

that he is dying?" "Yes; I know," said the doctor. "When most men snore, I know it is a sign that they are asleep; but when you snore it is a sign that nobody else in the house but yourself is asleep."

The news of the proposed duel was noised abroad, and a crowd had collected on the Illinois side of the river, awaiting the return; it seemed to this merry party that the termination of this threatening affair would be unbearably flat if they just came home and announced an apology as the "upshot in the end." So they put a log of wood prostrate in the bottom of the canoe, covered it over with General Shields's cloak, or something equally effective, and then clustered around the supposed victim of the fight, one fanning, another supporting, etc., till the crowd gathered on the opposite bank was worked up to a great pitch of excitement and sympathy. When the log was lifted out the dueling party had effectually turned the laugh from themselves.

*Sophie Bledsoe Herrick.*

#### A Remarkable Trial by Jury.

JOSIAH LAMBORN, who was a law partner of Abraham Lincoln, and one of the galaxy of stars that embraced Lincoln, Douglas, Baker, Calhoun, Logan, and Browning, has been nearly eclipsed by the neglect of the generous biographers who have recorded the fame of his compeers. Politics and law in his day were almost inseparable, and he took a leading part as a Democrat in the heated campaign of 1840. He was engaged in a notable debate, with Douglas, Calhoun, and Thomas as coadjutors, against Lincoln, Logan, Baker, and Browning for the Whigs. He was not brilliant in oratory, but correct and calculating. Only once was he beaten in argument, and that was by Stephen A. Douglas.

The following account of Lamborn's power as prosecuting attorney in a celebrated case is furnished by Judge J. H. Matheny, who was at the time a clerk in the Circuit Court, and an eye-witness of the event:

In a neighboring county, in a difficulty arising out of politics, two prominent citizens became involved, and one killed the other. He was arrested and indicted for murder. His friends employed Edward D. Baker to defend him. Baker was just coming to the front as a great criminal advocate; he was young, ambitious. Lamborn was prosecutor, and he, too, was young and ambitious, and felt that Baker was a foeman worthy of his steel. The author of this sketch [Judge Matheny] was then studying law with Baker, and was somewhat skilled in the preparation of defenses and selection of juries, and at Baker's request went with him to the trial. The whole county was intensely excited. The trial had assumed a political aspect. The man on trial was a Whig, and the man killed was a Democrat; the party lines were closely drawn, and the friends of the dead man were clamorous for the blood of the man who killed him. The court was held in a large frame building used as a Baptist church, and on the day of the trial it was crowded to its utmost capacity. The jury was impaneled, and the evidence taken. The killing was admitted, and the defense was "justifiable homicide."

Lamborn and Baker were both strangers to the people and jurors, neither having visited that county before, and each determined to win a victory. Lamborn arose to open the case on the part of the prosecution. He was a tall, slim man, with a most singularly musical voice, and the strangest tawny complexion imaginable. His whole countenance was utterly emotionless. Over his voice he had complete control. He simply read the indictment, and then, in a few unimpassioned words, asked a conviction of the defendant. Everybody was astonished and disappointed. I was watching him intently. I knew the man

so well that I was looking for something extraordinary; but his sudden abandonment of the case surprised me greatly. Baker arose for the defense. He was a handsome man—one of the handsomest men I ever knew. Beneath the magic power of his burning eloquence all hearts were subdued, all angry passions were hushed, the fierce cry for blood was stilled, and it could be plainly seen that from every bosom in that vast audience went up the earnest prayer, "Let him go free!"

During Baker's wonderful defense I was watching Lamborn. He sat perfectly still, seemingly totally unconscious of time and place. When Baker sat down and the murmuring ripple of approval had ceased, Lamborn arose in a weary and listless manner, and asked the court to take a recess until after supper, stating that he did not feel well, and needed a little time to prepare his answer to the powerful defense made by Baker. Court adjourned until seven o'clock. After the people had gone Lamborn came to me and asked me to go with him to see the sheriff.

The sheriff came to the front door and invited us in. Lamborn declined, but said: "I am not well, and my eyes are so exceedingly weak that I cannot bear the light. Now I want you to do this for me. When you open the courtroom to-night, I don't want any light in the room but one candle, and I want that placed on the little stand in front of the jury." The sheriff replied: "Will the judge permit that? It will leave the room so very dark." Lamborn said: "I will speak to the judge. It will be all right. Baker made a stronger defense, and I must answer it, for that man is a murderer and must be hung, and I can't successfully answer it unless you do as I want you to." "All right—all right," said the sheriff, "if the judge don't object."

Seven o'clock approached, and Lamborn took my arm, and we made our way slowly to the court-room. As soon as I entered the door I comprehended it all. The house was completely filled, and the one solitary candle, casting its weird, ghostly shadow throughout the room, sent a shivering chill all over me, and, casting my eyes over the faces of the jurors, I could plainly see that the same effect was produced upon them as upon me. Gone were the beaming eyes and joyous countenances as they gleamed and glowed beneath Baker's glorious eloquence; gone the pulsations of mercy that then thrilled every bosom.

Lamborn slowly and deliberately arose in front of the jury, that one candle casting its faint light upon his cold and pulseless face. Half bent he stood, leaning upon a chair in front of him; and thus he stood for fifteen or twenty seconds utterly motionless. Every eye was upon him. Then with a cold and passionless sepulchral voice he said:

"Whoso sheddeth man's blood, by man shall his blood be shed."

He partly straightened himself, pausing for perhaps a half-minute, the ghostly shadows seeming to grow darker around him, when again came the fearful words:

"Whoso sheddeth man's blood, by man shall his blood be shed."

By this time the silence in the room had become absolutely appalling; men ceased to breathe, and their very hearts stood still. He raised himself to his full height, stood perfectly motionless for perhaps a minute, then in words as cold and passionless as death came again the awful denunciation:

"Whoso sheddeth man's blood, by man shall his blood be shed."

Then, pointing his quivering fingers at the jury, and with a voice that rang like a trumpet, he exclaimed:

"Such is God Almighty's awful decree. Dare you disobey it?"

He ceased. It was enough, the work was done; a verdict of guilty followed, and the unfortunate victim passed on to his fate. I have seen in my time wonderful actors, have witnessed some extraordinary scenes on the stage, but never have I seen anything to equal that night's work in that humble court-room.

Lamborn became the law partner of Abraham Lincoln; was appointed prosecuting attorney for Jacksonville, Morgan County, Illinois, and was elected attorney-general of Illinois for 1840-43. He died in 1847.

*Samuel Lamborn.*