

A Scene From A Jury-Room
by Sylvanus Cobb, Jr.

I once had the extreme felicity of leaving my business to serve on “*the Jury.*” I plead in all manner of ways for release, but to no effect. I could not swear that I was deaf, nor blind, nor yet *non compos*: But I did tell them that I had already formed an opinion. They asked me if my opinion would prevent me from receiving the testimony in good faith, and rendering a verdict according to it. I replied that of course I should weigh the evidence carefully, and be governed by it. I was informed that I “would do.”

The case to be tried was one of arson—then a capital offence—and the prisoner at the bar was a young man, named Charles Ambold, whom I had known from boyhood, and who was naturally one of the finest youths of the town where he resided. He had a widowed mother, who depended upon him for support; and his circle of friends was large and choice. I was morally certain that he did not commit the crime, and hence, I am sure, those who were friendly to him got me upon the panel, and had me retained.

The trial commenced and we twelve men took our seats in the jury-box. I had a very respectable set with me—only there was one man whom I didn’t like to see there. This man was Moulton Warren. He was a dark-faced, sinister-looking fellow—at least to me. I knew that young Ambold had one fault. He had recently been addicted to drink, and had been known to visit disreputable houses. It was one of those houses that had been burned, for setting fire to which he had been apprehended.

Now I had often tried to persuade Charles Ambold from the course he was pursuing. He had repeatedly promised me that he would reform, and as repeatedly he had broken away. I had often talked to him of his poor mother, until he had wept like a child; but the effect was not lasting. There was a power of temptation more effective than any influence I could wield. He would fall away into this evil companionship, and for a while his manhood was gone. One or two abandoned women had gained great power over him and upon them he wasted much of his substance.

And I knew that this very man who was now upon the jury—this Moulton Warren—was the one who had done more than all others to lead the poor youth away. It was Warren who had drunk with him, who had caroused with him, and who had led him away to those more abominable haunts of sin and pollution. Why was he upon the jury? I could only account for it upon the ground that Charley still supposed him to be his friend. The poor scorched insect still ignorant of the flame that scared him. He really believed that Moulton Warren was his friend.

The trial commenced. The indictment set forth that Charles Ambold had, “with malice aforethought” and with all sorts of wicked and felonious intents, set fire to a certain dwelling-house, thereby endangering human life. This dwelling, as I have already intimated, was a low sink of iniquity, where the abandoned of both sexes were wont to congregate; and where the youthful prisoner had spent much of his time.

The evidence of the prosecution came on, and I was startled. One after another gave in their testimony, some of them very reluctantly, and I was frightened when I saw how plainly it all pointed to the prisoner being the guilty party. Several credible witnesses swore that they had heard him threaten to burn the house down; and others had heard him say repeatedly that *he wished* it were burned down! Then came several witnesses—three of them prominent citizens—who saw him lurking about the premises on the night of the fire.

With regard to the provocation on the prisoner's part for such a deed, it was proved upon his own admission, that he had been ill-treated there, and that he had sworn to have revenge. And furthermore, it was proved that he had been heard to say, that his salvation of soul and body depended upon the destruction of that house. Next came some testimony stronger still.

The fires had been set in a back basement room, where shaving and other stuff for kindling were kept. Entrance had been gained through a back window, which had been partly pried open with a stout knife. This basement wall was of brick, and beneath the sash was found the blade of a knife which had been broken off in trying to raise it (the sash). A maker of cutlery had made a knife to order for Ambold only a month previous, and he knew the blade at once, and swore to it.

But this was not all. The fire had been evidently set first to the shavings which lay upon the stone floor, but piled up against a wooden partition. This floor was damp, and some of the outer shavings, even, were not wholly burned up. But just at the edge, where the fire commenced, lay a piece of paper, rolled up, and about half burned; and from the manner in which it lay, it was very evident that the fire had been set with it. This piece of rolled paper had been ignited by a match, a number of which were scattered around, and as soon as it was on fire it had been laid upon the floor, with the burning end just in the shavings. Of course those shavings were in a blaze instantly; but the paper torch, being upon the damp stones, had not burned wholly up.

And this paper was found to be a part of a letter belonging to the prisoner! A letter which he had received from a friend of his (and a friend of mine) only a week before! That friend had to come forward and swear that that piece of charred paper was a part of a letter he had written to the prisoner! This friend's name was Stephen Grant. He was a young merchant, and the letter had been written for the purpose of inducing Ambold to reform. Stephen tried hard to avoid testifying, for he knew, as did others, that the fires must have been set with that identical paper; but he was summoned, and he could not deny his own chirography.

The case looked dark. Many witnesses were willing to testify to the prisoner's good qualities; but not one could swear that he was not dissipated and degraded. That house had been to him, indeed, a region infernal. Its destruction called out for his bodily life; and its existence had long been eating away his soul. Poor Charley! I had before been sure of his innocence; but now I could only shake my head and pity him.

Finally he was allowed to speak for himself. He said he was innocent of the crime imputed to him. He said that he had threatened to burn that house down—that he had said about all that had been sworn to. And, furthermore, he was around the house on the night of the fire. He was not ten rods off when the flames burst forth, and he was one of the first to give the alarm. He had

uttered one cry of fire when he noticed where the flames must have originated, and the thought came to him if he were found there, he might be suspected of having set the fire; so he ran away.

He also said that three nights before the conflagration he had been robbed in that house. His pockets had been emptied of everything in them, and his pocket-book, containing forty dollars in money, and some valuable papers had been taken. He had gone there on the night of the fire to try to persuade them to give him back his money and papers,— or, at least, to get back what he could. When he got there he saw a man go in whom he did not wish to see, so he hung around, waiting for him to depart. He was around by the back part of the building once, and only once—and that was an hour before the fire broke out. He knew nothing of it—nothing. He clasped his hands, and with tearless eyes raised toward heaven, he called on God to witness that he was innocent!

I have told you that I knew him well. I knew him so well, that from that moment I knew him to be innocent! I knew his very soul—I knew how free and open it was—ah! how sinfully so!— and I knew that there was no falsehood in the story he told to us.

“My boy is innocent! My boy is innocent!”

I heard the cry—and I saw an old woman sink into the arms of a male companion. It was his poor mother! Her heart was well nigh broken! Yet I saw that all this had but little effect upon the mass of the spectators. The prisoner’s course of dissipation—his many threats against the house—and the very fact of his having been robbed and abused there, were heavy against him.

The counsel for the prisoner made his plea which was labored and hard. He was foolish enough to intimate that if his client *was* around at the back part of the house more than once, he must have been intoxicated. In short, his plea had better been left out. The evidence he could not shake, and he did all he could to suppose evidence, some of it most absurd and ridiculous. I afterwards learned that Moulton Warren engaged that lawyer for the youthful prisoner! The government attorney made his plea. It was plain, straightforward, and very conclusive.

The judge finally gave his charge. He was fair and candid. He reviewed the evidence carefully, and pointed out such as bore heavily upon the case. He told us if there was a lingering doubt in our minds we must give the prisoner the benefit of it. But I could plainly see that there was no doubt in his mind.

We—the jury—were conducted to our room by an officer, and there locked up. A silence of some minutes ensued. Moulton Warren was the first to speak:

“Well,” he said, “I s’pose there’s no need of bein’ *here* a great while. Of course we all know that the prisoner must ‘ave set fire to the house!”

There was something in the manner of that man as he said this which excited my curiosity—only curiosity. He spoke with a forced effort at calmness which I at once perceived. The more I looked at him the more I became strangely nervous and uneasy. I wondered why he should be so anxious to be rid of the case, and have Ambold convicted. I knew that he had frequented that evil

house, and that he had done much toward tempting Charley to dissipation. I knew that he was in that house on the night on which the prisoner was robbed—for Charley had told me so when I visited him in his cell. I had then asked the unfortunate youth if was sure Warren was his friend. O—he was sure of it. He should have hunted him up on the night of his robbery, only they told him Warren was gone.

By and by the foreman proposed that we should each take a piece of paper and write down our opinion, and then compare notes. I went to my hat, which I had placed upon a table with a number of others, and took out a half sheet of paper. I had got half way back to the table when I found I had made a mistake. I had got part of a letter from another man's hat. I was about to turn back when the name of the writer of the letter arrested my attention. I looked more closely, and read—"STEPHEN GRANT." Next I caught this sentence,—

"And now, dear Charles, if not for your own, yet for your mother's sake, let me hope you will do better."

I started as though a shot had struck me. I held in my hand the other half of the sheet which had been used to fire the burned house! I went to the table and found that I had taken it from Moulton Warren's hat! I looked to see if I had been observed—and I had not. I put the paper back, and then took a piece from my own hat, which was of the same pattern as the other, and by its side.

I returned to the table and sat down. Warren was by my side. He had written his opinion, and took a knife from his pocket to cut it out from a large sheet.

"Let me take your knife for a moment, if you please," I said to him.

Without hesitation he did so. I took it—*it was Charles Ambold's knife!* The large blade was gone! With all the power I possessed I restrained my deep emotions, and having cut my paper I handed back the knife.

Why should he have that knife so boldly about him? I afterwards learned. He had not worn those pantaloons before since the night of the fire; and now he used the knife, probably, without the least remembrance of the loss it had sustained during a very peculiar piece of work, to the execution of which it was made subservient.

We talked for some ten minutes, and I found that eleven of the jury were bent upon rendering a verdict of guilty; though most of them were in favor of recommending the prisoner to mercy. Moulton Warren was decided. He had no mercy at all.

Presently I started up and pretended to be faint. I said I must go out a few moments. I kicked at the door, and the deputy sheriff came. He heard my plea and let me out. As soon as we had gained a safe distance I told him all. He was astounded. He went away, and when he came back he brought the district attorney and the sheriff. I told again what I had seen—I assure them that I knew what I had seen—that it was no mere suspicion. And I explained, too, Warren's manner in the jury-room, his former connection with the prisoner, and his known character.

These officers went away, and at the end of ten minutes they returned with a constable added to their number, and this constable had a freshly written instrument in his hand. The sheriff bade me point out the hat to them as soon as we entered the room.

The door of the room was opened, and I pointed them to the hat. The sheriff took it, and asked whose it was. Warren leaped to his feet, and would have seized it, but he was held back.

Word was instantly sent to the judge that the jury could not agree. They were discharged, and then Moulton Warren was searched. The knife was found upon him, and his behavior at once exposed his guilt. The presence of the letter was accounted for by him a dozen different ways within an hour.

A new jury was impaneled, and Charles Ambold was acquitted. Shortly afterwards Warren was tied, and it was plainly proved that he had set fire to the house, and that the woman who kept it was to have been burned up in it, as he had contrived to lock her into her room shortly before setting the fire. She had incurred his displeasure in various ways, and this was his revenge. Not only she, but two of her girls had suspected him from the first, but they dared not complain, for fear he might not be convicted, and would then be sure to murder them.

The hardened villain confessed his guilt after he had been condemned, and then it was that he told how he happened to be so careless in regard to the paper and the knife. It was he who robbed Ambold, and when he took the old letter from his hat to use as a torch in setting the fire, he did not notice what it was, and even when that partly-burned half had been exhibited in court he had entirely forgotten that he had torn off the other half and put it back in his hat, as he must have done. The letter had been found in Ambold's pocket-book, and he had kept it because in it the youth was warned against *his* influence. He confessed that he held a slight idea of calling the writer to account when it should become convenient. With regard to the knife, it was as I before stated. He had taken that also from Ambold's pocket, and put it in his own; and on the night of the fire he used it to pry up the sash with, and when he had broken it, he put it back in his pocket and forgot it.

Thus was Charley saved—and saved from more than an ignominious death, too. He was saved to be a noble, virtuous man; and his mother once more took ample delight and joy in the love and tender care of her only child.

When Charles Ambold knew that Moulton Warren had expiated his crime upon the gallows, he sat down and pondered upon his past life. The thought of his old companion being hanged sent a strange thrill through his frame. But he was able to trace out, clearly and logically, this terrible result from the course of life the ill-fated man had pursued. He shuddered as he remembered how far he had gone in the same course himself; and he was able to see the only safe path for any youth.

Not only must he shun temptation—not only keep clear of the appearance of vice—but, above all, must he shun all evil companionship. A youth may take all the good resolutions thought can afford, but if he continue one evil companionship he is not safe!

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