, who lent their timely and efficient aid during and immediately succeeding the appalling catastrophe."

And the question being on the adoption of the resolution of Mr. Brown,

Mr. HAINES said : Mr. Speaker—Being chairman of the select committee that made the report concerning the subject still under consideration, and to which the pending resolution relates, I have

to ask the indulgence of the House for a few words of explanation concerning the subject of the report, to which the question at issue relates.

From intimations made to me, I have been led to believe that it was supposed I had prepared a set speech for this occasion. I must say, however, that such is not the case, and I have to regret that I am not better prepared to do justice to a subject of so much importance as this.

During the investigation of this subject by the committee, of which I had the honor to be chairman, I became informed of many essential facts not before known to the public; and I necessarily derived a large amount of information in the course of the investigation, which has given me, as I think, a correct understanding of the case in all its bearings.

Having, as I thought, fully performed my duty, and believing that the subject would be fully understood from the report of the committee, I had abandoned entirely the idea of making any extended remarks on the subject. But since it has been sought to add another proposition to that which was agreed upon in the Republican caucus as a substitute for that reported by the committee, I have felt it my duty to make a few suggestions in addition to what has already been said, and which I will do as briefly as possible, availing myself of the information, derived as it may occur to me again in the course of my remarks.

The position at length assumed by those upon this floor who seek to defend this federal military usurpation, as charged, is, that there had been "no military occupation" of the city of Chicago as set forth in the report of the committee, and as recited in the resolutions of the Republican caucus and adopted by this House. In the eloquent speeches of those two able gentlemen from Cook (Mr. Wait and Mr. King), they present this single issue of "no military occupation" by a sort of plea in abatement, conceding that if it is proved that there has been such military occupation, or "so-called military occupation," then judgment must follow accordingly with its just consequences. They frankly concede that if there has been such military occupation, or so-called military occupation, in the city of Chicago, it is in violation of law and ought to be condemned. There being no dispute as to the authority of these gentlemen to speak for and bind the parties they represent in this particular case, an inquiry may prop-

erly be confined to the issue thus presented. Has there been a military occupation of the city of Chicago as charged? This being shown in the affirmative, I shall take occasion to remark generally upon the consequences, and trust the House may be content with its judgment already expressed in the resolutions of the Republican caucus and adopted, without attempting an indirect justification of the wrong as proposed by the pending proposition.

We might try the question upon the evidence furnished by his excellency the Governor in his messages to this House on that subject, aided by the report of the select committee, but as this source of evidence has been criticised and questioned to considerable extent by the defenders of military assumption, as being partial and incorrect, we will draw our conclusions directly from the evidence furnished through a document, the correctness of which none will for a moment dare question. I allude to the document furnished us officially as members of the General Assembly, which bears evidence of coming from the press of the government printing house at Washington, a copy of which is before me. It purports to be a report of Lieutenant General Sheridan, of the United States army, from his headquarters of the military division of the Missouri, at Chicago, to the Secretary of War, giving a detailed account of his military operations in the city of Chicago at the time of, and subsequent to, the great fire in that city, and bears date December 20, 1871. But before proceeding to this report, I will call attention to one previously made by the Lieutenant General concerning the same subject between which there appears an essential variance as to the cause assigned which induced his action. It is found set out in the Governor's message of November 15, from which I will read :

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,  
CHICAGO, October 25, 1871.

*To the Adjutant General of the Army, Washington, D. C. :*

SIR: The disorganized condition of affairs in this city produced by and immediately following the late fire, induced the city authorities to ask for assistance from the military forces, as shown by the Mayor's proclamation of October 11, 1871. [Copy herewith, marked A.] To protect the public interests intrusted to me by the Mayor's proclamation, I called to this city companies A and K of the 9th Infantry, from Omaha ; companies A, H and K of the 5th Infantry, from Leavenworth ; company I 6th Infantry, from Fort Scott ; and accepted the kind offer of Major General Halleck to send to me companies F, H and K of the 4th, and company E of the 16th Infantry, from Kentucky. I also, with the approbation of the Mayor, called into the service of the city of Chicago, a regiment of volunteers for twenty days, &c.

[Signed,]

P. H. SHERIDAN,  
Lieut. Genl. Commanding.

This communication comes from the headquarters of the military division of Missouri, and is some indication of an intention to occupy the city of Chicago by a military force. This, however, it is replied, was done at the request of the Mayor. But our constitution says that the Governor shall be commander-in-chief of the military forces of the State. It declares that he shall not only be the supreme executive of the State, but that he shall direct the operations of the military whenever they shall be required. Yet, at the request of the Mayor, simply, it is here alleged the Lieutenant General ordered troops into the city of Chicago.

In the further report to the Secretary of War, to which I have referred, dated some two months thereafter (December 20, 1871), and emanating from the same "Headquarters of the military division of Missouri," the Lieutenant General recites the fact of the great fire which had occurred at Chicago, together with the attendant circumstances of the destruction of his military headquarters, and facts in connection therewith. At that point his report should have stopped, as that was the only subject over which he had any jurisdiction or control whatever within the city. But he has proceeded further. I will read from his second report of December 20. He says :

"Seeing, however, that troops would in all probability be needed for their good effect in quieting the apprehensions of the people, if for no other cause, and desiring to have the approbation of the city government before moving in the matter, I called upon the Mayor, Honorable R. B. Mason, and suggested that in my opinion it would be wise to have a few soldiers in the city to aid in the protection of treasure and property, until public confidence could be again restored. This suggestion was at once approved, and the following telegrams were sent to Omaha, Nebraska, and Fort Leavenworth, Kansas."

In his first report (October 25) the Lieutenant General states that he ordered the troops at the request of the Mayor. In his subsequent report to the Secretary of War, it will be observed he states the troops were ordered *at his own* suggestion. But which ever may be correct, I submit, that the act was not only a disregard of the laws and constituted authorities of the State of Illinois, but it was *entirely unnecessary* in view—First, of the facts which called for no such action; secondly, of the military strength and abundant resources of the State. But whatever may be our conclusions in this regard, we shall doubtless all concur in this, that, both reports thus far go to show most clearly a preparation for

military occupation somewhere—there is no variance on this point, and no mistaking the language of either in this regard. Let us proceed. I will now read further from the report :

“CHICAGO, ILLINOIS, October 9th, 1871.

“Colonel G. D. Ruggles, Omaha, Nebraska:

“Send without delay *two companies of infantry*, to report to me at Chicago for temporary duty. Send them from Omaha Barracks. If camp and garrison equipage is not in readiness it can be forwarded afterwards. Send also rations for twenty days.

(Signed,]

P. H. SHERIDAN,  
Lieutenant General.”

The war is to last for twenty days.

But there has been no military occupation in Chicago, say the gentlemen from Cook (Mr. Wait and Mr. King). This dispatch, however, looks like progress in that direction. Its language, too, is that of haste—on to the battle! the country is in danger! It is the language of our military commanders when hard pushed by the enemy. “Hurry on your forces without delay! Leave your baggage behind.” In the language of Connecticut’s immortal poet :

“Remember Lexington and Bunker’s tragic Hill.  
The same who spilt your blood thereon,  
Your blood again would spill  
—Legions of valor give the alarm,  
Rush, Rush, to guard our shores !”

But close upon this follows another dispatch, in the same peremptory style. I read again from the report of the Lieutenant General :

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI.

Chicago, Ill., October 9th, 1871.

To General JOHN POPE, Commanding Dept. of the Mo.,

Headquarters, Fort Leavenworth, Kansas :

Send one (1) company of Infantry (*a large one*) with camp and garrison equipage by rail to report to me here *as soon as possible*. If they cannot bring their camp and garrison equipage with them, let it follow them.

(Signed)

P. H. SHERIDAN,  
Lieutenant General Commanding

More haste for the scene of conflict! No military occupation? Why, what are all these armed bands brought here for? Certainly not to pursue the civil avocations of life; not to practice or expound the law; not to build up the city; not to engage in business pursuits; they are not artisans nor men of business professions. They are men with bayonets—bringing complete military armament. For what purpose? For war? Who ever heard that such were for any other purpose, and yet gentlemen say there

has been no military occupation here. Let us read further from this report and see :

Chicago, October 10, 1871.

General JNO. POPE, Fort Leavenworth, Kansas :

Send here *one company of Infantry* in addition to the one heretofore ordered. Send camp and garrison equipage and rations for twenty days.

(Signed)

P. H. SHERIDAN,  
Lieutenant General,

More troops for twenty days, and "no military occupation."  
Let us read further :

Chicago, October 10, 1871.

General JOHN POPE, Fort Leavenworth, Kansas :

The excitement here is such that I find it best to call on you for *two companies of Infantry*, in addition to the two already ordered. Let them come at once, and bring rations and equipage—shall not keep them very long.

(Signed)

P. H. SHERIDAN,  
Lieutenant General.

Short war, now—"no military occupation." More troops coming :

Chicago, October 12, 1871.

Major General HALLECK, Louisville, Kentucky :

Though the excitement here is rapidly subsiding, it is still such that I find it difficult to make good guards of citizens, and I therefore request that you will send without delay the four companies so kindly offered yesterday. They should have camp and garrison equipage ; if it is not ready let it follow them.

(Signed)

P. H. SHERIDAN,  
Lieutenant General.

Let us return to this dispatch again. The Lieut. General says :  
"I find it difficult to make good guards of citizens, I therefore request &c."

He found it difficult to make good guards of our citizens. Who placed him in authority over us to judge of our integrity, and our fitness for service in and about our own affairs ? If military skill was necessary, the city of Chicago and the State at large was filled with war worn veterans in the civil walks of life, fresh from the field of service in the defense of their country ; skilled in military discipline, and the art of war—whose patriotism and devotion to their local interests could not be questioned—and yet this high military functionary of the federal army, not a citizen of the State, and a stranger to our population, announces his distrust of our integrity or capacity to act as guards over our own property ; he therefore supercedes us by the introduction of federal troops under his command, and yet there has been "no military occupation" here.

The dispatch is in the same tone of haste as those preceding it. Leave camp equipage behind and hurry on your forces, and yet



up to the present time no cause whatever is assigned, or authority shown, for calling them. But, as if not content with the disregard of our State authorities by the Lieut. General, a major general of the federal army at a distant post, it seems, proposes to aid the usurpation by the tender of troops under his command. Had this tender been that of food and necessary supplies for the destitute, and building material and workmen for rebuilding homes for the homeless, a proposition of thanks might be appropriate, but in place of bread we are given a stone. In place of necessities to aid us to pursue our peaceful avocations, we are given weapons of war in the hands of strangers, whose profession is that alone of war. We are beginning to believe it to be true, that there has been some military occupation here, as charged. Let us, however, read further from the report of the Lieut. General :

“Later in the day (Oct. 10) however, numbers of the leading citizens called upon me and urged me to assume *military control* of the city as they thought that the condition of affairs was such that nothing but prompt action on my part could save the balance of the city, restore confidence and maintain order. Among others who came to see me was the late Colonel Thomas W. Grosvenor, who very strongly urged this course and said that the people would force me to assume control of affairs whether I desired to do so or not. \* \* \*

“During the evening the excitement grew apace ; certain persons commenced beating drums and calling the citizens together for organization under the Mayor’s printed notice, (as they claimed) and the most absurd rumors of incendiarism, robberies, murders and lynching prevailed. I did everything that lay in my power to allay the excitement by ridiculing the minute men and denying the various reports, but found to my astonishment that some of our best citizens credited the most startling rumors, though *I was utterly unable to find a single individual who had seen in person any of the alleged outrages.*”

It will be observed that the Lieut. General insists that the rumors of disorders were unfounded, and that his action was unnecessary, yet he is constantly ordering armed troops, and he plainly tells us that he was urged to assume “*military control of the city*” by leading citizens ; and further on in the report we will find his very distinct declaration that he did assume such control, and he afterwards speaks of turning over his authority to the old city government, who desired again to assume control. This, it seems to me, closes the last link in the chain of evidence showing that there was military occupation in the city of Chicago. But I wish I knew who those “leading citizens” were, and their number, who are so powerful as to intimidate the Lieut. General into assuming military control of the city, and who possess so much authority that they can abrogate the State laws and constitution.

There is no one citizen, nor any given number, who possess the power to overthrow the law and subject a whole community to military control. The city of Chicago is supposed yet to be a part of the State of Illinois, and subject to all its laws, and it must have been known to these "leading citizens," and the Lieut. General, that if military operations were necessary, the control was given by our laws to the Governor of the State, and you will search in vain for a statute or any precedent justifying the late introduction of federal troops into Chicago. Necessity may be pleaded, but we haven't yet lost our reason, and the plea is idle and of no avail.

But the Lieut. General shifts the responsibility upon the "leading citizens" of Chicago, and among them mentions particularly the name of Col. Thomas W. Grosvenor. Why this name is mentioned here so prominently does not appear, but it shows this person to be one of the "leading citizens" of Chicago and worthy of special mention, and invites our attention to circumstances following, as set forth in the report of the committee, concerning the person named. But for a better understanding of the case, let us return to the Lieut. General's report. He says, in reference to this military occupation :

"At a meeting of merchants and others, which I attended at their request I was again urged to assume control of affairs in the city, but again declined I however finally agreed to be responsible for order in the city, under the direction of the Mayor, and afterwards called upon the Mayor and stated to him that I would be responsible for the peace and good order of the city under his direction, provided he was willing to issue a proclamation to that effect. I proposed to accomplish this by the use of United States troops, and a posse of citizens, to act as special police, which I intended to raise and give a regimental organization, as I better understood controlling and handling men in that form. I also told him that I thought if I was responsible for the good order of the city, that *it would be necessary for the Chief of Police to report to me for orders, that there might be no conflict of authority.* The Mayor told me that he would first have to see the Police Commissioners in regard to the matter, and made an appointment to meet me at my headquarters at eleven o'clock on that day. At the appointed hour, the Mayor, together with Police Commissioners Brown and Sheridan and the Chief of Police, came to my headquarters, and after some conversation presented a proclamation which they thought would cover the case. I objected, however, to a portion of it which divided my authority with that of the Chief of Police, leaving him independent of any action I might take, and yet practically holding me responsible for the good order of the city. It was finally adjusted by my yielding the point, with the understanding that the Chief of Police would consult with me to the end that order might be maintained.

That's business. [Laughter.]

The campaign has begun in good military style. The remedy for all your ills is bayonets. The Lieut. General has twice refused

the importunities of "leading citizens" to usurp military control of the city, but upon the third he is overcome and accepts the situation. It is unlike the old example where a crown was thrice refused. The Lieut. General assumes complete control, dictates the terms, and requires even the police authorities to report to him and take orders concerning their duties; and that there shall be no mistake as to the position he will assume, he promptly informs the city authorities that he proposes to accomplish his purposes "by the use of U. S. troops and a posse of citizens," which he intends to raise and give a "regimental organization," his forte being to handle men best in that form. In connection with this most absurd proposition, there are just two suggestions to be made: First, the suffering people of Chicago required food, shelter and the necessaries of life, and they were not looking for ministering angels coming in rigid military form with bristling bayonets. Secondly, a military organization for the preservation of peace in a populous city was at variance with every rule of reason, admitting that there was the least apprehension of danger—which is denied. Warlike organizations are only for use.

But let us pursue this question of military occupation still further. In addition to the various orders for U. S. troops, we find in this report the following order:

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI.

*Chicago, October 11, 1871.*

General F. T. SHERMAN :

DEAR SIR : With the approbation of the Mayor of this city, *Lieutenant General Sheridan directs that you organize a regiment of Infantry* to consist of ten companies, each company to consist of one Captain, one First and one Second Lieutenant, and sixty enlisted men to serve as guards for the protection of the remaining portion of the city of Chicago, for the period of twenty days.

Very respectfully, your obedient servant,  
(Signed) JAMES B. FRY,  
Assistant Adjutant General.

Sir, the evidence is irresistible. We have come to the conclusion that there was military occupation in the city of Chicago. [Laughter.]

That it was in violation of the law, no one has or can dispute. The remaining question is, was there any emergency calling for this usurpation as urged? On this point I will refer again to this report of the Lieut. General. I read from page 13 as follows:

*Chicago, Illinois, October 12, 1871.*

Gen. W. W. BELKNAP, Secretary of War, Washington, D. C. :

As there may be some trouble here when the banks have to settle with their

*depositors* and to keep down excitement, I have deemed it best to ask General Halleck for four companies of Infantry, which he has notified me he has in readiness at Louisville. Do not let the Quartermaster General or Commissary General send any supplies here until I ask for them.

The supply coming in from the country in clothes and food is abundant at present, and I will hold in readiness sufficient of both to meet all emergencies.

(Signed)

P. H. SHERIDAN,  
Lieutenant General.

Herein appears to be the only reason assigned by the Lieut. General for his action from beginning to the end of his report. The thing dwindles down to a question between "the banks" and "their depositors," in which the military are to operate on the side of the banks. The Lieut. General declares, as I have already shown from his report, in words of the utmost firmness and candor, that all reports and rumors of disorder and apprehensions of danger, were without the slightest foundation. On this subject we will read further from his report at a later date.

*Headquarters Military Division of the Missouri,  
Chicago, Illinois, October 17, 1871.*

His Honor, R. B. MASON, Mayor of Chicago, Illinois :

SIR : I respectfully report to your Honor the continued peace and quiet of the city. There has been no case of violence since the disaster of Sunday night and Monday morning.

The reports in the public press of violence and disorder here are without the slightest foundation. There has not been a single case of arson, hanging or shooting ; not even a case of riot or of a street fight. *I have seen no reason for the circulation of such reports.*

It gives me pleasure to bring to the notice of your Honor the cheerful spirit with which the population of this city have met their losses and suffering.

(Signed) Very respectfully, your obedient servant.

P. H. SHERIDAN,  
Lieutenant General.

Here again he insists with renewed firmness that *all these fears were without the slightest foundation*. Thus two things are established by this report—that there was military occupation in Chicago, and that there was not the least occasion for it.

It is, indeed, true that the people were frightened. It is true that the great calamity seemed in the imagination much like a conflict of arms or a sacked city in time of war, as expressed by the Lieutenant General in his report, and it is this which furnished the inconsiderate idea of military aid, but, in this event, we had our own State military forces, and our Governor as commander-in-chief by our constitution and laws, and it ill becomes us, when restored to our better reason, to join in this indiscriminate censure of the Governor for his performance of a sworn duty in en-

deavoring to enforce the laws of the State, which we, as citizens, ought cheerfully to obey.

If the Governor was ignored on the ground of want of military experience—that the Lieut. General was applied to instead as possessing this qualification—we are reminded that the present Governor of Illinois was also an eminent commander in the Union army in the late war of the rebellion; that he was many times side by side upon the same contested field with the Lieut. General, equal with him in military rank, and let history speak for itself concerning the military genius and skill of Governor Palmer, especially at the battles of Stone River and Chickamauga.

It is said, sir, that history repeats itself. This is because like circumstances will produce like results. Whoever has had occasion to review the circumstances of the great fire in London in 1666, as I have taken occasion to do, will see the same wild absurdities as at the great fire at Chicago. I have here the diary of John Evelyn, an eminent English writer of that day, giving an account of the London fire, a reference to which, at this time, will be quite interesting, and it may aid us in passing judgment upon the absurdities of this late greater calamity. The writer says :

“In ye midst of all this calamity and confusion, there was, I know not how an alarm that the French and Dutch, with whom we were now in hostility, were not only landed, but even entering the city. There was in truth some days before, great suspicion of those 2 nations joining and now that they had taken occasion of firing the town. This report did so terrifie, that on a sudden there was such an uproare and tumult that they ran from their goods taking what weapons they could come at, they could not be stopp'd from falling on some of those nations, with whom they casually met without sense or reason. The clamor and peril grew so excessive that it made the whole court amaz'd and they did with infinite paines and great difficulty, reduce and appease the people. Sending troops of soldiers and guards to cause them to retire into ye fields againe where they were watch'd all night. I left them pretty quiet and come home, sufficiently weary and broken, their spirit thus a little calmed and the fright abated. They now begun to repair into ye suburbs about the city. Where such as had friends or opportunity got shelter for the present to which his majesty's proclamation also invited them.”

We find here the same unfounded apprehension and fear of danger as at Chicago, but no censure of the King appears for endeavoring to assure the distracted people that his power was adequate for their protection. But when the Governor of the State assures the people of Chicago that the power of the State is sufficient for their protection, and asks obedience to the law, he is maligned and insulted; and although the General Assembly of

the State came to the rescue and appropriated \$3,000,000 for the relief of Chicago, any portion of which, even to the whole sum, might have been used for purposes of defense and police duty, we find these acts of federal military occupation still going on, in defiance of law and the protest of the State through the Governor. This whole clamor to sustain this military usurpation is one grand humbug, and but proves the weakness of poor human nature. But it is claimed that the Governor, by failing to protest in apt time, in some way waived the rights of the people to insist upon observance of the law. It is true, the Governor took no exceptions to whatever may have been done by any one in good faith during the fire, or immediately thereafter, and no point whatever is made by any one in that regard. The first intimation that the Governor had of this federal military occupation, in defiance of State authority, was about the 17th of October, whereupon he interfered, as he properly ought. But the Governor's silence could not suspend the law and make this usurpation legal. I, for one, am ready to put the Governor on trial for the offense if he has been guilty of surrendering for a moment the authority of the State to the military authorities of the United States. I am not here to defend any one who has transgressed the law in this matter.

But we are told, sir, that this military usurpation was, after all, but a mere technical violation of law. So, then, it might be said that John Brown's raid upon Virginia was a mere technical violation of law. The oath taken by the regiment organized by Lieut. General Sheridan called the first Regiment of Chicago Volunteers, we are informed was as follows :

"We, the undersigned, do severally swear that we will bear true faith and allegiance to the United States of America, and that we will honestly and faithfully obey the orders of the officers appointed over us ; and that we will use our best efforts for the protection of property, and the preservation of order in the city of Chicago, for the period of twenty days."

This oath is one unknown to the Constitution and Laws of Illinois, and for that is a violation of the law. The result of this organization was that a prominent citizen was murdered.

The oath or pledge of those under John Brown's command, was one in favor of universal humanity, but the result was alike, murder. John Brown and those acting with him were condemned for their offences, and suffered the penalty of the law. The republican party considered the act of John Brown so grave an affair and so

important, that in their National Convention in 1860, they adapted as a principle in their platform the following :

"We denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."

We are informed that on the night of the 20th of October, Col. Thos. W. Grosvenor, referred to by the Lieutenant General in his report as one of the "leading citizens" of Chicago, while passing quietly along one of the streets of Chicago was fired upon by one of the members of this so-called 1st Regiment of Chicago Volunteers, organized by order of General Sheridan, and fell mortally wounded. No excuse whatever is given for the act except that Col. Grosvenor did not give some required countersign, which it appears he knew nothing of. The person committing the deed was not a citizen of the State, but a young student attending an Institution of learning in the city. When requested to halt and give the countersign, Col. Grosvenor explained that he lived in the vicinity near by, and turned to proceed when he was fired upon. This, it would seem was something more than a technical violation of the law. The deed can be characterized by no other term than that of a heartless murder.

In the city of Boston in 1770 when that city was occupied by the military forces of the British government against the consent of a dependent colony, an altercation was provoked between some citizens and a company of soldiers, which resulted in the shooting and killing of five of the citizens. In this instance the soldiers were lawfully stationed in the city, but the inhabitants claimed that the government had no right to quarter troops among them in time of peace to supercede the civil authorities without their consent, and it is said that this act of violence led to the great revolution which followed in 1776, but in that instance, the soldiers were surrendered to the civil authorities for trial. The historian says of this occasion, "at the cry of innocent blood shed by the soldiery, the continent heaved like a troubled ocean."

Shall history again repeat itself ?

"But it is these modest invasions of our rights as they would be termed, at the beginning which, if unrestrained, lead on to more serious circumstances.

Sir, all that was asked by Louis Napoleon when an exile from France after the overthrow of the Bourbons was the favor of re-

turning from banishment and to be elected to the French National Assembly. He certainly could never gain anything more, and those who refused to favor his appeal were considered disloyal to their country. When this was granted all he had to ask was to be elected President of the French Republic ; the Constitution allowed but one term of four years. His aspirations were therefore looked upon with favor. He was elected and at the end of his term, by the aid of the Military power of that Republic the President made himself Emperor and Dictator of the Nation.

A citizen of one of the Grecian States, a great favorite of the people, upon some trifling pretence, obtained a guard of fifty men. He found means of enlarging the number from time to time, and at length destroyed the commonwealth and made himself tyrant of Athens. So of the great Roman General in whom so much confidence had been reposed : against his own superstition was induced to cross the Rubicon with his army, and made himself perpetual Dictator of Rome.

These are among the innumerable instances afforded us by the light of History, which serve as living examples to a free people to warn them against indulgence of the encroachments of the military power.

We become slaves to tyrants by fitting our own necks for the yoke.

But sir, there seems to be a kind of Pagan superstition surrounding this whole affair which has characterized human frailty in all ages of the world. It seems to be held by some a sort of sacrilege in any one who will not concur that all the distresses of the people of Chicago were relieved by General Sheridan and his U. S. troops, and that they saved every one of them from some terrible end.

Many centuries ago there existed a city in what is called Italy, known as the "Eternal City." Its people were a very superstitious people. The historian in tracing up the records of that miraculous people finds a remarkable custom, that in a certain place called a temple, there was kept a flock of geese at the expense of the government, called the sacred geese. This being a singular custom the historian proceeds further to enquire concerning it, when he finds it to be asserted that at sometime in the history of that people the city had been saved by the flight of a flock of geese over the city, warning the people of an approaching enemy.



And thereafter these geese were so kept to commemorate this event. They were consecrated as sacred to the gods, and that Roman who should refuse to recognize the sacred character of those geese or deny that they had saved this city from destruction was deemed guilty of a high offence, and it seems to have come to that in this day, that he who refuses to recognize the divine right of a military commander, is a traitor, and disloyal to the republican party.

MR. GALLOWAY.—Mr. Speaker, I wish to ask the gentleman a question. I wish to ask him if after arranging all these facts to his own satisfaction, he has not said he had no fault to find with General Sheridan for anything he did ?

MR. HAINES.—I don't recollect of saying any such thing.

MR. GALLOWAY.—I would call upon the gentleman from Sangamon, Mr. Rice, to state his recollection.

MR. HAINES.—I will say to the gentleman, I was about to refer to a circumstance of which he reminds me, and to which I will now refer so as to prevent any misapprehension on this point, although I do not see how anything I may have heretofore said, can change the facts or excuse invasions of the law if there has been any. It seems that my position is not correctly understood. I was present during this great fire and have some means of knowing the facts. During and immediately following the fire, while everybody seemed wild with excitement, Lieut. General Sheridan did many things to my personal knowledge as a citizen, or inhabitant of the city, in a civil capacity, as did hosts of other citizens, for which he is entitled to great credit, to which the select committee have referred in their report to this House and of which I have frequently spoken, and I do not wish to be understood as saying anything to the contrary here. I am not here to arraign General Sheridan and thus far have only reviewed his acts from his own report. I have said nothing but what he says himself, and if I indulge in criticisms at all it will be only with reference to acts done after the excitement had subsided, and reason had been restored. It will be remembered that the resolutions of the Republican caucus which we have adopted in this House exonerates the federal military authorities in the continuance of their military operations in Chicago from any wilful or corrupt intention and places the whole thing on the ground of mistake or

ignorance of the law. (Applause.) Such being the judgment of this House and the country, on this point I need say no more.

And now as to the report of the select committee on this subject, whether adroitly drawn or not, as expressed by the gentleman from Cook, (Mr. Waite) it does not matter. It presents a plain statement of the facts and nothing more, but when that gentleman summoned me to judgement for the adroitness of this report I was reminded of the thrilling admonition of the sacred lyric :

“Hark ! from the tombs a doleful sound,  
Mine ears attend the cry.”

(Laughter and applause.)

I will refer to this minority report of the select committee. It concurs in the important fact that there was a military occupation in Chicago. This report is an interesting document. It is well drawn.

MR. SPRINGER.—Who wrote it ?

MR. HAINES :—It is immaterial who wrote it. But unlike the coat of many colors of the son of the Patriarch, its patch work has not excited the peculiar envy of any one. We are willing to receive it for all it is worth. It is but cumulative on the majority report, and arrives at the same general conclusion. Hence it is hoped we may be unanimous in our judgement on the pending question.

And still further as to this mere technical violation of the law. As has been said, John Brown's raid into Virginia was nothing more. So the invasion of human rights in the existence of slavery in the Southern States was merely a technical violation of the law of humanity. It did not harm us in the north, yet we considered the principle wrong and the example dangerous to our liberties, as interpreted by the Dred Scott decisions ; the people of the north arose in their might, staking everything upon the issue of civil war, and they blotted out the institution forever.

So of that odious tax levied upon the American colonies by the British government, without representation, when afterwards, five-sixths of it was repealed so that it was no longer a burden, and all the colonies except Massachusetts had given their adhesion to the authority of the British parliament, as the tax was no longer a burden, yet the leading spirits of Massachusetts, foremost among whom was Samuel Adams, declared that it was a *principle* for which they were contending, and as the memory of Samuel Adams

and his coadjutors has been cherished in the hearts of a grateful people, for their defense of a vital principle, so will the memory of Gov. Palmer live through succeeding generations, for his faithfulness to the principles of civil liberty, and his rigid observance of his constitutional obligations imposed upon him by the people. Still further as to this plea of mere technical violation of the law. The sensibilities of society, including zealous politicians, is becoming shocked to the core in consequence of alleged irregularities in the domestic relations discovered to exist contrary to law in one of the territories or the United States. While it has been urged that this is but a technical violation of the law, as affecting no one but the parties concerned in that distant territory, yet the subject is considered so important that the civil and military power of the nation is being rigidly exerted to suppress the evil complained of.

Not long ago the President of the United States, construing the constitution as he understood it, according to his oath of office, took occasion to remove from office the Secretary of War, contrary, as was alleged, to an existing statute, of which this act was considered a technical violation, yet, as a matter of principle, the subject was considered so important that the President was arraigned before the high court of impeachment, for this technical offence against the law.

In this view of the case, all violations of the law may be regarded as but technical. Importance is attached to the act according to results which follow. Then let us look at the results which followed the present technical violation of the law. The result was most serious ; a leading citizen was murdered. The killing of Col. Grosvenor I can call by [no other name than murder. This was the term used by John Hancock in an eloquent oration upon the anniversary of the death of the citizens of Boston killed by the soldiery under similar circumstances. The person who killed Col. Grosvenor was not himself a citizen. He, with his co-trespassers had taken an oath against the laws of Illinois. They were armed against the law. His so called orders were unlawful. His whole intentions and conduct were unlawful, and the act was murder. As the gentleman from Jefferson (Mr. Casey) has expressed it, "another home made desolate by a murderous order."

I will not stop to picture the distress to a family, which followed from this high-handed violation of the law. The offence is aggravated by the conduct of those who attempt to excuse the crime, in circulating slanderous reports to the effect that Col. Grosvenor was at the time intoxicated. The evidence proves to the contrary. The moment he fell he seemed to be conscious that his wound was mortal, and his first words expressed anxiety for his wife and infant child. His pecuniary circumstances were moderate and his family were dependent upon him personally for their support. His only income was his salary as a city officer and his pension from the United States as a disabled officer of the Union army in the late war of the rebellion. I have attempted to read through the evidence taken before the coroner's jury relating to the circumstances attending the last moments of the dying man in the presence of his family, but my weak nerves were inadequate to the task; a copy will be found in the Executive office, to which, if gentlemen will refer, I feel assured that they will join with me in condemnation of this murderous act, and cease not until justice shall be done, to the memory of the murdered man, and I think they will then see how it may be that Gov. Palmer, under the generous impulse of his nature as a man, has felt it his duty to be still more earnest in his protest against this violation of the law.

A few words further on this subject. It is a lamentable fact that in the midst of all the charities that have been showered in upon the destitute and terror stricken people of Chicago, no portion thereof has found its way to the distressed family of Thos. W. Grosvenor..

As remarked by the select committee in their report to this House, to which reference has been made, Col. Grosvenor had in his life-time performed the highest duty of a citizen to his country, that of military service in time of public danger. He enlisted in the Union army as a private soldier in the volunteer forces of Illinois, in the early part of the war of the rebellion, and for his bravery and meritorious conduct was regularly promoted to the rank of Brigadier General. He had periled his life in many a hard fought battle in defence of his country, and for the protection of the homes and firesides of the citizens of his State; and now, in time of peace, retiring maimed for life, he had a right to expect protection for himself and family, under that law which his

sacrifices had aided in sustaining and preserving. But since his life has been so needlessly and heartlessly taken, it was to have been hoped that those who have been so clamorous in their defence of military rule and its consequences would manifest some interest in behalf of his dependent family.

In keeping with this whole spirit of disregard of the law, comes this clamor from certain sources against His Excellency the Governor for his attempt to enforce civil authority for the protection of human life. The verdict of the coroner's jury in the case of killing of Col. Grosvenor—declaring the act to be murder, with the circumstances attending comes to the attention of the Governor. The evidence points to the guilty parties. From the action taken or want of action by the local civil authorities, it appears to him that none is designed. The violation of law being a serious one, resulting in the destruction of human life and the force engaged being a formidable one, the Governor felt it his duty under his oath of office to do all in his power to enforce the law and bring the offenders to justice, whoever they might be. Hence his communication to the Attorney General and State's Attorney at Chicago, which is familiar to all. This excitement is carried to such an extreme that everybody seems to have lost their reason. Lawyers proclaim that the Governor has no such power to enforce the law, statesmen declare that the supreme executive of a State is a mere figure-head, and the whole proceeding falls to the ground. In our sober senses as lawyers, however, and men of sense, we know that the Governor was right; if not, our whole system of government is a failure and our rights depend upon slender contingencies.

Many years ago a native of Austria and an inhabitant of the United States, who had declared his intentions to become a citizen, was arrested in the Mediterranean Sea on board of an American vessel, by the Austrian authorities and taken into custody on charge of some political offense, not included in any treaty negotiations. The Captain of an American vessel of war lying near, demanded the release of the prisoner, and compelled his surrender under threats of force. Application was made by the Austrian government to the United States for reparation. The case was heard by Secretary Marcy of the State Department, when it was urged in behalf of Austria that there was no law warranting such action on the part of the United States, the person in question not

having fully become a citizen of this government. The spirit of our government being favorable to liberty, the Secretary was inclined to hold strongly in favor of the act done, but finding the law at least doubtful, and as if half despairing of his position he declared that in a matter of this importance, involving so much of interest to the human race, there was a "higher law" to which he would appeal, and by the rules of which he would sustain the action of the American commander, and the judgment was approved by the nations of the world.

If, therefore, we have come to that, that human laws have failed in our midst, and no longer afford protection to human life, may we not alike appeal to that "higher law" for the remedy sought,—by every principle of which the action of the Governor must be sustained.

The principles underlying our form of government are not that of weakness. The Governor, as the representative of the people, in the executive department of the government, like an individual acting for self preservation, from the very nature of his position possesses all the power necessary to preserve the government and protect citizens, through plain rules of the law. It was the want of the exercise of this power on the part of President Buchanan, that lent strength to the rebellion and nearly involved the nation in irretrievable ruin. He persistently refused to act for the public safety, constantly asserting in the style of the clackerers at the heels of Gov. Palmer, that he possessed no power in law whatever, by which he could stay the threatened destruction of the nation. President Lincoln found a rule of proceeding under that "higher law" by which he called out his army of 75,000 men, and we were brought through in safety.

Among the most violent assailants upon the Governor for his legal position on this point, have been, I regret to say, some of the newspapers of the State, understood to represent the present national administration. To show their inconsistency and evident bad faith, I wish to read some extracts from a late issue of one of these papers. It is one of the leading republican papers of the city of Chicago, and in times past has been marked for its candor and sincerity, but it joined heartily in condemnation of the Governor for his communication to State's Attorney Reed, concerning his duty in connection with the Grand Jury, relating to the murder of Col. Grosvenor, making it appear that the State's Attorney

was powerless in the premises ; but now, in regard to a local matter in that city of less importance, this same paper finds how the States Attorney is the principal functionary in all criminal cases. That part of the article to which I refer is as follows :

“THE “RING” PROSECUTION.—The Grand Jury to investigate the charges of bribery brought against members of the Chicago Common Council has been impanelled, \* \* \* \* \*

Much as the Grand Jury has to do, and grave as are its responsibilities, the District Attorney has a weightier responsibility than they all. Mr. Reed is the prosecutor. To him the jury and the public look for a thorough ferreting out of the ring. \* \* \* \* \*

It is rare that a public man has so much personally at stake on one issue as Charles H. Reed has upon the result of the present special Grand Jury investigation. Should he do in Chicago what Charles O'Connor is doing in New York, he would gain the lasting good-will of all good citizens.”

The cause of the difference in the two positions has been accounted for in this way. In the former case there was an opportunity “to kill off a first class governor” as it was expressed, and enhance the chances of some played out politician for the succession. In the latter case the politicians had no interest.

Another straw is thrown in the way to show which way the wind is blowing. I will read another extract giving an account of action by the Mayor concerning a disturbance that had occurred at the City Hall in Chicago recently.

“The City Hall was well guarded by a squad of twenty-five police, and no disturbance occurred. The Mayor sent in his message referring to Monday night's riot, and announcing he had taken measures to have the ring leaders of the mob brought before the grand jury.”

Thus it appears to be settled up in Chicago that the Mayor of a city has power in behalf of the State to cause offenders to be brought before a grand jury, but the Governor is utterly powerless to represent the State in any such matters.

And now sir, in conclusion. I have endeavored in what I have had to say to express my views as clearly as possible, and hope I have not been misunderstood. It has been my endeavor not to say anything that might be construed as a reflection upon the conduct of individuals or their motives. I must be allowed to say however that in my opinion this whole military occupation business may be summed up in this ; it was one grand humbug, an egregious blunder and a gross usurpation, resulting in serious consequences, and which it is hoped may never be repeated. The resolutions already adopted condemning the act and sustaining the

Governor ought to be adhered to. Their effect should not be impaired by the resolution pending and it ought to be defeated.

And now a word to the young men of this House who are assuming the places in public life in the state of statesmen who have gone before them. Let them imitate their example. Let them make no mistake by placing themselves wrong on this important question. I would remind them especially of the illustrious examples of Abraham Lincoln, Stephen A. Douglas, Lyman Trumbull, John A. McClernand and others who have filled positions upon this floor in times past. Study their example and rise to positions of manly firmness, and dare to do right regardless of the threats of small politicians.

I have in this matter no private feelings to gratify, and no personal interest to serve. I expect to pass out of official position with the close of my present term. Hence the part I have taken in this matter is to be among the last of my official acts as a member of this General Assembly, but I shall ever feel conscious that I have performed my whole duty in my endeavor to stand by the rights of the people, by the Constitution I have sworn to support, and to stand by my State and my Country. [Applause.]



CONCLUDING SPEECH ON THE MILITARY OCCUPATION OF CHICAGO, BY HON. G. A. KØERNER, OF ST. CLAIR COUNTY.

---

*Mr. Speaker:*—I do not arise to debate the question before us. I think it has been sufficiently debated and is well understood by the House, and I desire to make a motion before I sit down.

But one thing I desire to say before I take my seat, and that is in reply to the gentleman from Cook, (Mr. Root.) Neither he nor any of the gentlemen who have favored the resolution now before this body have given us any good and sufficient reason why we should adopt it. There is not one gentleman who has shown us any necessity which should compel us to adopt the resolution; but the gentleman from Cook, (Mr. Root,) stands up here and wants to force the members of the dominant party to vote for the resolution because he says democrats are opposing it. That is not a good reason for adopting something which these gentlemen in their ingenuity cannot find arguments to defend.

He tells us, Mr. Speaker, that the cry has been heard before, that military occupation was a dangerous example, and says it was heard at the time the union troops were forcing their way through the south and subduing the rebellion. But where, sir, is the rebellion you are now subduing? What cause is there now, sir, to bring to bear upon the proposition the great lever of the party—a proposition in itself so plain and simple as this? Is it to frighten those of the dominant party who have expressed a willingness to go as far as we have gone and no farther—who have expressed a desire to stand by the resolutions which the majority of the party in their late official caucus resolved upon? It is this and nothing else. I, for one, can not be frightened by the cry that democrats are voting the same way that I vote, if the way in which I vote is right and one my conscience approves of.

As I have said before, Mr. Speaker, I have listened in vain, though intently, to find some reason why we should vote for this resolution. None has been given us. None has been offered us by any gentleman. Now, if there is no reason for it, we certainly should not adopt the resolution, and as we have spent many nights, sir, in discussing the subject, I think by this time it is best for us—best for the dignity of this house—that we should now close the debate, and I therefore move, Mr. Speaker, that we postpone, indefinitely, any further consideration of the subject.

F  
548  
.42  
435  
1872  
PARE  
EM 16

