

# INDICTMENT AGAINST JOHN BROWN

## October 26, 1859 (*excerpted*)

The Grand Jury reported a true bill against the prisoners, and were discharged.... First: For conspiring with Negroes to produce insurrection. Second: For treason in the Commonwealth; and, Third: For murder....

### **[First Count: Treason]**

The Jurors of the Commonwealth of Virginia, in and for the body of the County of Jefferson, duly impaneled, and attending upon the Circuit Court of said county, upon their oaths do present that John Brown, Aaron C. Stephens, alias Aaron D. Stephens, and Edwin Coppie, white men, and Shields Green and John Copland, free Negroes, together with divers other evil-minded and traitorous persons to the Jurors unknown, not having the fear of God before their eyes, but being moved and seduced by the false and malignant counsel of other evil and traitorous persons and the instigations of the devil, did, severally, on the sixteenth, seventeenth, and eighteenth days of the month of October, in the year of our Lord eighteen hundred and fifty-nine, and on divers other days before and after that time, within the Commonwealth of Virginia, and the County of Jefferson aforesaid, and within the jurisdiction of this Court, with other confederates to the Jurors unknown, feloniously and Traitorously make rebellion and levy war against the said Commonwealth of Virginia, and to effect, carry out, and fulfill their said wicked and treasonable ends and purposes did, then and there, as a band of organized soldiers, attack, seize, and hold a certain part and place within the county and State aforesaid, and within the jurisdiction aforesaid, known and called by the name of Harper's Ferry, and then and there did forcibly capture, make prisoners of, and detain divers good and loyal citizens of said Commonwealth ...and did then and there feloniously and traitorously establish and set up, without authority of the Legislature of the Commonwealth of Virginia, a Government, separate from, and hostile to, the existing Government of said Commonwealth; and did then and there hold and exercise divers offices under said usurped Government, to wit: the said John Brown as Commander-in-Chief of the military threes, the said Aaron C. Stephens, alias Aaron D. Stephens, as Captain; the said Edwin Coppie, as Lieutenant, and the said Shields Green and John Copland as soldiers; and did then and there require and compel obedience to said officers; and then there did hold and profess allegiance and fidelity to said usurped Government; and under color of the usurped authority aforesaid, did then and there resist forcibly and with warlike arms, the execution of the laws of the Commonwealth of Virginia, and with firearms did wound and maim divers other good and loyal citizens of said Commonwealth, to the Jurors unknown, when attempting, with lawful authority, to uphold and maintain said Constitution and laws of the Commonwealth of Virginia, and for the purpose, end, and aim of

## Document 1

overthrowing and abolishing the Constitution and laws of said Commonwealth, and establishing in the place thereof, another and different government, and constitution and laws hostile thereto, did then and there feloniously and traitorously, and in military array Join in open battle and deadly warfare with the civil officers and soldiers in the lawful service of the said Commonwealth of Virginia.

### **Second Count [Conspiring to Produce a Slave Insurrection]**

And the Jurors aforesaid, upon their oaths aforesaid, do further present that the said John Brown, Aaron C. Stephens, alias Aaron D. Stephens, Edwin Coppic, Shields Green, and John Copland ...did each severally, maliciously, and feloniously conspire with each other...to induce certain slaves ...to rebel and make insurrection against their masters and owners, and against the Government and the Constitution and laws of the Commonwealth of Virginia: and then and there did maliciously and feloniously advise said slaves, and other slaves to the Jurors unknown, to rebel and make insurrection against their masters and owners, and against the Government, the Constitution and laws of the Commonwealth of Virginia to the evil example of all others in like cases offending and against the peace and dignity of the Commonwealth.

### **Third Count [Murder]**

And the Jurors aforesaid, upon their oaths aforesaid, further present that the said John Brown, Aaron C. Stephens, alias Aaron D. Stephens, Edwin Coppie, Shields Green, and John Copland...feloniously, willfully, and of their malice aforethought, did make an assault, and with firearms called Sharpe's rifles, and other deadly weapons... charged with gunpowder and leaden bullets, did...shoot and discharge the same against the bodies severally and respectively of the said Thomas Boerly, George W. Turner, Fontaine Beckham, Luke Quinn, and Hayward Sheppard; and that the said John Brown, Aaron C. Stephens, alias Aaron D. Stephens, Edwin Coppie, Shields Green, and John Copland...in the manner aforesaid, and by the means aforesaid, feloniously, willfully, and of their malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth. ...

Clerk of the Circuit Court of Jefferson County, in the State of Virginia. Which bill of indictment the Grand Jury returned this 26th day of October. A true bill. Thomas Rutherford, Foreman.

*Source: De Witt, Robert, "The Life, Trial and Execution of Captain John Brown, Known as "Old Brown of Ossawatimie," with a Full Account of the Attempted Insurrection at Harper's Ferry," New York, 1859.*

# Horace Greeley, “Tribune Editorial,” October 19, 1859

*The Insurrection*, so called, at Harper’s Ferry, proves a verity. Old Brown of Osawatomie, who was last heard of on his way from Missouri to Canada with a band of runaway slaves, now turns up in Virginia, where he seems to have been for some months plotting and preparing for a general stampede of slaves. How he came to be in Harper’s Ferry, and in possession of the U.S. Armory, is not yet clear; but he was probably betrayed or exposed, and seized the Armory as a place of security until he could safely get away. The whole affair seems the work of a madman; but John Brown has so often looked death serenely in the face that what seems madness to others doubtless wore a different aspect to him. He had twenty-one men with him, mostly white, who appear to have held the Armory from 9 P.M. of Sunday till 7 of Tuesday (yesterday) morning, when it was stormed by Col. Lee and a party of U.S. Marines, and its defenders nearly all killed or mortally wounded. Old Brown was severely wounded and his son—(we believe his last surviving son)—killed. Of the original twenty-two, fifteen were killed, two mortally wounded, and two unhurt. The other three had pushed northward on Monday morning guiding a number of fugitive slaves through Maryland. These were of course sharply pursued and fired on, but had not been taken at our last advices.

Harper’s Ferry was full of soldiers and militia men yesterday, and more are constantly pouring in. Never before was such an uproar raised by twenty men as by Old Brown and his confederates in this deplorable affair.

There will be enough to heap execration on the memory of these mistaken men. We leave this work to the fit hands and tongues of those who regard the fundamental axioms of the Declaration of Independence as “glittering generalities. Believing that the way to Universal Emancipation lies not through insurrection, civil war and bloodshed, but through discussion, and the quick diffusion of sentiments of humanity and justice, we deeply regret this outbreak; but remembering that, if their fault was grievous, grievously have they answered it, we will not, by one reproachful word, disturb the bloody shrouds wherein John Brown and his compatriots are sleeping. They dared and died for what they felt to be the right, though in a manner which seems to us fatally wrong. Let their epitaphs remain unwritten until the not distant day when no slave shall clank his chains in the shades of Monticello or by the graves of Mount Vernon.

*Source: John Stauffer and Zoe Trodd, eds., The Tribunal: Responses to John Brown and the Harpers Ferry Raid, Harvard University Press, 2012, pp. 77-78.*

## E.B., “To John Brown, October 27, 1859

Newport, R.I., Tenth Month, 27<sup>th</sup>, '59.

Captain John Brown,

Dear Friend—Since thy arrest I have often thought of thee, and have wished that like Elizabeth Fry toward her prison friends, so I might console thee in thy confinement. But that can never be; and so I can only write thee a few lines which, if they contain any comfort, may come to thee like some little ray of light.

You can never know how very many dear Friends love thee with all their hearts for thy brave efforts in behalf of the poor oppressed; and though we who are non-resistants, and religiously believe it better to reform by moral and not by carnal weapons, could not approve of bloodshed, yet we know thee was animated by the most generous and philanthropic motives. Very many thousands openly approve thy intentions, though most Friends would not think it right to take up arms. Thousands pray for thee every day; and oh, I do pray that God will be with thy soul. Posterity will do thee justice. If Moses led out the thousands of Jewish slaves from their bondage and God destroyed the Egyptians in the sea because they went after the Israelites to bring them back to slavery, then surely, by the same reasoning, we may judge thee a deliverer who wished to release millions from a more cruel oppression. If the American people honor Washington for resisting with bloodshed for seven years an unjust tax, how much more ought thou to be honored for seeking to free the poor slaves.

Oh, I wish I could plead for thee as some of the other sex can plead, how I would seek to defend thee! If I had now the eloquence of Portia, how I would turn the scale in thy favor! But I can only pray “God bless thee!” God pardon thee, and through our Redeemer give thee safety and happiness now and always!

*Source: John Stauffer and Zoe Trodd, eds., The Tribunal: Responses to John Brown and the Harpers Ferry Raid, Harvard University Press, 2012, pp. 92-93.*

# John Brown, Last Statement to the Court (Allocution), November 1, 1859

I have, may it please the court, a few words to say. In the first place, I deny everything but what I have all along admitted -- the design on my part to free the slaves. I intended certainly to have made a clean thing of that matter, as I did last winter when I went into Missouri and there took slaves without the snapping of a gun on either side, moved them through the country, and finally left them in Canada. I designed to have done the same thing again on a larger scale. That was all I intended. I never did intend murder, or treason, or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection.

I have another objection; and that is, it is unjust that I should suffer such a penalty. Had I interfered in the manner which I admit, and which I admit has been fairly proved (for I admire the truthfulness and candor of the greater portion of the witnesses who have testified in this case)--had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends--either father, mother, brother, sister, wife, or children, or any of that class--and suffered and sacrificed what I have in this interference, it would have been all right; and every man in this court would have deemed it an act worthy of reward rather than punishment.

This court acknowledges, as I suppose, the validity of the law of God. I see a book kissed here which I suppose to be the Bible, or at least the New Testament. That teaches me that all things whatsoever I would that men should do to me, I should do even so to them. It teaches me, further, to "remember them that are in bonds, as bound with them." I endeavored to act up to that instruction. I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done--as I have always freely admitted I have done--in behalf of His despised poor was not wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments--I submit; so let it be done!

Let me say one word further.

## Document 3

I feel entirely satisfied with the treatment I have received on my trial. Considering all the circumstances it has been more generous than I expected. But I feel no consciousness of guilt. I have stated that from the first what was my intention and what was not. I never had any design against the life of any person, nor any disposition to commit treason, or excite slaves to rebel, or make any general insurrection. I never encouraged any man to do so, but always discouraged any idea of that kind.

Let me say also a word in regard to the statements made by some of those connected with me. I fear it has been stated by some of them that I have induced them to join me. But the contrary is true. I do not say this to injure them, but as regretting their weakness. There is not one of them but joined me of his own accord, and the greater part of them at their own expense. A number of them I never saw, and never had a word of conversation with till the day they came to me; and that was for the purpose I have stated.

Now I have done.

Source: DeWitt, Robert, *The Life, Trial, and Execution of John Brown*, 1859.

[http://avalon.law.yale.edu/19th\\_century/john\\_brown.asp](http://avalon.law.yale.edu/19th_century/john_brown.asp)

# Judge Richard Parker, Sentencing of John Brown, November 1, 1859

John Brown, you have been charged with three several and distinct offenses of the deepest originality—with the attempt to subvert by force the institution of slavery as established in this State; with advising slaves in rebellion against the authority of their owners; and with the willful, deliberate and premeditated murder of several of our citizens, who, as was their duty, opposed the execution of these unlawful purposes, and for so doing were shot down by the party under your command. For each of these offenses the law provides the penalty of death, and now it only remains for me, as the minister of the law, to pronounce judgment upon you. Not a reasonable doubt can exist as to your guilt of each and every one of these offenses. Your own repeated admissions, and all the other evidence in the case, fully sustain the verdict that has been rendered. I deem it unnecessary to recapitulate any portion of this evidence, for every part of it, that adduced by yourself, as well as that introduced by the prosecution, contributes to prove that you had come with your followers into this county determined to carry into execution by force the unlawful purpose of liberating the Southern slaves.

You have been defended by counsel of marked ability, the jury gave their patient consideration to every argument addressed to them in your behalf.

You have had the protection and benefit of every principle of law and of every privilege secured to persons accused of crime and every indulgence in making your defense that could reasonably be extended to you, and yet you have been found by an impartial jury of your countrymen to be guilty of the offenses charged against you.

In mercy to our own people—to protect them against similar invasions upon their rights—in mercy and by way of warning to the infatuated men of other States who, like you, may attempt to free our negroes by forcing weapons into their hands, the judgment of the law must be enforced against you.

The execution of that judgment will be delayed a sufficient time to enable you to apply to the Supreme Appellate tribunal of this State for its decision upon the errors which are alleged by you and your counsel in the proceedings against you.

## Document 4

This is a right secured to you by our law, and it is my duty to see you are not deprived of it.

The sentence of the law is that you, John Brown, be hanged by the neck until you are dead, and that execution of this judgment be made and done upon you by the Sheriff of this County, on Friday, the second day of December next, between the hours of nine in the forenoon and four in the afternoon of the same day. And the court being of opinion that for the sake of the example set the execution (and all our dealings with the accused be done in open day and before all men) of this sentence should be in public, it therefore ordered that this judgment be enforced and executed not in the jail yard, but at such public place as is used for this purpose or at such other public place convenient thereto, as the said Sheriff may select.

And may God have mercy on your soul.

*Source: McGinty, Brian, John Brown's Trial, Harvard University Press, 2009, pp. 232-233.*



## ***Richmond Whig*, “Editorial,”** **November 18, 1859**

Virginia and the South are ready to face all the consequence of the execution of old Brown and his confederates. Though it convert the whole Northern people, without an exception, into furious, armed abolition invaders, yet *old Brown will be hung!* That is the stern and irreversible decree, not only of the authorities of Virginia, but the PEOPLE of Virginia, without a dissenting voice. And, therefore, Virginia, and the people of Virginia, will treat with the contempt they deserve, all the *craven appeals* of Northern men in behalf of old Brown’s pardon. *The miserable old traitor and murderer belongs to the gallows*, and the gallows will have its own, in spite of the threatening and maledictions of the North and the world combined.

We took the ground at the outset, that old Brown should have been hung at once, without the intervention of judge or jury. He was a *villainous pirate and assassin* and was therefore *entitled to no trial at law*. We believed at the first and we still more firmly believe now, that it would have been better and wiser in all aspects if Gov. Wise had given him the swift benefit of a *drum-head court martial*. In that event, no sympathy for him would have been excited in the North, for he would have had no opportunity of making *incendiary speech for effect*, and, consequently nothing of the character of the hero or the martyr would have attached to him, even in the estimation of Garrison and Wendell Phillips.

We, therefore, agree fully with our contemporary of the Fredericksburg News in the opinion, that the absurd and horrid nonsense about Gov. Wise’s pardoning old Brown should be condemned and scouted by every sane man in Virginia and the South. The impertinent proposition, come from whom it may, whether Northern Abolitionists or Northern conservatives, should be resented by Virginia and by Gov. Wise and his friends as an insult. He cannot pardon Brown; but if he had the power, it would be worse than treason to exercise it. The majesty of law and the outraged sovereignty of Virginia can be vindicated and revenged only by the death of these miscreants.

## Document 5

The people already inquire why they were spared. Rebels in arms against the Government, State and Federal, with hands red with the blood of murdered citizens, summoned to surrender and refusing, seized at the expense of life, *why were they not shot like dogs* the moment of their capture? All the laws of war, and all the demands of justice, demanded their immediate extermination. The impudent claims of a robber, a horse-thief and murderer to be recognized as “a prisoner of war,” should have hastened his punishment.

We verily believe the failure to inflict summary and deserved death upon Brown and his co-conspirators will yet cost Virginia many lives. There are fools and fanatics enough ready to risk life to obtain Brown’s notoriety, who would have been deterred by his prompt and immediate execution.

*Source: Stauffer, John and Zoe Trod, eds., The Tribunal: Responses to John Brown and the Harpers Ferry Raid, Harvard University Press, 2012, pp. 257-258.*

## ***L'Univers, "Editorial," November 24, 1859 (excerpted)***

*L'Univers was a French Roman Catholic daily newspaper based in Paris. This editorial was most likely written by Louis Veuillot, who became editor of the paper in 1848.*

We search to no avail in our so-called liberal papers for the sign of the protest against the iniquities of a criminal trial judged in the United States at the end of last month. These zealous philanthropists, used to pointing out the vices in the paternal legislation of the Papal States, cannot find an epithet to describe the barbarity with which the people of Virginia have condemned a political prisoner, after having deprived him of the privilege of a free defense, as Fouquier-Tinville once did. It is an issue of a political affront, in fact, not of a murder or an assassination. The liberal newspapers are ordinarily very tolerant of this privileged category of crime and according to them, the most violent rioters are worthy of pardon, despite repeated offenses. They extort amnesties for their protégés from weak governments, but they permit the political gallows to be raised in the United States without calling the free people of America to clemency and even to justice.

John Brown is a Protestant fanatic who believed that the Bible condemned slavery and who represented himself as an apostle with the mission to free the Negroes. ... In the siege, Brown took three saber cuts on his body and his head, this last wound deafened him, and he was incapable of holding himself erect. In every civilized country, his recovery would have been awaited before proceeding with his trial, especially because his reckless attempt did not have, in reality, any more importance than the recent riot of the Tarbes market. But the Virginians were too much terrified to yield their prisoner the slightest respite. The usual slowness of judicial forms in the United States is well known. Often the accused waits for full years for the jury to form before appearing, and if a lawyer is proficient, if he fears a harsh verdict, he knows how to drag out the case, from jurisdiction to jurisdiction, and so diminish through this delay the attitudes of condemnation toward his client. But, in this case, the most righteous delays were refused John Brown. ...

## Document 6

Hiding their love of despotism behind a liberal divestment, the partisans of liberty in France prefer the commander's whip to the Pope's scepter. People may say that the institution of slavery is necessary to Virginia. The states situated in a warm climate, such as Louisiana and Alabama, can pretend, with the appearance of reason, that their fields demand the work of blacks because whites cannot endure the fatigue of agricultural labor under a burning sun. But in Virginia it snows more than in France; the free labor there is competition to slave labor, so much so that the masters find their interest in transforming their plantations into manufactories of black children for the southern markets. It was to preserve the profits of this immoral reproduction of the African race that the citizens of Virginia armed themselves against John Brown.

*Source: Stauffer, John and Zoe Trod, eds., The Tribunal: Responses to John Brown and the Harpers Ferry Raid, Harvard University Press, 2012, pp. 361-362.*