

Jacob's Insurance

It resulted in a lawsuit.

The culmination was on the sixth day of September, 1881 — that strange yellow day that attracted so much attention in the Eastern and Middle States— and the place of the trial was Albany.

Jacob's farm house was near the Cove, about seven miles below Albany. From his door he could look down upon the Hudson. The Cove, by the old landing, with its decayed houses, was also visible. The cars racing along the further shore of the river were a lively feature. A dozen miles lower down the valley, the river hides behind the Catskills.

In this house thus picturesquely situated, Jacob and his ancestors had lived for ninety years. The family name was an inheritance.

Jacob was forty-two years old, tall, blonde, with a mobile face, and a dash of red in his cheeks.

On the 17th day of September, of the year previous to that of the yellow day, Jacob was awakened in the night. He heard his pigs squealing and "bucking," as he termed it, against his house. He went out, half dressed, and found the pig pen a heap of embers. Mary, his wife, and William, his boy, came out. They found all the pigs, but they were scorched and knocked about, and one died in a few minutes of his burns. The family went to bed again, but did not sleep much.

In the morning Jacob got out his insurance policy, and he and Mary and Willie looked it over. They did not see anything about a pig pen in it, and so he put it away again.

A week later Jacob's small barn, four rods south of his house, burned. It was in the daytime, in the afternoon. Jacob came back from Albany at 5 o'clock and saw only the vacancy. Willie said that at 3 o'clock it was on fire. Some of the neighbors had come, but nothing could be done. It was of pine boards, thirty years old, and empty.

The insurance policy "had all about the barns" in it, Jacob therefore went to "Silas" at the Cove and made application for an award. They had a local insurance company in town. They had seen "enough" of large companies; the mutual affair at home was better. Jacob's policy was in the home company.

As soon as Jacob told his story, Silas said it was all right.

The committee came next day. They awarded Jacob \$100. It was satisfactory. Five days later Jacob's large barn, further away from the house and on the other side, north (toward Albany), where all his hay and wagons and implements and crops were, suddenly took fire and burned up.

It was "astonishing!" What could have caused it? It was a heavy loss this time. Jacob had hard work to get his horses out and save them; all else was consumed. It was a very mysterious fire;

all three of the fires had been mysterious. The last fire occurred in the edge of the evening, just as it was growing dark. Jacob was at home in his house, and did not know of the conflagration until a woman came from the next house screaming.

“I didn’t know you had an enemy, Jacob,” said old William Kamfer, just after the fire.

“I didn’t either,” said Jacob gloomily.

There was comfort in the fact that the property had been insured. The day after the burning, Jacob went to the Cove and made his application.

“Something seems to be after you, Jacob,” said Silas, eyeing him keenly.

“Yes,” said Jacob sadly.

Silas wrote the required papers, and said the committee would come up soon. The next morning, at 9 o’clock, the committee were on hand and examining the place where the barn had stood. They were “at it” more than two hours. There was a great deal of measuring and making inquiries; they said it was a heavy loss. Besides the long examination of the place where the large barn had been, they had the curiosity to go and look once more where the small barn had been, and took some measurements there, and they poked in the ashes of the hog-pen, and walked the premises. One of them carried a book, and jotted down the measurements and other items.

The committee delayed making any award. They said it was an important matter, and they would take time.

After three days Jacob went down to the Cove and inquired of Silas. The answer was that the board would meet before the end of the week, and that something would be done about it. Some of Jacob’s own immediate friends and neighbors belonged to the board. He spoke to them about it; they seemed reticent.

There was delay, and another visit of the committee, with more measuring, and a first and then a second meeting of the board. After about fifteen days, however, Silas walked up to the Cove, a distance of two miles, and left a letter with Mary for Jacob.

When Jacob came in to dinner he got the letter. It had the insurance company heading, and said:

Mr. Jacob Wilson— : In the case of the barn on your premises, which was burned on the 29th of September, 1880, it is decided, in view of all the circumstances, that no award will be made.

This was signed by Silas as secretary of the company.

A week later Jacob was in a lawyer’s office in Albany, in private consultation.

“I don’t want no lawing,” said Jacob, “and my wife says so, too; although we can not stand it, to lose eighteen hundred dollars,”

“Are you going to let them say you burned the building?” said the lawyer.

“They dar’nt say it,” replied Jacob, fiercely.

“That is the meaning of it,” said the lawyer.

Jacob was silent. The old family name, distinguished for honesty, was at stake, as well as the property.

The papers were served in November, and in January the cause was on the calendar at the Albany circuit of the Supreme Court of the State. The calendar is always crowded, and there is delay in coming to trial. The cause was not reached until September 5, 1881, at an adjourned circuit, the day before the famous yellow day, already alluded to.

The City Hall, in which the Courts were held, having been destroyed by fire a short time before, the circuit was held in the Assembly Chamber of the old Capitol. It seemed to Jacob an imposing scene, as he entered the famous room where so many laws were made, and in which the law was to be administered in his case. He had to wait, hanging round the Court for three days before his case was reached. The time was not lost to him. He heard several trials, which were as interesting as story books.

At 5 o’clock on the evening of the 5th of September, number ninety on the calendar, which was Jacob’s case, was reached. Jacob’s lawyer and the opposing counsel announced themselves ready, Jacob was invited forward to a seat by the aide of his lawyer, and the drawing of a jury began immediately. A few were rejected, but before 6 o’clock — the hour for adjournment — twelve men who were satisfactory to both sides had been secured, and Jacob’s lawyer had opened the case, and the trial was fairly begun.

The Court accompanied its announcement of the recess until morning with a warning to the jury not to allow anyone to talk with them about the case.

Jacob did not sleep that night. He was at the American Hotel, a quarter of a mile down State street, in front of the Capitol. He and his wife were on the third floor, at the end of the hall, in room No. 241. As Jacob was going to his room, a large man, with dark, piercing eyes, standing in the door of room No. 239, said: “Your case is on, hey?”

“Yes,” said Jacob, as he was passing.

“You’d better look sharp,” said the large man.

“Why?” inquired Jacob, wonderingly, as he paused.

“Rough business burning down buildings,” said the large man, harshly; and he closed the door of his room with a bang.

Jacob passed on to his own apartment. There he talked over the events of the day with his wife. When he tried to sleep that night, the Assembly Chamber and the face of the large man in room No. 239 haunted him.

In the morning, after breakfast, down in the front hall, Jacob met the large man again.

“Try a twist at it to day, s’pose,” said the large man, sharply, to Jacob.

“Yes, the trial,” answered Jacob, nervously.

“Somebody has been committing an awful crime,” observed the large man. “Have you seen the sky?”

“Yes, it is strange,” said Jacob, not perceiving the connection.

“They say it is the end of the world— Sodom and Gomorrah,” said the large man; and he turned and walked away.

At 10 o’clock the Court convened. As Jacob approached the Capitol step, he saw a chubby person on the brick pavement at the foot of the steps explaining to a group of people his views of the weather. “I do not think myself,” said the chubby person, glancing at the yellow canopy, “that it is anything supernatural, but I have seen fifty people this morning who think it is the end of the world.”

Jacob found it oppressive in the Court. The Judge said it was a gloomy room and a gloomy day and directed the officers to light the gas. The artificial light did not relieve the atmospheric pallor very much, although it enabled the Judge and the lawyers to read their papers.

Jacob, and Mary his wife, and Willie, and the woman who saw the fire first and came to Jacob’s house, screaming, testified to the facts. This, with the documentary evidence, made the plaintiff’s case. The shorthand writer of the Court took down the evidence very rapidly, and at about 12 o’clock noon the plaintiff’s side of the case was before the jury.

Then the opposing counsel proceeded to open the defense. After a few general statements he began to hint that there was a painful revelation to be made bearing upon the character of the plaintiff. The intimation was that Jacob had burned his own buildings to get the insurance.

“That is a mean and contemptible insinuation,” exclaimed Jacob’s lawyer springing to his feet, “and you have no right to suggest such a thing when you know you can’t prove it!”

“Sir,” rejoined the opposing lawyer, uttering the words with a pause after each, and a scathing hiss that made Jacob’s flesh creep, “we will prove it!”

Jacob felt as if the very ground was opening beneath him, as the lawyer went on with diabolical coolness to state that they had, although with some difficulty, secured the very witness who saw

“the miscreant “ (indicating Jacob) fire his own buildings. Happening to turn his head just then, Jacob saw the large man sitting within six feet of him and watching him closely. This completed his confusion. The subsequent proceedings upon the trial were not very clearly apprehended by Jacob.

The Court took a recess for dinner. As Jacob went to his room the large man stood in the door of the room No. 239 again. “Hard at it, hey?” he said, as Jacob passed.

“Yes, but they can’t prove it,” said Jacob, with a determined accent.

“Sir,” said the large man severely, “they can prove anything if they have the evidence,” and the large man went into his room and banged the door again.

In the afternoon the evidence on the part of the defense was given. The first witness called upon that side did not seem very important to the case. They were, however, some of Jacob’s neighbors, and the evidence was very painful to him on that account. One testified that there could not have been as much hay in the barn when it was burned as Jacob insisted there was. Another thought that Jacob had exaggerated the size of the barn where the hay was stored, and he thought, for that reason, there could not have been as much as was represented. Still another had walked over Jacob’s farm when the hay and grain were growing, and was confident that there was only a “middlin’ crop,” and by no means as much as the plaintiff claimed.

The opposing counsel explained, with a glance at the jury, that this evidence was presented not only as bearing upon the question of the amount of the loss, but as showing more clearly the nature of the attempt “on the part of this wretched man” to defraud his neighbors.

There was a significant pause. The opposing counsel held a whispered conversation with his assistant attorney and with some men whom Jacob recognized as members of the board; he then rose and said impressively: “We call Gotlieb Jansen.”

A short, elderly man, rather thin than full-faced, but evidently a German, was sent forward from the back seats. Jacob recognized him; he was a “hired man,” who worked about the neighborhood of the Cove.

Jansen gave his testimony through an officer of the Court, who acted as interpreter. His statement was, that standing “over beyond” a hollow, a quarter of a mile away, in the field back of Jacob’s large barn, he had seen Jacob deliberately strike a match, and set the straw and hay and barn on fire.

The cross-examination of this witness by Jacob’s counsel was the interesting feature of the trial.

“Ask him,” said the counsel, “if he could see how Jacob was dressed.”

“He says, ‘yes, he could,’” responded the interpreter, after putting the question to the witness.

“Ask him what color his clothes were.”

“He says he wore brown or a kind of red, ironcloth overalls.”

“Ask him whether Jacob had on boots or shoes.”

“Dey vos poots — dey vos poots,” said the witness, making a cross-lot answer in broken English to save time.

“You understand my question?” said the counsel.

“Yaas, yaas, I untersthan,” said Gotlieb.

“Ask him in German,” the Court to the interpreter.

The interpreter complied, and responded, “He says they were boots.”

“Ask him what time of day it was,” said the counsel.

“He says it was just getting dark.”

“Ask him what Jacob had around his neck, when he saw him strike the match and set the fire.”

“He says it was a black handkerchief.”

“ Ask him if he could see him plain.”

“He says ‘ yes.’“

“Ask him whether he had on stockings,” said the counsel.

This question caused a slight ripple of merriment. Old Gotlieb glanced around, saw the fun, and laughing and shaking his head, said, “Naw, naw, could not tell de shtockings.”

There was a brief redirect examination, in which Gotlieb stated that he did not mean that he actually saw the match, but only saw Jacob stoop over and strike, as if it was a match, and then saw it kindle, and saw it grow to a large fire. He also explained that the overalls were blue instead of red.

It was apparent that Gotlieb’s left eye had been injured or lost. His examination was concluded by a single question, asked by Jacob’s lawyer, which drew out from Gotlieb the answer, “naw, can only see from von eye.”

As the concluding evidence in the case Jacob was now recalled formally to deny, as the rules of evidence require, the statements made by the witnesses against him. As he came upon the witness-stand it was apparent that a great change had come over him. Was there such a pallor upon his face, or was it the strange yellow light of that strange day? His voice had sunk almost to

a whisper, and he seemed weak and uncertain in his steps. He quietly answered “no” to the long, formal questions involving the statements which had been made against him, and that closed the evidence in the case.

The counsel summed up, the opposing counsel assuming and urging to the jury that Jacob was the profoundest rascal and hypocrite in the county, and Jacob’s lawyer asserting that Gotlieb was a perjurer. In a few words the Court charged the jury, and they were sent out, in the keeping of three officers, to a committee-room, to deliberate and find a verdict.

It was nearly 6 o’clock; the Court adjourned for the day. It had been a dreadful day to Jacob. He had not imagined that his old and near neighbors could look upon him as a rascal, and he had not supposed any man living would have dared to assail his good name as the opposing lawyer had assailed it. The revelation of these facts, the strange story told by Gotlieb and the gloom of the strange day seemed to mingle in a dreadful nightmare as he walked to the hotel. He went to his room, and lay down, and closed his eyes, hoping to rest. The scenes of the day were as vivid before him as a picture. And, through them, he would remember from time to time, with a sudden sharp throb, the dreadful suspense he was under.

Suppose the jury should find against him? His father had been one of the consistory of a church when living, and Jacob himself had long been a church member. The hurt to his reputation and to the family name was the sharpest sting. Jacob got up and went to the far end of the hall to ask Willie to come. Willie’s room was empty. Jacob came back, and with his wife had family prayers in their room. It was 10 o’clock. His anxiety was intense. He knew where the jury-room was. He knew that when the jury agreed they would seal up their verdict and separate, because the Judge had told them to do so, and to bring in their verdict in the morning. He walked up to the Capitol, and, looking at the windows, saw that all was dark. On his return the large man was in the hall, upstairs near his door.

“I think the jury must have agreed,” suggested Jacob faltering. “I see it is all dark in their room.”

“Sir,” said the large man, glaring at him, and speaking with a withering severity in his tone and manner that made Jacob shrink as if he had received the cut of a whip-lash, “the jury has found against you; I heard of it half an hour ago.”

Jacob’s eyes fell, and the great misery settled down upon his heart. He turned silently, and walked away to his room. What was the night that followed to Jacob Wilson? Those who have suddenly lost a good name may perhaps understand it.

Jacob did not stir out of his room until Court time, next morning. Then as he descended the hotel stairs, every one seemed to him to be looking at him, and shunning him. He was pale and weak, and walked slowly, breathing short. He had a century of family pride behind him; and he felt that he was going to meet his doom — to pass under a cloud, that might never be lifted.

As he walked up the Capitol steps, a man near inquired of another: “Did the jury agree last night?”

“Yes,” was the reply.

“How did they find?”

“Ain’t supposed to know,” said the other, indifferently.

Jacob passed on into the Court room. The Judge was taking his seat.

“Mr. Clerk,” said the Judge, “you may take the verdict of that jury that was out last night. I see they are all here.”

Jacob had not yet sat down. He stood by a seat, looking. He had steeled himself; he was white and firm.

“Gentlemen,” said the clerk, “have you agreed upon your verdict?”

“We have,” replied the foreman, rising, and handing a buff envelope to an officer. The officer carried it to the clerk. The clerk offered it to the Judge.

“Open it,” said the Judge, sententiously.

Jacob saw the clerk tear open the envelope, unfold the paper it contained, and gave it a long, earnest look.

“Gentlemen of the jury,” said the clerk, “you will listen to your verdict as the Court hath recorded it.”

“You say you find,” continued the clerk, “in favor of plaintiff, in the sum of eighteen hundred and fifty dollars; and so you all say?”

The jurymen nodded.

“You will please vacate the box, gentlemen,” said the Judge, “Mr. Clerk, you may now draw the jury in ninety seven.”

Jacob stood, his eyes glassy for a moment, as if unconscious.

“Well, you are all right,” said an officer who stood near him; and the officer offered to shake hands with him. Jacob put out his hand mechanically, and got a shake.

A hot flush was seen starting up from Jacob’s neck. His sensitive, mobile face twisted and worked; his chin quivered. He turned and walked toward the door. He staggered; his step was almost that of an intoxicated person.

“What’s the matter with that man that just went out?” said a lawyer, who came in a moment later, to an officer near the door.

“Got a verdict in that insurance case — full amount. Didn’t expect it, I s’pose,” said the officer, indifferently.

“Kind of upset him, hey?” said the lawyer, laughing.

“Ratherly,” said the officer.

Jacob went down the sidewalk toward the hotel. People did in reality look at him now, as he passed, trying to hide his flushed face and the tears. He got to the room and told Mary, and they had what the landlord described as “a time.” The landlord said that he happened up there, and there was more praying and crying than was allowable in that hotel. As the painful, nervous strain was taken off, Jacob became faint, and lay down, and Mary went out and got him a lemon.

Soon there came a knock at Jacob’s door. It was the large man. Jacob sat on the edge of the bed, eating the lemon. “I really must beg, Mr. Wilson, the privilege of making an apology,” said the large man, advancing to the middle of the room, resting his hand upon a table, and speaking with a courtliness and respect that seemed to lift Jacob up into a position of importance.

He continued, “I must have been misinformed by the officer about that verdict last night. Of course we know there has been too much tampering with juries, and a habit of finding out verdicts before they are rendered. It is all wrong, certainly, though it is often done. We accept the deception which the jury employed to mislead the officer as a very proper rebuke. I don’t want you to lay anything against me about it.”

“Oh, no,” said Jacob.

“It’s dreadful, ain’t it, burning people’s buildings in this way?” suggested the large man, confidentially.

“Yes, seems to be sort of a crime,” ventured Jacob, hesitatingly.

“Seems to be sort of a crime!” echoed the large man explosively; “why, man alive, it’s arson, State Prison, long term! And I will find him out. He may fool the people down your way, with his blind Dutchman, who can see the pegs in a man’s boots a mile off in the dark; but he can’t fool me. There is a villain behind this, and we are after him. I know him now; I am sure of him. I am watching, and I’ll jug him within twenty-four hours;” and in saying this, by way of emphasis the large man brought his fist down on the table in a way that made the whole room jar.

“And that was what you were watching me for?” asked Jacob timidly, shuddering as he saw the gulf.

“Why, my dear, good fellow,” said the large man softening, “what else on earth did you suppose I was watching you for?”

Jacob pondered, and was silent. The large man turned and walked out of the room.

Within half an hour the President of the insurance company came in. He said he desired to congratulate an honest man, and explained, mysteriously, that they were on the right track at last. He remarked, speaking in a confidential manner, that they had always told the folks that Jacob was “not that kind of a man.”

“Thank you,” said Jacob huskily.

“You and your father before you have lived in our town too long to be treated in this way,” said the President, wiping a tear from his eye.

The President went away.

One by one Jacob’s old neighbors and various members of the company dropped in, and went through with about the same formula the President had indulged in. Each explained so fully and satisfactorily that he had all the while told the folks that it “could not be Mr. Wilson” that did it, that Jacob really began to wonder how it had come about that that there had ever been any difficulty. Jacob also gathered, from the remarks which were made, that some clue had been gained in connection with the trial, and that soon all would be made plain.

After a good dinner Jacob began to feel himself again. With an old friend and neighbor he went up to the Capitol once more, as a matter of curiosity. He saw another case on trial — that of a suitor who was straggling to get his rights from a railroad corporation. He heard the lawyer for the railroad company allude to the suitor as the most barefaced, unscrupulous and designing villain who had ever perjured himself in that Court-room. Looking at the party thus described, Jacob saw only a thin, pale face, on which anxiety was painfully written. Jacob perceived that his own case was only one of many, and that in the Court-room it had already been forgotten.

There was no reason why Jacob should remain longer in town. At four o’clock in the afternoon, he and Mary were in their wagon, in front of the hotel, about to leave. Just then Willie came running down the sidewalk in great excitement. He came to the side of the wagon, his warm brown eyes dancing, and said, with what breath he had left, “Oh, father, father, they have found it all out! It’s Andrew Venner, and they have got him in jail.”

“Andrew Venner?” said Jacob, surprised, and he added, turning inquiringly to Mary, “I never had any trouble with Andrew.”

Just then the large man came down the sidewalk, walking very rapidly. He said pleasantly to Jacob, “Got him sure. I told you so. By the way,” he added, turning back after he had passed, “did you ever have any difficulty with Andrew Venner!”

“No,” answered Jacob, “only he worked for me one time, and my woman here didn’t seem to—”

“Oh — oh! that unspeakable wretch!” said Mary, coloring painfully. “I never told anybody, and I never will, only if Jacob”—

“Very proper — proper, indeed, Mrs. Wilson,” said the large man politely.

“If we should need you on the trial I will” — and he nodded to complete the sentence. A boy stopped on the sidewalk, evidently listening curiously.

“Drive on, Jacob,” urged his wife, in a flurry.

William climbed in at the back end of the wagon, and Jacob started. He had gone but a few steps when he pulled up his horses, and calling back said:

“Oh, say!”

The large man heard it, and came down the walk to where the wagon was.

“Would you mind telling me, now that it is all over,” said Jacob pleasantly, “whether you really heard anything about that verdict last night, or whether you told me just to see how I would—”

“My dear, sir,” said the large man deprecatingly, “I beg that you will not think that I would willingly distress you by—Hullo, there is a man I must see before he goes,” and the large man dashed off across the street.

Jacob looked after him a few moments then gave his horse a cut with the whip, and started for home. — [P. Deming in April Atlantic Monthly.]

Atlantic Monthly, April 1882

Sacramento Daily Record-Union, May 13, 1882