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Magazine of the

Jefferson County Historical Society

John Brown Raid Issue
1859–2009

Volume LXXV
October 2009

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Magazine of the

JEFFERSON COUNTY HISTORICAL SOCIETY



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"No man is fit to be entrusted with the control of the present who is ignorant of the past, and no people who are indifferent to their past need hope to make their future great."

"History by apprizing them of their past will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of man; it will enable them to know ambition under every disguise it may assume, and, knowing it, to defeat its views."

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JEFFERSON COUNTY HISTORICAL SOCIETY

Organized May 21, 1927

To identify, present, preserve and promote the history of Jefferson County.

www.jeffersonhistoricalwv.org

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The West Virginia Encyclopedia $45

Editor's Note

On October 16 through the 18th, one hundred and fifty years ago, John Brown and his followers created quite a scare in Jefferson County. As a hardcore abolitionist, Brown was determined to free the slaves. His raid on Harpers Ferry was to be the first step in his quest. His dream was quickly demolished, but his deed was certainly a catalyst for the great war of 1861.

You will find that throughout this issue there is repetition as well as contradiction. It cannot be helped when reporting on a specific, controversial event such as the raid.

Leading off this year is a compilation of newspaper articles that reflects the feelings and views of the people in and around the Ferry as reported in the newspaper. Although not totally accurate, (so what is new?) they will help you set the stage for this issue.

There are two articles on individuals in the raid: All the raiders were not killed or captured; seven of them managed to get away. You can travel with them, as they head north. Two of the captured raiders were black, one an escaped slave and the other a freeman. Their story will give you a look at their side of the story. John Copeland's letter will make you sad!

Bushrod Corbin Washington was sitting in the courtroom during the Brown trial. His speech in Charles Town in 1899 will give you an idea of a local man's views forty years after the fact.

Another pair of articles presents a legal and political examination of the affair. Was Brown insane? An in-depth analysis of the insanity laws in Virginia and the court proceedings will help you decide. Conspiracy? There is nothing new under the sun. I think you will find the obligatory Senate investigation of the raid to be very contemporary as it tries to discover the peripheral guilty parties.

A Virginia Military Institute cadet writes a letter to his mother and verifies some of the execution day stories.

The John Brown wagon, which carried him to his execution, is a prized possession of the Jefferson County Museum and its story is an interesting sidelight of the raid.

Next year is an open-subject issue, so long as it is about our county. It is also, thankfully, back to the end of August deadline for article submission. Enjoyed doing this one and I am looking forward to 2010.

Thanks again to Clare Hendrix at Winchester Printers.

Jim Glymph at home on the Avon Bend

COURTESY OF
THE JEFFERSON
COUNTY MUSEUM

John Brown

John Brown's Raid — The Breaking Story: As Reported From Harper's Ferry

Compiled by Walter Washington

In October, 1859 there were four newspapers in Jefferson County, the *Shepherdstown Register*, the *Spirit of Jefferson*, the *Virginia Free Press* and the *Independent Democrat*, the last three all published in Charles Town. The October 22, 1859 issue of the *Shepherdstown Register*[1] was published the Saturday following John Brown's raid on Harpers Ferry. The raid began around midnight on October 16, the Sunday night of the previous weekend, and lasted until Tuesday, October 18, when Brown was captured. The account of the raid in the *Register* was the accumulation of the dispatches, published in chronological order, sent from Frederick, Maryland by telegraph to the *Baltimore Clipper*.[2] It provides a contemporaneous description of events as they unfolded. The story is reprinted here in full with annotations added by footnote.

From the *Shepherdstown Register* October 22, 1859:

The following dispatches were sent to the Baltimore Clipper from Frederick city, Md.. (The telegraph wires at Harper's Ferry being cut east and west) at 2 o'clock Monday morning.

Frederick, Oct. 17.—Information has been received here this morning of a formidable negro insurrection at Harper's Ferry. An armed band of Abolitionists have full possession of Harper's Ferry and the United States Arsenal. The express train east was fired into twice, and one of the hands, a negro, was killed whilst trying to get the train through the town.

They have arrested two men who came with a load of wheat and took their wagon and loaded it with rifles, and sent them into Maryland. They are led by about fifty whites with a gang of negroes fighting for their freedom. They gave Conductor Phelps notice that they would not allow any more trains to pass.

Residents Imprisoned—Citizens Killed

Frederick, Oct. 17.—The engine and train from here have just returned, being unable to proceed through Harper's Ferry.

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[1] The *Shepherdstown Register* was published weekly from 1849 until 1955.

2 The *Baltimore Clipper* was a daily paper published in Baltimore from 1847 to 1865.



Slave Insurrection at HARPER'S FERRY.

GREAT EXCITEMENT!

The Armory seized and trains stopped!

CARS FIRED INTO!

VIRGINIA AND MARYLAND MILITARY ORDERED OUT!

CITIZEN'S TAKEN PRISONERS

Blood Shed and Lives Lost!

The Insurrectionists Routed!

Part of them flee to the Mountain!

PURSUIT!

The Commander-in-Chief and the Insurrectionists Captured, &c., &c.

A letter has just been received here from a merchant in Harper's Ferry, which was sent by two boys who had to swim the river to escape the insurrectionists. The letter states that most of all of the leading people of Harper's Ferry were taken prisoners, and that several have been killed.

The robbers have all the works in their possession, and have taken the money from the vaults. The Powder House is in their possession, and they will not permit any one to leave the town.

F. Beckham[3], the railroad agent, was shot twice by the gang and killed. They are said to be disguised—the whites being painted as blacks.

The attack was first made about 12 o'clock last night.

The watchman at the railroad depot was shot dead.

Statement of Conductor Phelps and his Officers.

The following particulars of the affair have been obtained from the train, viz: Mr. Andrew J. Phelps, conductor; Mr. Jacob Cromwell, baggage-manager; and William Woolsey, engineer. They state that their train (the regular passenger train from the West) reached a point near the bridge at Harper's Ferry at 20 minutes of one o'clock this morning, when it was stopped.

They were then informed by the night bridge tender that when he proceeded to relieve his colleague he discovered that the light on the bridge had been extinguished, and that his colleague had been murdered or waylaid. He was not left long in a state of suspense, as 3 men suddenly came upon him with violent outcries, which caused him to flee, whereupon the parties discharged firearms at him, which fortunately did not take effect. It further appeared that a colored man, well known as a baggage assistant, upon reaching the Ferry was also shot at several balls penetrated his back, inflicting wounds of a mortal character.

At first conductor Phelps was at a loss how to act, and concluded to send over a person in the vicinity of the Ferry to ascertain the cause of the proceedings, when the leader of the party—a man of rather prepossessing appearance, and supposed to be nearly sixty years of age—appeared, and stated that he preferred holding communications with the conductor. Mr. Phelps went over, alone, and was told by the same man that he and his party had determined not to allow another train to pass over the road, but that they would give him five to ten minutes to get his train through.

In the meantime, other persons from the train ventured across the bridge above the Ferry, and soon coming into contact with the rioters

[3] Fontaine Beckham was also mayor of Harper's Ferry.

(who were reputed at about two hundred in number, half of whom seemed to be black) one [sic] the party, a passenger, was captured. The train was delayed by the proceedings until half past six o'clock, when steam was raised and they reached Camden station[4] at noon to-day.

Upon the train leaving, Mr. Phelps was particularly requested by the leader of the gang to state to the superintendent of the road, that under no circumstances would another train be permitted to pass Harper's Ferry. During the night a large two horse wagon, laden with wheat, came in from one of the neighboring counties of the State. The rioters immediately seized the driver, took possession of the wheat, and lading the vehicle with weapons from the Armory, sent it back up the country.

The engineer states that amongst them there were several strapping negroes who occasionally shouted out that they longed for liberty, as they had been in bondage long enough. The ringleader, who it is said is named Anderson[5], made his appearance at Harper's Ferry five or six days ago, and since that time has been driving around the place in an elegant barouche drawn by two horses.

These officers report that the United States Armory and the neighboring country have been taken possession of by the rioters, all of whom are well armed with short rifles and other United States arms. When the workmen of the armory repaired there for the purpose of resuming work they were seized by the parties, forcibly dragged within the gates and imprisoned.

A number of the party proceeded to the proprietors of the hotel, near the Armory, and in an authoritative tone, ordered breakfast for fifty or sixty persons, adding that they were determined to keep possession of the place, and live in the best manner.

More of the Bloody War.

Samuel K. Thomas, one of the conductors of the railroad, and engaged in the storming at the paymaster's office, displayed unparalleled feats. He stood within fifty feet of the building, exposed in the fires of those within, and loaded and fired nearly some half a dozen times. His coat was perforrated [sic] with ball, and the skin cut from the flesh of his person by the shot. His preservation from instant death seems miraculous.

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[4] Camden Station was the main passenger terminal for the Baltimore and Ohio Railroad in Baltimore.

[5] A later dispatch reported that Brown had initially given his name as Anderson. Also, two of the raiders were Jeremiah Anderson and Osborn P. Anderson.

Aaron D. Stevens, a captain of the rioters, shot at the bridge, was taken in the Carroll Hotel, where his dreadful wounds were dressed by Dr. McGarrity. Heavy bullets passed through his breast, head and one arm. He said to those around him that as he expected to die before morning, he wanted somebody to telegraph to his father at Norwich, Conn., to say to him that his (sic) Brown died at Harper's Ferry, in an attempt at high treason against the State of Virginia. He was alive at four o'clock yesterday.

He is represented as a remarkably fine looking man, six feet six inches high, and possessed of great nerve. While lying in bed a number of the outraged citizens crowded into the room and attempted to dispatch him, pointing cocked muskets at his head, but Stevens, as he lay helpless, folded his arms, and looked them calmly in the eye, without uttering a word.

Consternation among the Passengers.

The passengers, especially the ladies, were greatly alarmed, and feared the party was a gang of robbers who intended to rob the Government Treasury which contained $15,000, and might also rob them. The information is that the rifles were brought down from the works on the Shenandoah, and the parties at the Ferry were armed with them, and the wagons which brought them down afterwards drove off with outsiders, and it was supposed, when the train left, that they had taken off the treasure in the wagon. The band appeared to be well drilled, and Capt. Anderson had entire control, as his men were very obedient to his orders.

Cause of the outbreak.

This puzzles everybody. Some of the passengers, with whom we conversed, were of the opinion that the object was one of plunder, and other that the entire affair has resulted from malice. The Captain of the outlaws makes use of such expressions as these—"If you knew me and understood my motives as well as I and others understand them, you would not blame me much." Again—"If you knew my heart and history, you would not blame me." But from the fact that negroes principally arm the fray, there can be no possible doubt of its abolition aspect.

The Excitement in Baltimore.

The bulletin boards of the newspapers were besieged by anxious crowds the livelong day. "What's the news?" was on every lip, and the

utmost eagerness manifested everywhere to hear something.

Rush of Volunteers.

The rush of volunteers at the various armories was absolutely immense. Every vacant uniform in some of the companies, of which any knowledge could be gained, were hunted up and filled an hour least before starting. Hence, if any company in service is thin it its ranks, the cause is surely not the want of men, but of uniforms. One stalwart chap, at the armory of the Wells and McComas Riflemen[6] begged piteously for a chance to go. His language was—"Captain, if you'll just let me go, dogged if I'll ever forget you. All I want is a rifle, and a fair shot, and I'll fetch 'em sure." But the Captain was heedless.

Dismal Appearance of the Town.

A gentleman from New York, who came a passenger says: "Every light in the town had been previously extinguished by the lawless mob. The train therefore remained stationary and the passengers, terribly affrighted, remained in the cars all night. The hotels were closed and no entrance could be had into them. All the streets were in possession of the mob, and every road, lane and avenue leading to the town guarded or barricaded by them.

Military Movement—The Bridge to be Forced.

Washington, Oct. 17.—On receipt of intelligence from Harper's Ferry this morning, orders were issued for three companies of Artillery, at Old Point, and the corps of Marines, at the Washington Barracks, to proceed hither without delay.

The Marines, about 93 in number, with two twelve pound howitzers and a full supply of ammunition, left in the 3 o'clock train this afternoon. It is reported that they are under orders to force the bridge tonight at all hazards. Hon. C. J. Faulkner[7] accompanied them.

It is stated on good authority that some weeks ago Secretary Floyd[8] received an anonymous epistle, stating that about the 15th of October, the Abolitionists and negroes, with other disaffected persons would make an

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[6] Militia company from Baltimore, Maryland.

[7] Charles James Faulkner, of "Boydville" in Martinsburg, was the United States Congressman representing the district which included Jefferson County. An attorney, he was appointed to represent John Brown at his arraignment. His son, of the same name, later represented West Virginia in the U.S. Senate.

[8] John B. Floyd was President Buchanan's Secretary of War.

attempt to seize the Arsenal and hold the place.

This statement, however, appeared so indefinite, improbable and ridiculous as to be regarded as not worthy of any attention.

Wholesale Massacre.

A party of five insurgents armed with Minnie rifles and posted in the rifle armory, it is said, were expelled by the Charlestown Guards.[9] They all ran for the river, and one who was unable to swim, was drowned. The other four swam out to the rocks in the middle of the Shenandoah River and fired upon the citizens and troops on both banks. This drew upon them the muskets of between two and three hundred men and not less than 400 shots were fired at them from Harper's Ferry, about 200 yards distant. One was finally shot dead. The second, a negro, attempted to jump over the dam, but fell, shot, and was not seen afterwards. The third was badly wounded, and the remaining one was taken unharmed. The white insurgent wounded and captured, died a few moments afterwards. He was shot through the breast, arm and stomach. He declared there were only nineteen whites engaged in the insurrection.

The town approached on every side.

The Shepherdstown company approached the town over the mountain, by the Bolivar road. The Frederick, (Va.) company by the Shenandoah river way; and the Jefferson company came down the Potomac river route; while the Frederick (Md.) company and Baltimore volunteers approached the town from across the railroad bridge.

Killed and Wounded.

Killed—F. Beckham, a railroad agent; Hayard [sic] Sheppard, colored, porter at the railroad station; Thos. Boerly, grocer; Wm. Richardson of Martinsburg; George W. Turner of Charlestown; Wm. (sic) Brown, son of "Old Brown," insurgent; Stewart Taylor, insurgent; J. C. Anderson, insurgent; E. H. Leeman, insurgent; Albert Haslitt (sic), insurgent and several colored men; Dorsey of Baltimore, and Mr. McCabe of Harper's Ferry.

Wounded—Ossawattame (old) Brown, and second son, insurgents; Allen Evans, mortally, insurgent; Private Quinn, U.S. Marine, mortally; another marine, slightly; Alex Kelly, Martinsburg, slightly; G. N.

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[9] Local men led by "Captain" Henry Medler.

Hammond, Martinsburg, slightly; Geo. H. Murphy, Martinsburg, slightly; Geo. W. Richardson, Martinburg, slightly; Nelson Hooper, Clinton Bowman, all of Martinsburg.

Incidents of the First Battle—Interesting statement by an Eye-witness.

A gentleman who returned from the scene in the 6:30 train, describes the storming of the bridge and town. The first attack was made by a detachment of the Charlestown (Va.) Guards. They crossed the Potomac river above Harper's Ferry and reached the building where the insurgents were posted by the canal on the Maryland side. A smart firing occurred, and the rioters were driven from the bridge. One man was killed and another arrested.

A man ran out of the building and tried to escape by swimming the river. A dozen shots were fired after him, and he partially fell, but rose again, threw his gun away and drew his pistols. Both snapped and he drew a bowie knife, cut his heavy accoutrements off, and plunged into the river. One of the soldiers was about ten feet behind, the man turned around, threw up his hands, and said "don't shoot." The soldier fired and the man fell into the water with his face blown away. The coat skirts were cut from this person, and in the pockets was found a Captain's commission to Captain E. H. Leeman[10], from the Provisional Government. The Commission was dated October 15, 1850, and signed by A.W. Brown, Commander in Chief of the Army of the Provincial Government of the United States.

For nearly an hour a running and random firing was kept up by the troops against the rioters. Several were shot down, and many managed to limp away wounded. During the firing the women and children ran shrieking in every direction, but when they learned that the soldiers were their protectors they took courage, and did good service in the way of preparing refreshments and attending the wounded.

Our informant, who was on the hill when the firing was going on, says all the terrible scenes of a battle passed in reality beneath his eyes. Soldiers could be seen pursuing singly and in couples, and the crack of the musket and rifle was generally followed by one of the insurgents biting the dust. The dead lay in the street where they fell. The wounded were cared for.

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[10] The identity of the raider killed was William H. Leeman, age 20.

Defeat of the Insurgents—the rioters Barricaded in the Armory

Harpers Ferry, 3 A.M.—The town being in possession of the military, the rioters are entrenched in the armory, and hold Mr. Washington[11] and Mr. Dangerfield[12] as prisoners.

The insurrectionists were commanded by Capt. Brown of Kansas notoriety, who gave his name as Anderson to Conductor Phelps. They numbered originally seventeen white men and 5 negroes, but were reinforced during the day.

Allen Evans, one of the insurgents, a white man, is lying here dying, with a bullet through his breast. He is from Connecticut, but has been in Kansas. He says the whole was got up by Capt. Brown, who represented that the negroes would rise by thousands, and Maryland and Virginia would be made free states.

Colon[e]l Shriver, of Frederick, has just had an interview with Capt. Brown in the armory. He asked to be allowed to march out with his men, and avowed his intention to defend himself to the last. They are very strongly posted in the engine house, and cannon cannot be used against them for fear of injuring the prisoners whom they still hold. Some sixteen people are known to be killed. Fountain [sic] Beckham, the railroad agent, was shot dead from the armory windows. Three rioters are lying dead under the bridge, shot by the Shepherdstown troops in the charge on the bridge.

The armory was taken possession of by the rioters about 9 o'clock on Sunday night last, and was so quietly done that the citizens knew nothing of it until the train was stopped.

Captain Brown had been about here and rented a farm four mile off, which was the rendevous (sic) of the rioters. Captain Cook has also lived in the vicinity, and at one time taught school here. All the other white men are unknown, but are supposed to be men who have been connected with Captain Brown in Kansas.

Incidents of the Second Battle.

Harper's Ferry, Oct. 18.

The town of Harper's Ferry was thronged last night with military and rioters, and martial law prevailed throughout the community. No one could pass the bridge without arrest, unless permitted by Col. Shriver,

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[11] Col. Lewis William Washington had been taken hostage from his home, Bellair.

[12] J. E. P. Daingerfield was paymaster clerk at the Armory.

commanding the Frederick military. The precaution was taken to prevent the possibility of any of the disturbers of the peace of the town.

Nearly the first object visible after passing the bridge was a dead negro lying outside the pavement with an ugly gash in his throat, and other wounds. No one seemed to notice him particularly, more than any other dead animal. The citizens have not yet recovered from their astonishment at the civil war which has so suddenly been engendered in their peaceful community—nor their surprise at the boldness and about which characterizes the efforts of the conspirators who have so mysteriously alighted, full armed, in their midst. The insurgents are caged, however, after their work of violence and death, and the people with great anxiety awaited the results of the events of to-day.

At about five o'clock yesterday morning the military companies, a part of which had been on duty at guard during the night were ordered out. The volunteers took possession of the streets surrounding the government buildings, and cleared them of spectators. The marines were drawn up within the enclosure, under the command of Col. Lee[13], Lieut. Stewart[14], of the army, and Major Russell[15], with their two Dalhgreen (sic) 12 pound howitzers. The insurgents were in the engine room of the armory, a small building at the extreme end of the government works. They held as their prisoners some half dozen citizens of wealth and respectability, and some half dozen negroes. One of the Baltimore companies (the Independent Grays, Lieut. Simpson commanding.) occupied the railroad bridge directly in front of the unoccupied buildings.

The military companies of the adjoining towns and the Baltimore companies presented an imposing military display. The scene was exciting in the extreme. The most breathless suspense existed for the half hour which preceded the attack. Death was anticipated, and the reckless daring of the few bold and foolish fanatics who set at defiance the authority of the general government and the whole military force in their view, created an intense indignation and a desire for their summary chastisement. The apprehensions for the safety of the gentlemen detained in the custody of the insurgents were also painful. The marines in the yard commenced manoevering (sic) towards a close proximity to the building. At length Col. Lee appeared in front of the enclosure with

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[13] Colonel Robert E. Lee, United States Army

[14] Lieutenant J. E. B. Stuart, United States Army

[15] Major William W. Russell, a Marine paymaster that had been sent by the Secretary of the Navy as a staff presence.

Lieut. Stewart, who with a citizen, was deputed to bear a flag of truce to the insurgents. Every eye was upon the two latter as they approached the door of the building. The conference was long, especially between the insurgents and the citizen, and the patience of all present was nearly exhausted. At length they retired.

It was understood that Col. Lee, in summoning them to surrender, offered them protection till the pleasure of the President of the United States should be made known, and that nearly all of the insurgents were in favor of accepting those conditions, but the powerful will of the leader Brown overruled their wishes, and they refused to surrender. Major Russell then ordered Lieut. Green[16], with a file of marines, to force the large double doors. They rushed towards them, and attempted with their bayonets to force them open but the strength of their fastenings defied the effort. At this time a volley from within increased the excitement of the spectators. The marines then tried to force the doors with heavy sledge hammers, but they also proved ineffectual.

A double file of marines was then ordered to attack the doors with a heavy ladder. A few powerful efforts shattered the strong doors of this engine-house of the government, which was filled with fire engines, and as they yielded to the force of this battering ram and flew in pieces, an extra shout went up from the multitude. The moment the upper part of the dorso [sic] went down, Lt. Green [sic] and his marines fired a volley into the insurgents with deadly aim. Maj. Russell then sprang upon the ladder and preceded them. The conflict was terminated in a few minutes. One of the marines, private Quinn, was borne off fatally wounded by a shot in the abdomen, and another private, Rupert (sic), received a flesh wound in the upper lip and had one or more of his upper teeth knocked out.

Statement of an Eye Witness.

When the order was given for the Marines to storm the barracks, Adjt. G. W. Talbott, of the 5th Regiment, mingled in with the Marines, and took an active part in the affray. The insurgents were in a small house within the arsenal enclosures, and stubbornly refused to surrender, preferring death to capture. The order was given to batter down the doors, which was speedily done with sledge hammers and a large ladder, when the doors flew open the insurgents poured a volley into the besiegers, which was returned with deadly effect; after the first fire, the

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[16] Lieutenant Israel Greene, United States Corps of Marines.

Marines rushed into the barracks and captured four white men, all of whom were wounded, with the exception of one white man.

Upon entering the door, J. G. Anderson, one of the ringleaders of the insurgents, discharged a Minnie rifle at the Marines, and was in the act of firing his revolver, when a Minnie ball struck him in the left side below the heart. He staggered back a few paces, and appeared determined to sell his life dearly. He raised his revolver and was cocking it, when Adjutant Talbott rushed upon him, and succeeded in disarming him. This task, however, was not accomplished without a struggle, as Anderson, finding that his situation was life or death, used all his energies to accomplish as much harm as he was able. Finding himself overpowered, he yielded to Adjt. Talbott, and was removed to a place of safety, where he was attended by Prof. Dunbar, of Baltimore. Anderson's wound is of such a character that he was supposed to be dying when our informant left Harper's Ferry.

The pistol which Adjutant Talbott secured is one of the largest cavalry description, and was heavily loaded. On the but [sic] end is engraved the name of J. E. Cook. This individual was second in command of the insurgents, and made his escape to the mountains, with a few of his followers. Our informant further states that when the barracks were captured he counted six dead bodies lying on the floor. On the body of one of the killed there was a copy of bylaws and a constitution governing the abolitionists. A love-letter was also found upon one of the killed, couched in the most affectionate terms, from a female in Illinois. In leaving for home, three dead bodies were discovered floating down the Potomac. They were permitted to pass by, and no effort was made to bring them ashore. When the insurgents found that they were getting the worst of the battle, they secured themselves in houses and shot down passers by, by thrusting their rifles thro' windows and loop holes.

Names of those held as Prisoners.

Armstead Ball, chief draughtsman at the Armory; Benj. Miller, master of the Armory; J. E. P. Dangerfield, pay-master's clerk; Lewis Washington; John Allstadt and six sons; the two last were seized on their farms several miles from the Ferry.

Seizure of Arms.

Shortly after the storming of the citadel of the insurrectionists, several respectable looking citizens of Harper's Ferry approached Major Warner

excitedly, and declared that a large number of the insurrectionists, under the command of J. E. Cook, one of the leaders of the rebellion, had entrenched themselves within an unoccupied log cabin, sometimes used as a school house, and had fired upon several citizens a few moments before; and the assistance of Major Warner was asked to dislodge them. The latter replied that his corps being under the command of General Egerton[17] he could not act without orders from him, but that they were eagerly awaiting to volunteer for the service. Meantime, Gen. Egerton having received intelligence to the same effect as that communicated to Maj. Warner, had detailed the Independent Greys[18], Lieut. Simpson, to dislodge and capture the party.

The gallant Greys proceeded at "double-quick" time, along a constantly ascending and rocky road to execute the order. About a mile from the Ferry, they arrived within sight of the school house, a cabin situated in a gloomy hollow, and, apparently closely barricaded. Halting for a few moments, the Greys formed into two platoons, under the respective commands of Lieuts. Simpson and Kerchner, and, at a given signal, dashing down the declivity of the road, with the butt end of their muskets, battered in the doors and windows, through which they entered. The cabin was entirely empty of inhabitants, though on all sides were discovered evidence of recent occupation, and a hasty retreat of its inmates.

Against the front door were piled sixteen long and heavy boxes, one of which—upon being burst open -was found to contain ten newly finished Shap's [sic] breech loading rifles, evidently fresh from the hands of their maker. There was also discovered one large square box, exceedingly heavy, which were suffered to remain unopened; a large and heavy black trunk, filled with bayonets and sabres, and several boxes of rifle cartridges and ammunition. There were 21 boxes, several of which were filled with Maynard's large sized patent revolvers, with powder flasks accompanying.

The room was littered with Sharp's rifles, revolvers and pikes. Evidently distributed with a view to their immediate use, either for the purpose of defense or an aggressive action. After satisfying themselves that the traitors had fled, the gallant Greys proceeded to possess themselves—each man—of a rifle, and a pair of revolvers, the remainder being placed, together with a large number of pikes, &c., upon a large

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[17] General Charles C. Egerton, Jr. commanding the Maryland Brigade.
[18] Militia company from Baltimore.

new wagon (purchased but a few days before by Smith, or Capt. Brown as he is now known.) to which the captors harnessed a pair of fine horses they caught grazing in the enclosure, and conveyed their valuable prize into town, where they were received with loud cheers by the citizens and military.

The captured boxes were placed for safe keeping in the Arsenal of the United States, though the Greys asserted an exclusive right to their possession as the lawful prize of its captors.

The revolvers and rifles were entirely new, and evidently expressly manufactured for the insurrectionists, the initials of whose leader's name, "J.E.C," were stamped upon every weapon.

The boxes in which the weapons were contained were marked thus. "By railroad via Pittsburgh and Harrisburg. J. Smith & Sons, Chambersburg, Pa. By American Express Company. Keep dry." One box was directed to "W. F. McClarney, Marine Bank Building." The name of the town had been obliterated, but several legible letters indicated that Cincinnati was the place. One small box, containing cartridges was inscribed with the initials "J. B.," written on the back of a nearly obliterated card, with the following printed advertisement, "From Burr and Swift, wholesale and retail dealers and importers of groceries, -, fish, fruit, tobacco, segars (sic), — — glass, salt, rope, wooden-ware, etc., commission and forwarding merchants, — —, between Front and Second, Davenport, Iowa." Another unopened box supposed to contain rifles was addressed to "T. B. Eldridge, Mt. Pleasant, — —-." The succeeding portion of the address, the name of the State perhaps, had been carefully obliterated.

Discovery of the Papers of the Insurrectionists.

The excitement attending this clever exploit had scarcely subsided, when another alarm was given, that the notorious insurgent leader Cook, had a few minutes before been seen upon the mountains on the Maryland shore.

A scouting party consisting of several members of the Greys, (the only foreign corps in the town, quite or nearly all of those present in the afternoon having left for their homes.) some score or more of volunteers, and about twenty U.S. Marines under the command of Capt. J. E. B. Stewart [sic], was instantly formed, and proceeded rapidly in pursuit.

Following the same path which the Greys had pursued in making their discoveries, and which is known as the "County road," leading into the

heart of Washington county, Md., the party continued their course for a distance of 4 _ miles from the Ferry, until they reached the farm and house bought and occupied by Brown under the name of John Smith. The dwelling, a log house, containing two unpaved basement rooms, used apparently for storage, and in which were several empty gun boxes; two rooms and a pantry upon the second floor; and one large attic room in which were about six husk mattresses—were discovered to be unoccupied, save a huge savage looking mastiff, tied with a rope to the railing of a small piazza outside the house, but there were abundant evidences of its recent hurried vacation. The floors of all the rooms were littered with books, papers, documents and wearing apparel of several persons, hastily snatched from eight or ten trunks, and an equal number of valices and coarse carpet bags, strewn around, the fastening of all of which had been forcibly broken, as if their voilaters [sic] were too much hurried for time to adopt the tardier method of entrance by locking up-keys. In the pantry, which appeared to have been used for kitchen appliances, beside an almost new cooking stove and an abundance of tin utensils were two barrels of flour, a large quantity of sausage meat and cured hams, together with several pounds of butter, lard, &c. The fire was yet smouldering (sic) in the stove, and the water in the boiler was quite hot at the time of the entrance.

But the most valuable discover was a trunk belonging to Capt. Brown, containing a great number of highly important papers, documents, plans, and letters from private individuals throughout the Union—all revealing the existence of an extensive and thoroughly organised (sic) conspiracy, whose leaders were Captain Brown and J. E. Cook, and the well-defined, determinedly expressed object of which, was the hastening of "irrepressible conflict" predicted by Senator Seward, and recently by Gerritt Smith[19], which was to result in the "disenthralment of the slaves of the South," and the extinction of the "Slave Power."

The most undoubted evidence have thus been obtained, not only of the plans and hopes of this formidable insurrectionary organization; but of the indisputable fact of its extension through the Northern and Western States, from the influential citizens of whom the treasonable movement has received its sustaining support and encouragement.

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[19] Gerritt Smith, of New York, one of the "Secret Six"of Brown's prominent New England abolitionist backers.

Among the most important documents discovered were pamphlets containing the Constitution of a Provisional Government for the United States, the treasonable purposes and objects of which if not directly put forth, are nevertheless so clearly expressed as to be conclusive.

Startling Revelation—The points of attack.

In a trunk, supposed to have belonged to Capt. Brown, was found seven small though elaborate maps of as many different States, bearing peculiar marks, which would seem to indicate that the points of attack, and the course of the insurrectionary movement through the South, had already been carefully determined upon by this well-organized and confident league of traitors. Certain counties in the seven States, of which only these maps were obtained, bear cross-marks formed by a pen, and in several instances as if to command greater particularity of attention, of to suggest perhaps more available points of attack, circular lines are drawn around the crosses. South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, Tennessee, and Kentucky, are the States mentioned to attack.

The maps which are about 18 by 12 inches, are carefully and neatly pasted on stout cambric cloth. Upon the margins of each map is pasted the census returns of 1850, of its State; giving in detail the relative strength of the white and slave population of each county, and the proportion of females to the whole number of inhabitants. By referring to the counties marked, it will be perceived that in them the slave population vastly preponderate, and might, therefore, have been a safer field of operation for the abolition invaders.

Important Letters and Notes

In the same trunk in which the maps were discovered, were found a number of highly important letters from certain well-known Northern abolitionists, conveying both "aid and comfort" to the insurrectionists; among them was a letter from Gerritt Smith of New York, containing some financial statements, and a cheque for $100, endorsed by the cashier of a New York bank, and a letter from Frederick Douglass, enclosing $10, a part contributed by a lady. These were read by Gov. Wise to the crowd in the arsenal yard.

There are yet other letters not yet made public, which implicate several well-known politicians of Iowa, New York and Pennsylvania in the conspiracy to create a slave insurrection throughout the Southern States.

Among a quantity of papers in our possession, found in the house of Capt. Brown, is the following brief, written upon a scrap of paper, in a good, professional hand writing:

"At the right hour, by all you deem sacred, remember me." [Signed]
GEORGE B. GILL[20].

The following is in the hand writing of Brown himself, and is entitled,

"VINDICATION OF THE INVASION, &c.
"The Denver truce was broken &
"1st It was in accordance with my settled policy
" 2d It was intended as a discriminating blow at Slavery
"3 It was calculated to lessen the value of Slaves
"4th It was (over & above all other motives) Right.
"Duty of all persons in regard to this matter
"Criminality of neglect in this matter
"Suppose a case
"Ask further support."

We give *literatum et puncautim*, the following scrap written by Watson Brown who was seriously wounded by one of the Martinsburg men, and found on the floor of the engine house immediately after the storming:

Fight on, fight, ever you *Hell Hown of the Lower Regions*! Your day has come. Lower your black flag, shoot your Dogs you Devils. Hell and furies I go in for Death.

In an envelope addressed to "Capt. John Brown, care of Dr. S.G. Howe, 20 Broomfield street," where [sic] a number of clippings from the New York Tribune, Cleveland Plaindealer and Rochester Union, referring to the Kansas exploits of "Ossawatamie" Brown. Scattered over the floor of the rooms were hundreds of copies of a pamphlet work called "extracts from the manual of the Patriotic Volunteers on active service in regular and irregular war, being the art and science of obtaining and maintaining liberty and Independence." By Hugh Forbis[21]. Certain passages in one of the copies in our possession, referring to the duties of riflemen, is pencilled (sic) down the margin, and dog-eared as if for future reference.

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[20] Member of Brown's original party, but too ill to accompany him.
[21] Hugh Forbes, English soldier-of-fortune Brown had hired to train troops.

To the Victors belong the Spoils.

The entire contents of the house were appropriated by the scouting party, as legitimate plunder; barrels of flour were rolled away; the stove and its appurtenances removed, and on the re-entry of the expedition into Harper's Ferry, scarcely a man of its volunteer arm but staggered beneath the weight of his spoils.

Discovery of Tents.

From the house of Brown the party proceeded to a log cabin, on the opposite side of the road, and but a few hundred feet higher up, where they discovered some eight or ten boxes filled with wearing apparel, boots, blankets, quilts, etc., amply sufficient to supply the wants of a formidable number of men. In the loft of the cabin nearly or quite 2,000 pikes were found, together with six or more tents and a great number of axes, picks and shovels. The captured articles completely filled a large country wagon, and was with much difficulty drawn to the Ferry by two powerful horses.

The Insurrection, Its origin and its end

The origin of the insurrection, and the sources from whence the fanatical traitors derived their hopes of success in this audacious attempt, is wrapped in mystery. All the insurgents however agree in saying that the plot has been in preparation for upwards of one year, during which time, young men were actually enlisted in several of the free States, and pecuniary contributions to the cause received from the same source.

Brown, accompanied by his sons, appeared at Harper's Ferry, about eighteen months ago, calling themselves Smiths, shortly after they rented from Mr. Kennedy of Washington county, Md., the farm and house which they occupied until the outbreak; the twenty-two men composing the invading party, joined them shortly after he had settled himself in his new home about which J. E. Cook, co-leader with Brown of the conspirators, and an associate of the latter through the Kansas difficulties, made his appearance, and engaging in the school teaching, continued to so ingratiate himself in the good graces of the community, that general confidence was reposed in his integrity, and he acquired a very fair share of popularity.

About a fortnight ago Cook gave out that he intended to visit Kansas, and left the Ferry in a covered two horse wagon, ostensibly for that territory. On Wednesday preceding the outbreak he returned, and drove

his wagon, which appeared to be heavily loaded, to the farm of Smith (Brown) where it remained for two days. Early on Friday morning he commenced the moulding (sic) of bullets at the residence of his mother-in-law, whose suspicions he silenced by assuring her that they were designed for use against the Indians in Kansas.

The entire party of insurgents, all of whom bore the appearance of poor and industrious farmers and citizens, were in the habit of mixing freely with their neighbors, and with the residents of Harper's Ferry, with whose opinions, means of defence, [sic] etc, they had thoroughly familiarized themselves

Ripening of the Plot.

A fortnight or more prior to the occurrence which has resulted so fatally, Cook accompanied by Stevens, who it has subsequently been ascertained, held a Captain's commission among the insurgents, and was quite influential among them, appeared at the residence of Col. Lewis Washington and requested permission to see his fine cabinet of curiosities, and library. The request was readily granted, and during the conversations which their visit gave rise to, the theme of skill in the use of fire arms was introduced, and Cook proposed to test his excellence as a shot with that of Col. Washington. The match was made up, and resulted in the defeat of Cook, who expressed much surprise at the skill of his competitor. On the Sunday night of his capture, Col. Washington recognized Cook among the party, and upbraided him for the cowardice of the proceeding. The latter said he regretted the affair, but he couldn't help it.

As the party were about to leave the house, Cook whispered to Stephens, the leader of the party, who then immediately demanded of him the kep [sic] of his cabinet. It was yielded up in preference to having the costly furniture broken, as threatened in the event of a refusal, and the insurgents took there from a valuable sword and pistol, formerly the property of Washington; the former presented him by Frederick the Great, and the latter by Lafayette; he also demanded the purse and watch of Col. Washington which was indignantly refused; on Monday the Colonel observed his sword in possession of Capt. Brown, who paced the floor with the weapon on his arm every moment that he was not engaged in shooting at the citizens and soldiers. He expressed to Col. Washington his high admiration of the character of the original owner of the sword, and assured him that it should be restored to him at the termination of the

affair. During the bloody transactions of Tuesday morning, the sword lay upon one of the two engines which occupied the house in which the insurgents had entrenched themselves, and at the conclusion of the attack, Col. Washington repossessed himself of the relic; the pistol, however, has not been recovered.

Coolness of Brown.

Col. Washington, who was a keen observer of Capt. Brown during the events of Monday and Tuesday, expressed the highest admiration of the cool, calm courage of the insurgent leader and of his humanity. He said that he heard Capt. Brown give explicit orders to his men not to injure, if possible, any women, and only to aim at those who carried guns

Capt. Brown's coolness and courage inspired his men with a like contempt of danger, and their conduct and conversations were marked by a remarkable coolness.

Watson Brown, the younger son of "Ossawataime" and who was desperately wounded. by the Martinsburg men, (he has since died) on Monday forenoon, suffered intensely during Monday night several times requesting his comrades to dash out his brains with their guns, and thus relieve his sufferings. On Tuesday morning his agony had apparently become unendurable, and seizing a pistol, he was about to shoot himself in the head, when his father staying his hand, calmly told him that the time had not yet arrived for such a deed as that—to endure a little longer, and he might die as befitted a man; we saw and spoke with this young man a few minutes after the assault, and could not divest our heart of something akin to pity for him.

He feelingly inquired whether his father was alive, and on being answered in the affirmative, looked his thankfulness. He was informed of the death of his brother in the assault, but exhibited no emotion at that announcement.

In reply to certain questions, he stated that he and his father had been assured of the cooperation of several hundreds of men, who were to have rendevoused [sic] at the Ferry on Sunday night, and frequently affirmed his conviction of the justness of the cause in which he had been so disastrously engaged. Edwin Coppie[22], the only one of the party except a negro, named Green, who escaped unhurt, is too ignorant to appreciate his position. He spoke glibly and good-naturedly of the occurrences through

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[22] Edwin Coppoc fired the shot that killed Harper's Ferry Mayor Fontaine Beckham.

which he had passed as if it was a matter upon which he should pleasantly congratulate himself.

He informed us that, on Monday night three of the party had advised a surrender, but that Captain Brown quietly but firmly opposed the proposition.

Upon the entrance of the Marines into the building, Coppie (sic) shouted out "I surrender!" when Capt. Brown exclaimed in as loud a tone, "But *one* surrenders, give him quarter!"

Interview between Gov. Wise and Capt. Brown.

On Tuesday evening, Gov. Henry A. Wise[23], who had arrive by the afternoon train from Richmond, held an interview with Captain Brown, at the office of the Superintendent of the arsenal, whither he was borne immediately after the assault. He held a second interview with him on Wednesday morning; the results of both interviews may be summed up in the following:

Statement of the Insurgent Leader

For upwards of one year, the affair which has just culminated, has been in constant preparation. The necessary expenses of the undertaking was borne exclusively by himself, though he received frequent words of encouragement from friends of the cause.

Gov. Wise informed him of the capture of his correspondence, and desired to have him mention the names of the most prominent.

In reply to the Governor, Capt. Brown said he was in possession of his correspondence and was welcome to all the intelligence it conveyed, but declined adding any to it.

The Governor pointed out the folly and temerity of the insurgents hoping to maintain their ground at Harper's Ferry.

Capt. Brown smiled peculiarly, and said that had he not permitted the train to pass of which Mr. Phelps was the conductor, the plans would have proven entirely successful. He had been promised, he said, reinforcements of 5,000 men at a word, and had not the military come upon him so soon, or had he not been delayed at Harper's Ferry longer than he intended, he should have had them. In reply to Governor Wises' question as to where he would obtain his recruits from, Brown replied, from Maryland, Virginia, Kentucky and North and South Carolina.

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[23] Henry A. Wise, governor of Virginia, 1856-1860.

Governor Wise said the assertion was improbable. When the old insurgent tartly replied that the Governor was surrounded by ignorance, and on that subject he (Brown) was far wiser than the Governor. He said he was glad he was entitled to a jury trial, and he should demand his rights.

In reference to the government funds, he said he did not know of their presence here, or he should certainly have taken them; and that had he found money or provisions necessary to his cause, he should have levied upon the inhabitants of the South without compunctions of conscience.

The Governor told him if such were his sentiments of honesty, he had better prepare to meet an impartial judge.

The old "Border Ruffian" replied that he had no favors to ask, no apologies to offer to anybody, that he had well weighed the cost of his expedition before engaging in it, and that he would as well hang as to die in any other manner.

He did not deny that the organization of which he had been the leader, was a most extensive one; on the contrary, he affirmed to Gov. Wise his entire conviction that the work would go on until the entire South would be in a state of insurrection.

He had preparations, he said, to arm 1,500 men; the pikes he intended for the negroes, whom he was afraid to trust with firearms. He spoke with some show of feeling of the extinction of his family; two of his sons he said had been killed in Kansas by Southerners, two had been butchered at Harper's Ferry by the General Government, and a fifth was he did not know where. His wife is in the State of New York.

Of the twenty-two who composed the invading party, 15 have been killed and two seriously wounded. Edwin Coppie has been consigned to the jail at Charlestown, the capitol of Jefferson county, whither "old Brown" is to be carried to-day. Governor Wise said they should both be tried before the Circuit Court of Jefferson county, which meets next week, and that at the conclusion of their trial there for murder, the General Government would be welcome to what was left of them.

The people of Virginia are bitterly incensed against "old" Brown, and even did the law fail to claim his life, he could not possibly escape beyond the borders of the State.

Gov. Wise has offered a reward of $1,000 for the apprehension of

Cook, the ringleader of the insurgents, who is said to be hemmed in among the mountains, from whence it is barely possible he may escape. He is a man of very small stature, blue eyes and light curly hair. Indeed, it is a notable fact that, with two exceptions, all of the white insurgents had long light hair and blue eyes.

Condition of the Wounded.

Aaron B. Blevens (sic), the insurgent, who was shot in the face and breast, on Monday, is sinking rapidly. His recovery is impossible.

"Old" Brown is but slightly wounded; he owes his life to a trepidation which shook his heart at the last moment and made him fall almost unharmed at the feet of Lieut. Green (sic). Col. Washington told us that while the Marines were hammering at the door, he said to him, "Brown, they are battering down the walls; in one minute more they will enter, and you'll be cut to pieces." He informed us that "old" Brown perceptibly quailed at this, and offered but little resistance afterwards, firing but one shot of the twenty-five that were at his command.

Col. Washington made a narrow escape from death. He was cheering on the Marines, and pointing out Brown, who stood beside him, to Lieut. Green [sic], when one of the marines mistaking his shouts for words of encouragement to the insurgents, leveled his piece at him, and was about to fire, when he discovered his error. In the pocket of Brown was found, beside a number of letters, an envelope upon which was the following memorandum, "Jacob Fiery (!) 3 miles south of Hagerstown; widow of Kennedy, at Sharpsburg, on the way to Hagerstown."

Old Brown's Journal.

"Old" Brown kept a daily journal, in which he set forth the details of his transactions; which show his purchase of arms in large quantities and ammunition and stores of all kinds necessary to the success of an extensive insurrection—field spy-glasses, picks and shovels for throwing up temporary fortifications, calls, or boatswain's whistles of a new kind, being very shrill and capable of being heard at a long distance (which are supposed to have been intended for assembling his bands or warning them of danger.) were among the stores in the wagon captured by the Greys. —The whistles, as per bill, found in his effects, were made in Philadelphia, and forwarded to the agent of his in Baltimore, last week, per Adams & Co.'s Express—some of them were found in his valise.

There is nothing in the papers found, showing that negroes or others

belonging at Harper's Ferry or its vicinity were *particeps criminis* before the fact in Brown's conspiracy.

The following is the anonymous letter received by Governor Floyd, secretary of War, of which mention has been made:

Cincinnati, August 20, 1859

Sir —— I have lately received information of a movement of so great importance that I feel it to be my duty to impart it to you without delay. I have discovered the existence of a select association, having for its object the liberation of the slaves at the South by a general insurrection. The leader of the movement is Old John Brown late of Kansas. He has been in Canada during the winter drilling the negroes there, and they are only waiting his word to start for the South to assist the slaves. They had one their leading men, a white man in an armory in Maryland; where it is situated I have not been able to learn. As soon as everything is ready, those of their number who are in the Northern States and Canada are to come in small companies to their rendezvous, which is in the mountains of Virginia. They will pass down through Pennsylvania and Maryland, and enter Virginia at Harper's Ferry. Brown left the North about three of four weeks ago, and will arm the negroes and strike the blow in a few weeks, so that whatever is done must be done at once. They have a large quantity of arms at their rendezvous, and probably distributing them already. As I am not fully in their confidence, this is all the information I can give you. I dare not sign my name to this, but trust that you will not disregard the warning on that account.

From the Balt. Clipper, Friday 21.

WHEREABOUTS OF CAPT. COOK AND HIS WIFE—MORE INSURRECTIONARY ARMS.

Hagerstown, Md., Oct. 20. —— A gentleman just from Harrisburg, says that Cook's wife came into that town day before yesterday, and stopped at the same place where old Brown's son's wife was boarding.

[SECOND DESPATCH.]

Hagerstown, Oct. 20. ——- The statement must be true. Cook's wife is not at Harper's Ferry. She left some days ago. The Sheriff of this

county tracked Cook as far as Greencastle to-day, and the impression there was that Cook had left for Chambersburg. The opinion here entertained is that Cook passed through last night.

The Sheriff was credibly informed, at Greencastle, that a load of boxes passed through there on Tuesday for Washington county, loaded with rifles, pistols and pikes. Sheriff Hank is now on the lookout for them.

A gentleman named John Cuthberton, who resides in Chambersburg, Pa., informs us that Cook's wife certainly did go to Harrisburg on Tuesday, and took lodging at the same place where Brown's daughter-in-law has been lodging for the last two or three weeks. Cook's wife left the Ferry several days before the disturbance broke out. The stage driver of the Cambersburg [sic] line also confirms the statement in regard to her going to Harrisburg.

The Excitement in Shepherdstown[24]

On Monday whilst our Military were absent at Harper's Ferry, the greatest excitement prevailed. From every lip could be constantly heard, "what's the news from Harper's Ferry?" Flying and exaggerated rumors were frequently brought to town, which caused our citizens—for the protection of our own interests—to call upon the Mayor to organize a Patrole (sic), to be posted at different thoroughfares leading into town. At 7 o'clock a meeting was held by order of the Mayor, at the Armory Hall, and five different squads of Patrole (sic) were appointed to guard the town during the night. No disturbance of any kind occurred though during the night.

About twelve o'clock at night, a gentleman from Frederick city, Md., passed through town on his way to Charlestown, bearing telegraphic dispatches from President Buchanan to Col. Gibson[25], of Charlestown, and Col. Price, of Winchester, to order out the Militia and proceed directly to Harper's Ferry. The telegraph wires being cut east and west of Harper's Ferry, no connection could be made further than Frederick city.

Tuesday morning the excitement was still greater. About 12 o'clock the news came to town that a band of Insurrectionists and negroes, headed by Capt. Cook, were proceeding up the river to make a descent upon this

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[24] This section begins the *Register's* own reporting of events.

[25] Col. John T. Gibson was commander of the 55th Regiment Virginia Militia. He later built his house on South Samuel Street in Charles Town next to the site where John Brown was hung.

place. No sooner had the news reached us, than a Company of armed men—composed principally of our oldest citizens—commanded by Col. Charles Harper—marched through our streets—headed by fife and drum, and saluted with cries of women and children—across the river and down the canal a mile or so in expectation of meeting and dispersing the advancing Insurrectionists, but coming upon a canal boat, they were informed by the Capt. of the boat that the Insurrectionists had fled to the mountains and were pursued by the Baltimore military.

In the evening of the same day, the Hamtramck Guards[26] arrived in town, from Harper's Ferry, marched through our principal streets, greeted with the cheers and bouquets of our ladies, for the inflexible courage and undaunted bravery displayed by them at Harper's Ferry in the midst of the hot firing of the Insurrectionists upon them; happily all of them escaped unhurt.

On Wednesday morning, a party of our citizens left town for the purpose of searching the mountains for Cook and his followers.—They were not successful in capturing any one of the band, but came upon their Rendezvous and found several letters and a portion of their By-Laws, which stated that their sole object was the liberation of slaves. Another provision of their By-Laws, was that the most liberally educated of them were to teach school in the neighboring counties in order that they might avoid suspicion and be better able to incite the slaves to rebellion.

The same Capt. Cook was in our town last Spring, selling the Life of Washington, and married a Miss Kennedy, of Harper's Ferry, a few months since. He passed here as a Literary character and contributed several poetical effusions to the columns of the "Register" a part of which proved not to be original.

We understand that Capt. Brown, Commander of the Insurrectionists, confessed that he intended to attack Shepherdstown, on Tuesday night, had he been successful at Harper's Ferry.

We surrendered nearly the whole of our paper this week descriptive of the Insurrection at Harper's Ferry, believing it will be read with more interest, by most of our readers, than anything else we could have inserted.

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[26] The Hamtramck Guards was a Shepherdstown militia company named in honor of John Francis Hamtramck of Shepherdstown, a veteran of the Mexican War. During the Civil War, it served in the Confederate Army as Company B, Second Virginia Infantry Regiment, Stonewall Brigade.

We hope that our readers will overlook all the shortcomings in this issue, as all hands, from editor down to the devil[27], have spent several days of this week in shouldering our muskets in defence (sic) of Southern Rights. We have done our best under the circumstances.
Advertisements omitted this week will appear in our next issue.

Walter Washington is an attorney who lives and practices law in Charles Town.

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[27] Printer's "devil" was a term for an apprentice to the printer.

The Trial of John Brown

by Bushrod Corbin Washington

Bushrod Corbin Washington was born at Rich Woods Farm, Charlestown, Virginia to Thomas B. and Rebecca Washington on May 15, 1839. He attended the Charlestown Academy for his primary education. In July of 1854, fifteen-year-old Bushrod was enrolled at Saint Timothy's Hall, an Episcopal military academy for boys located in Catonsville, Maryland.

During the John Brown trial, in Charlestown, Saint Timothy's as a learning experience provided a troop of students, wearing their gray military-style uniforms, as observers of the trial proceedings.

After serving as a lieutenant in the 12th Virginia Cavalry, Laurel Brigade during the Civil War, Bushrod returned to his home at Claymont Court. He became a justice of the peace, and a Charlestown businessman. In 1877, he was appointed clerk of the circuit court in Charlestown.

In 1908, Bushrod, at age 69, moved west to Spokane, Washington. It was his intensions to join with two of his sons, Nathaniel and James, in an apple orchard venture along the Columbia River in north central Washington. He died on the Columbia River ranch in 1919.

The following paper on the John Brown trial was presented at the Charlestown Seminary by Bushrod Corbin Washington in about 1899. It was hand-written by him and I have transcribed it.

Gerald Lee Ward, great-grandson

Mr. Chairman, Ladies and Gentlemen; When I accepted an invitation from the lady managers, or committee of arrangements of the teachers Institute to make some remarks before you on this occasion, I am aware that I did a very rash and imprudent thing; for I find myself, who am only an everyday business man a mere layman as to the things which especially engage your profession, facing an audience of trained educators fresh from text-books, familiar with history, and up-to-date in all matters and methods of things scholastic. And am expected to interest and enlighten you upon an almost thread-bare subject of history. You will pardon my trepidation too, lest in making the effort I should fail to dot an I or cross a T or should make a break in etymology, prosody or

syntax; be guilty of some grave anachronism the only thing I feel safe reasonably about is my chirography and orthography, handwriting and spelling as they used to be called when I went to school.

And the only reason I feel safe as to them, is because I do not intend any school teacher present, shall get a glimpse of this manuscript; and especially Professor Denny[1], shall not have the grim satisfaction of correcting it after a fashion of an exercise in composition to keep his hand in during vacation.

Within the walls of this court house the court room then being on the lower floor of the building then standing on these foundations on the 27th day of October. The Jefferson County Court House was severely damaged during the War and was rebuilt afterwards. 'The most notable criminal that stood for trial within the 19th Century indeed of modern times, was brought to the bar of the Circuit Court of Jefferson County, to stand trial, upon an indictment for "Treason; advising and conspiring with slaves and others to rebel and for murder."

Each of which high crimes, under the laws of Virginia at that time was punishable with death.

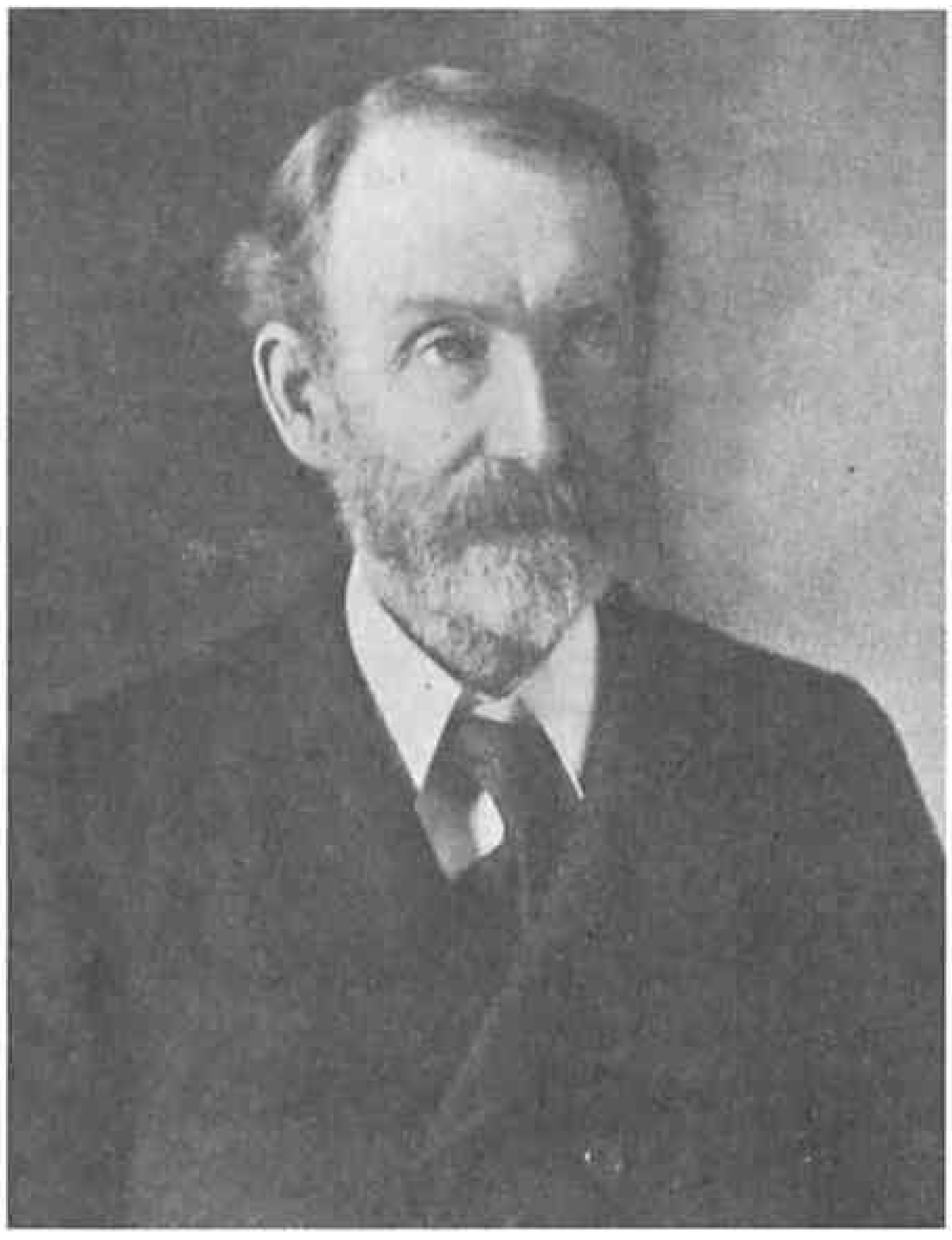
I said the most notable criminal; I will add the most notable character that is if it is public notice that creates notoriety; for it has been stated upon good authority that more books have been written about John Brown than about George Washington; "The Father of his Country" or about Abraham Lincoln "The Savior of the Union." And if we take into account the newspapers and magazines articles galore, there has properly been more written about John Brown than about Washington or Lincoln together.

I have chosen 'John Brown', and 'what he stood for.'

It is to this latter task we address ourselves, as to that part of Brown's history connected with his capture, trial and execution. Truthful history can hardly be written, while a remnant of partisan prejudice survives; but facts gathered from authentic records and credible witnesses will serve at least to supply trustworthy data for the honest historian who shall hereafter record those events in our national life, enacted while the North and the South were divided upon the question of slavery; when partisan strife had gone from words to blows, from appeals to law to use of force and arms.

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[1] Wright Denny was principal and teacher at the Charles Town Graded School from 1893 until 1939.



Bushrod Corbin Washington

The heredity and environment, the influences and processes under which John Brown evolved into the character now so famous or infamous, as you will, are not the subjects of this inquiry.

Forty years after the closing scenes in his "strange eventful history," the memory of it all is still too fresh to be dealt with from any standpoint, without danger of stirring again the embers of a once raging conflagration. Time may have mitigated, but has not altered the sentiment with which Brown has been regarded either south or north.

To those who advocated the abolition of slavery by any means, within or without the law, who appealed to a "higher law" than the Federal Constitution and denounced that sacred bond between the commonwealths, in tolerating slavery as "a league with death and a covenant with hell," he remains the reformer, hero, martyr. To those who remember that slavery was an institution that antedated the American Union, that was once general throughout the colonies but had gradually from natural causes become provincial and local in the South, and who regarded the forcible abolition of it as the breach of a solemn constitutional compact and the infraction of a guaranteed right—he is still the desperado, outlaw and leader of insurrection.

By some he is canonized as a saint and compared to the Savior; by others denounced as a brutal freebooter and red-handed assassin.

Opinions and sentiments so at variance will hardly be reconciled within the living generation. Of one thing however all are agreed: it is, that the issue is dead. The provoking cause of John Brown's campaign in Kansas and Missouri, his raid into Virginia, and the civil war of which it was the forerunner, no longer exists.

The form of involuntary servitude and ownership of Negroes, called

slavery, which existed in the southern States, with all that was good and all that was evil in it (and there was much of both) has, as a result of the civil war, disappeared forever. It is no longer a bone of contention between the North and the South, a thorn in the side of the nation. But while the issue is dead, the facts of history remain; and the time ought now to have arrived when the people of a reunited country, reserving their private judgments, may, with fair-mindedness and toleration, and without suspicion of ulterior motive, entertain the statement of any authentic facts relating to questions upon which they have heretofore differed, and accept them in the interest of Truth. It is in this spirit we approach the subject of this article. The incidents herein narrated are taken from reliable records made at the time of their occurrence; the observations upon them are intended to be from a conservative southern standpoint. It is mainly the trial of John Brown that is here-in proposed to be treated, but it is necessary to give some account of his raid and capture in Virginia in order to fully understand the motives which impelled him and to ascertain the specific offenses for which he was tried and executed.

The attack upon Harpers Ferry, Virginia according to the confession of John E. Cook, a co-conspirator with Brown, and a captain in his forces, who was also captured, tried and executed, was planned by Brown some two years previous to its enactment, near Lawrence, Kansas. It was nothing less than a plan to instigate, organize, arm and lead, a general servile insurrection of the Negro slaves throughout the southern States.

Harpers Ferry, Virginia, was selected for several reasons, as the most suitable point to inaugurate the insurrection it being located on the northern boundary of Virginia, near the base of the blue ridge mountains, only a short distance from the free state of Pennsylvania, from which he could with least danger of detection transport men, provisions and arms, to some safe contiguous rendezvous. On the plantations in the neighboring counties of Virginia, there were a large number of slaves, and at Harpers Ferry, there was located a United States armory and arsenal, containing many stands of arms and a quantity of ammunition, with which, when in his possession, he could arm his insurgent followers.

His movement from Kansas towards Harpers Ferry was necessarily slow; and, in order that they should not miscarry, his plans were conducted with the greatest care and deliberation. As he was obliged to thoroughly test his recruits, before he dare trust them in so bold and hazardous an enterprise, the process of recruiting required no little time.

Moving with his party from Kansas to Tabor, Iowa, where he had a

year before accumulated some two hundred Sharp's rifles, two hundred revolvers, and a large quantity of ammunition, and continuing there for some time he obtained teams, and transported the arms and supplies by slow stages to Ohio, and thence to Chambersburg, Penn. From that place he proceeded to a farm he had rented in Maryland, on the Blue Ridge Mountains, about four miles from Harpers Ferry, known as the Kennedy farm. Here he furthered assured himself of the steadfastness and determination of his followers, who now numbered twenty-one men, of whom five were Negroes.

While on the route from Kansas, they from time to time received some kind of military instruction under one Col. H. Forbes, who later deserted; and the fear that he might betray the object of the expedition somewhat delayed Brown's movements.

John E. Cook, who by agreement had preceded Brown to the neighborhood of Harpers Ferry, on the Maryland side of the Potomac River, and later married a woman in the neighborhood and opened a school. He had then the opportunity to become quite familiar with Harper's Ferry and the surrounding country.

John Brown assumed the name and become known in Harpers Ferry and the neighborhood as John Smith. From the mountain farm, now the headquarters of the party, under color of prospecting for ores, Brown and Cook reconnoitered the neighborhood generally.

They and others of the party often went into Harpers Ferry to purchase provisions, and at the same time to obtain such information about the armory and arsenal as would make the attempt to capture them reasonably sure. They also made frequent visits to the near-by plantations in Jefferson and Clarke counties, Virginia, under pretense of business by day, and clandestinely at night, for the purpose of communicating with the Negro slaves and inciting them to join the proposed insurrection.

Although, as the result proved, he did not succeed in inducing them to join him, it is certain he had assurances from quite a number that they would do so; many of them, no doubt, consented in order to get rid of him; a few perhaps, intended to wait until the success of the attempt should be assured. Brown evidently expected that a large number would join him, as he added to the arms secreted at the mountain rendezvous fifteen hundred pikes, with which to arm such Negroes as might not understand the use of firearms.

They were conveyed in strong boxes, marked "spades, shovels and picks." These pikes were deadly-looking weapons, consisting of a double-

edge blade, fourteen inches long by two wide, tapered to a point with cross-guard, and attached to the end of a stout pole or handle, some six feet long. Specimens of them are still in possession of persons in the neighborhood.

A provisional constitution, for the government of the territory expected to be overrun, had been drafted and adopted at a secret convention of Abolitionist, held in May, 1858, at Chatham, Canada.

John Brown was elected Commander-in-Chief, J. H. Kagi, Secretary of War, and Richard Realf, Secretary of State.

It provided for legislative, executive and judicial branches. The draft of this provisional constitution, was captured by the Virginia military, together with other papers, and a large number of letters addressed to Brown from northern accomplices.

A short time before making the raid, Brown issued commissions to the men appointed as officers, and he and all of them took an oath of allegiance to the provisional constitution.

The time set for the attack upon Harpers, Ferry was the 24th day of October, 1859; but owing to pressure from friends in the North, and fearing that the presence of his party in the mountain had excited suspicion, he suddenly determined to make the attack on Sunday night, October 16.

The movement, accordingly, began about ten o'clock that night. The Town of Harpers Ferry lies in an angle between the Potomac and Shenandoah rivers, which conjoin there, and flow through a gap in the mountain. A short distance above the point of junction, the Baltimore & Ohio railroad crossed the Potomac over a long bridge, where a watchman and lights were maintained. Approaching from the Maryland side, Brown and his party captured the watchman and extinguished the lights on the bridge. A guard of four or five insurgents left to occupy the bridge, " held up" the east bound express train, which arrived shortly after one o'clock A.M.

At this time Hayward Sheppard, a Negro porter going upon the bridge to ascertain what was the matter, was ordered by the insurgents to halt and join them, and turning to run, he was shot down, dying in a short time.

A detachment of insurgents was sent to capture and occupy Hall's rifle-works, on the Shenandoah side of the town; while Brown and the main body proceeded to occupy the United States Arsenal and buildings lying along the Potomac, a short distance from the bridge. A part of his

plan of campaign contemplated the capture of prominent citizens to be held as hostages, in order, as he explained, to enable him to make terms of capitulation in case of being besieged, and also to prevent the use of artillery against him. For this purpose, Captain Stephen's (sic) of his command, with John E. Cook and others, proceeded to the farm of Col. L. W. Washington, John Alstadt (sic) and others, a few miles off in Virginia, arrested them, and taking a number of their slaves, compelled them to hitch horses to carriages and wagons, and brought them all back to Harpers Ferry; the citizens as prisoners, while the slaves having pikes placed in their hands, were ordered to join the insurrection. They took from Colonel Washington's house some valuable relics, a sword and a pair of pistols that had descended to him by inheritance from General Washington.

The town had now become alarmed, and the citizens realized that it was in possession of armed men.

A citizen named Joseph Boerly was shot standing in his door. Some citizens by this time appeared with arms, and the insurgents, seeing they would be resisted, began to withdraw within the armory grounds, leaving a small detachment on the bridge, and a few occupying the lower part of the town. Express riders quickly alarmed the country as far as Charlestown, Va., some ten miles distant, and by ten o'clock on the morning of the 17th, the Jefferson Guards, a military company of the Virginia volunteers, and citizens singly and in quickly organized detachments, armed with whatever was at hand, were en route to the rescue. The Jefferson Guards crossed the Potomac above the town, and came down to the mouth of the railroad bridge on the Maryland side, fired a volley and charged the bridge, killing several insurgents and capturing most of the others stationed on it. There was desultory firing between the insurgents and the citizens in the streets of the town.

Mr. Fontaine Beckham, an aged and respected citizen and local agent for the railroad company, was shot and killed by the insurgents near the bridge, and Mr. George Turner, a prominent citizen, a graduate of West Point, was killed on High Street by an insurgent from the corner of the street below. About the same time Mr. Samuel Young, A citizen of Charlestown, and a number of others were more or less severely wounded. Military companies from neighboring towns came in upon the scene during the day. Brown and the remainder of his party had now withdrawn within the engine-house in the armory grounds, barricaded the doors and from loopholes fired upon their assailants. On the evening of

the 17th, an attack was made on the small party of insurgents who had occupied the Hall rifle-works, when one of them was killed.

A parley was open by Brown's sending one of his hostages under parole to return, with a verbal proposition to the effect that if he would be allowed to retire with his men, living, dead, wounded and prisoners, a short distance across the bridge, he would release the prisoners.

To this Col. Robert W. Baylor,[2] commanding the volunteer forces, replied, declining the proposal, but agreeing that if he would release the citizens held as prisoners, he would leave the United States government to deal with him as to the property he had seized.

Substantially the same proposal, submitted in writing, was declined, and operations ceased for the night.

On the night of the 17th, a company of United States marines arrived at Sandy Hook, on the Baltimore and Ohio railroad, a short distance east from Harpers Ferry, under Colonel, afterwards General,[3] Robert E. Lee.

They were immediately marshaled over and stationed so as to closely invest the engine-house. Early in the morning Colonel Lee demanded the surrender upon terms previously offered by Colonel Baylor, which were declined, and the attack by the marines immediately began.

An attempt was made to batter down the doors of the engine-house with heavy sledge hammers, but failed. An improvised battering ram consisting of a ladder operated by an assaulting party of marines led by Lieutenants J. E. B. Stuart and Israel Green, was successfully used against the doors, which gave way, and the marines pouring in soon overpowered Brown and his party and released the prisoners. One marine was killed in the attack and several wounded. Brown was twice wounded before he surrendered, and two of his sons killed. Of the twenty-two insurgents who invaded Harpers Ferry, twelve were killed and five taken prisoners; two others were subsequently captured in Pennsylvania.

They were conveyed as soon as possible on the day of their capture to Charlestown, the county seat of Jefferson county, Virginia, and confined there in the county jail.

On October the 20th, there was a formal commitment of the prisoners by Robert Chew, Esq., a justice of the peace, upon oaths of Hon. Henry A Wise, governor of Virginia, Andrew Hunter, a leader of the Jefferson bar, and John W. McGinnis, a constable, and upon the admission and

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[2] The 55th Regiment Virginia Militia, the first to engage Brown's men, was commanded by Colonel James T. Gibson. Baylor relieved him late on the 17th of October.

[3] In the army of the Confederate States during the Civil War.

confession of the prisoners, to wit: John Brown, Aaron C. Stephens (sic), Edwin Coppie, (sic) white men, and Shields Green and John Copeland, free Negroes.

At the same time a warrant was issued to the sheriff to summon at least eight justices of the county to meet at the courthouse on the twenty-fifth day of October, to hold a court for the further examination of the prisoners as to the offenses with which they stood charged. This court, it may be remembered, which consist of not less than five justices of the county, had the right to acquit a party charged with a criminal offense, but not the right to convict.

If of the opinion that the party ought not to be acquitted, it became their duty to send the case on to the circuit court, as a court of oyer and terminer[4].

Pursuant to summons, the court of justices met on the twenty-fifth day of October, and immediately entered upon the examination of Brown and his associates upon the commitment, which was for treason and murder. Upon inquiry of the court it was ascertained that the prisoners had no counsel. Here Brown arose and addressed the court to the effect that he had been promised a fair trial, but he did not believe he would have it. He had no counsel, but if allowed time would have counsel of his own choosing. He did not care for the mockery of a trial; the court could save itself the time and expense of a mere form. The court explained that this was only a preliminary examination and could not await the arrival of counsel from the North. The court appointed Hon. Charles J. Faulkner and Lawson Botts, Esq. to represent the prisoners.

They were gentlemen of eminent standing and ability, who pledged themselves faithfully to represent the cause of the prisoners and secure them a fair examination. The witnesses examined were the citizens captured by Brown's party, citizens of Harpers Ferry and others who saw the operations of the insurgents.

Counsel for the prisoners subjected the witnesses to a rigid cross-examination, and threw every impediment in the way of the prosecution it was possible to do, under the law and rules of practice.

The examination being concluded, the prisoners were remanded for trial before the circuit court.

The upholders and apologists of Brown have repeatedly charged that his trial was a mere formality, and that the temper of the people of

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[4] To hear and determine.

Virginia was such that he was practically condemned before his cause was heard.



Judge Richard Parker

In this connection it will be interesting to give in full the charge of Judge Richard Parker of the circuit court of Jefferson County to the grand jury. Nothing could more fully refute the charge of prejudice.

"Gentlemen: In the state of excitement in which our whole community has been thrown by the recent occurrences in this county, I feel that the charge which I usually deliver to a grand jury would be entirely out of place."

"Those occurrences cannot but force themselves upon our attention. They must necessarily occupy a considerable portion of the time, which you will devote to your public duties as a grand jury."

"However guilty these unfortunate men who are now in the hands of justice may prove to be, still they cannot be called upon to answer to the offended laws of our commonwealth for any of the multifarious crimes with which they stand charged, until the grand jury after diligent inquiry, shall decide that for these offenses they are to be put to trial."

"I will not permit myself to give expression to any of those feelings which spring up in every heart, when reflecting upon the enormity of the guilt in which those are involved, who invade by force a peaceful, unsuspecting portion of our common country, raise the standard of insurrection amongst them, and shoot down without mercy Virginia citizens defending Virginia soil against their invasion. I must, as to every one accused of crime, hold as the law holds, that he is innocent until he shall be proved guilty, by an honest, independent and impartial jury of his countrymen, and what is obligatory upon me is equally binding upon you, and every one who may be connected with the prosecution and trial of the offenders. In these cases as in all others, you will be controlled by the oath which each of you have solemnly sworn, that you will diligently inquire into all offenses which may be brought to your knowledge, and that you will present no one through ill feelings, as well as that you will leave no one unindicted through fear or favor, but in all your presentments you will present the truth, the whole truth and nothing but the truth."

"Go beyond this, and instead of that intelligent inquiry and calm investigation which you have sworn to make, act upon prejudice or from excitement of passion, and you will have done a wrong to the law in whose service you are engaged. As I said before, these men are in the hands of justice. They are to have a fair and impartial trial. We owe it to the cause of justice as well as to our own characters, that such a trial shall be afforded them. If guilty, they will be sure to pay the extreme penalty of their guilt, and the example of punishment when thus inflicted by virtue of law, will be beyond all comparison more efficacious for our protection than any torture to which mere passion could subject them. Whether it be in public or private position, let each one of us remember that, as the law alone has charge of these alleged offenders, the law alone, through its recognized agents, must deal with them to the last. It can tolerate no interference by others with duties it has assumed to itself. If true to herself, and she will be, our commonwealth through the courts of justice, will be as ready to punish the offense of such interference as she is to punish these grave offenses with which she is now about to deal, in case offenses be proved by legal testimony to have perpetrated. Let us all, gentlemen, bear this in mind, and in patience await the result; confident that that result will be whatever strict and impartial justice shall determine to be necessary and proper."

On the day following the grand jury presented a true bill against each of the prisoners. The indictment was "for conspiring with slaves to produce insurrection; for treason against the commonwealth; and for murder."

In each of the three counts of the indictments the specific acts of the accused were minutely recited.

Brown being the leader of the insurrection was first put upon his trial.

Mr. Faulkner, one of the counsel for the prisoner before the examining court, considering his duty to have been discharged, had gone home, and the court with the consent of Brown appointed Mr. Thomas C. Green to assist Mr. Botts in the defense. Mr. Green was a lawyer of well-established ability who latter became a judge of the Supreme Court of West Virginia, which office he filled with distinction to the time of his lamented death. In consenting to defend the prisoners, he assured the court that he would do so to the very best of his ability. To those who knew the characters of Lawson Botts and Thos. C. Green, their consenting to act as his counsel was an assurance that Brown would have a fair trial, and one contested at every point.

Charles Harding, Esq., was attorney for the commonwealth, assisted by Hon. Andrew Hunter, a leader of the Jefferson bar and whose ability was recognized throughout Virginia as of the first order. Mr. Hunter practically managed the prosecution.

The indictment being read, Brown pleaded "not guilty" and addressed the court, requesting delay of several days on the account of his wounds, and also in order that counsel of his own preference from the North might arrive. Upon testimony of the county physician and the jailer as to his physical condition, and he also being unable to give assurance that outside counsel would arrive, his request for delay was overruled.

The jury of twelve to try the case was selected with the greatest care, and as to intelligence and character was above the average of American juries. Judge Parker directed the sheriff to carefully guard the jury from all out side communication.

On the second day, a dispatch from Acron (sic), Ohio, addressed to Brown's attorneys, stated that there was hereditary insanity in Brown's family, and that witnesses who could prove the fact would, if desired, attend the trial. The dispatch being read in court, Brown arose in person and denied that there was insanity in his father's family, but admitted that on his mother's side there had been instances of it. But he refused to allow the plea of insanity to be put in, and remarked to the court, I am perfectly unconscious of insanity, and reject so far as I am capable, any attempt to interfere in my behalf with that plea."

After further efforts to secure delay, which were overruled, the jury was sworn, and his prosecution opened.

The facts expected to be proved in the case were presented in detail by the prosecuting attorneys.

The attorneys for the defense each followed in strong addresses. Mr. Green warned the jury that no previous confession of the prisoner should influence them, that under our code "no conviction can be made on confession not made in open court," and in court Brown had pleaded "not guilty." As to the charge of treason, specific acts of treason must be proved; and it required two distinct witnesses to prove each and every act of treason; also it must be shown that he attempted to set up a separate and distinct government, and what was the purpose of the treasonable acts. Mr. Botts solemnly warned the jury not to be influenced by preconceived opinions and prejudices. He proceeded substantially over the ground taken by Mr. Green on each of the counts of the indictment: treason insurrection and murder. Both gentlemen showed a determination

to avail themselves of every advantage of the law, and to faithfully and earnestly defend the prisoner.

A large number of witnesses were examined, many of them subpoenaed at the instance of Brown. On the morning of the 28th Mr. Geo. H. Hoyt of Boston, arrived to act as counsel for Brown, and after presenting satisfactory credentials, was permitted to enter the case.

During the examination of witnesses Brown made frequent admissions as to papers and signatures, as he said, to save time. Several witnesses for the prisoner being called did not respond promptly to their names, though most of them were within call. Brown became nervous, and addressed the court to the effect that his witnesses had not been subpoenaed, that had no counsel in whom he felt confidence, and felt that he could not have a fair trial without time for counsel to arrive.

Mr. Hoyt of Boston, who had been sitting in close conference with Brown, also appealed for time to acquaint himself with the case, through expressing every confidence in the gentlemen who had been conducting the defense. At this point both Mr. Green and Mr. Botts requested permission to withdraw from the case, in view of the prisoner having declared his lack of confidence in them.

The court assented to the withdrawal, and thereupon adjourned for the day. On the morning of the 29th, the fourth day of the trial, there arrived as additional counsel for Brown, Mr. Samuel Chilton of Washington, DC, and Mr. Henry Griswold, of Cleveland, Ohio. The court, at the request of these gentlemen, delayed the trial a few hours to allow time for them to consult the prisoner, and get acquainted with the proceedings. The witnesses for the defense all appeared and testified. The remainder of the day was consumed in examination of witnesses, and the opening addresses of the prosecution.

On Monday, the 30th, Mr. Griswold opened for the defense in a temperate and masterful argument, followed by Mr. Chilton along much the same lines. Both expressed themselves as pleased at the straightforward testimony of the witnesses, and the fair and impartial rulings of the court.

Hon. Andrew Hunter closed for the State with an elaborate summary of the facts proven, and a logical and forceful citation of the laws of Virginia applicable to the same.

Mr. Chilton acting upon the point called to his attention and first advanced by Mr. Green, asked the court to instruct the jury " that if they believed the prisoner was not a citizen of Virginia, but of another State,

they could not convict on account of treason," which instruction was withheld. Exception was taken to this ruling, and is said to have been the only point the court of appeals found difficulty in deciding. He also asked the court to instruct to the effect that the jury "must be satisfied that the place where the offense was committed was within the boundary of Jefferson County," which instruction the court granted.

The jury immediately withdrew to consider their verdict, and returned in an hour with the verdict of "Guilty".

The eulogists of Brown in order to present him in the role of a martyr, have assumed that not Brown, but the Abolition party had been on trial in Virginia, and that Brown, being in the hands of the Virginians, was hurried through a mere form of trial, and was the victim of judicial murder.

There is, however, nothing to justify this assumption. The specific acts, under each count of his indictment—inciting slaves to insurrection, treason against the commonwealth, and murder—were fully proven, and the penalty for each under the laws of Virginia, was death.

Could Brown's crimes have been committed in Maine, Massachusetts or any New England state, and his trial have been conducted in any of their courts, under a similar penal code, his conviction would have been inevitable.

The provisional government to which Brown and his followers swore allegiance clearly provided for the seizing and confiscating the property of slave-holders, and the setting up of the provisional government in the territory intended to be overrun; which, taken in connection with his invasion of the state, established both the animus and act of his treason.

The pikes and firearms put in the hands of Negro slaves, the capture of the arsenal and killing of citizens, showed beyond question that his intention was to incite and lead a servile insurrection, and was not, as was pleaded in his defense, a mere attempt to run the slaves off into free territory.

Exception was taken by council for Brown to the jurisdiction of the court, upon the ground that he was arrested by United States troops, and within the armory yard, which was United States property; and consequently the jurisdiction was in a United States court. But the court overruled this plea to jurisdiction; first upon the grown that the offenses were committed outside as well as inside the armory yard, and secondly, that the State of Virginia had not divested itself of legal jurisdiction over property when it was acquired by the United States, but had always

exercised jurisdiction over criminal offenses committed within the government enclosures.

The precedent was cited of the trial and conviction of Ebenezer Cox for the killing of Colonel Dunn, superintendent of the United States armory at Harpers Ferry, the murder having been committed in the office of Colonel Dunn within the armory enclosure.

Cox was tried and sentenced by the circuit court of Jefferson county, Virginia, and was hanged at Charlestown. Application was made by counsel for Brown to the supreme court of appeals in Virginia, in arrest of judgment. The application was refused by the court of appeals and Brown was executed on the second of December, 1859, the day appointed in the sentence of the circuit court.

While in prison awaiting his trial, Brown deported himself with something of dignity, and while having fully reaffirmed the statements made before his trial, that his intention was to incite the slaves to insurrection, he justified his acts as being impelled by conscientious convictions and warrant of Scripture.

At his request his will was written by Mr. Hunter, his chief prosecutor, with whom he had become friendly and confiding.

He went to his execution with composure and met death without trepidation.

In reviewing the trial, it was probably a mistake in Brown to have dismissed his original counsel; While they could not have prevented his conviction, yet being better acquainted with the laws of Virginia and the rules of practice in Virginia courts than the gentlemen who succeeded them, they would have perhaps secured for him some of the law's delays.

The Acts of Brown for which he suffered the penalty, were either the acts of a bold and aggressive fanatic, or those of an incarnate fiend. The consensus of fair opinion has attributed to him the former attribute. A fanatic is aptly described as one, who, his mind run away with an idea misconceived, or its importance unduly magnified, would deluge a world in order to extinguish the fire in a haystack.

Ignorant of Negro character, as well as of the true relation between master and slave in the southern States, Brown had totally misconceived the nature of the institution he attempted to overthrow, and unduly magnified the supposed unhappy condition of the slaves.

He determined upon a procedure entirely disproportionate to the end to be obtained. He deliberately proposed to subject the slave holders of the South to the unnamable horrors of a servile insurrection, and it necessary

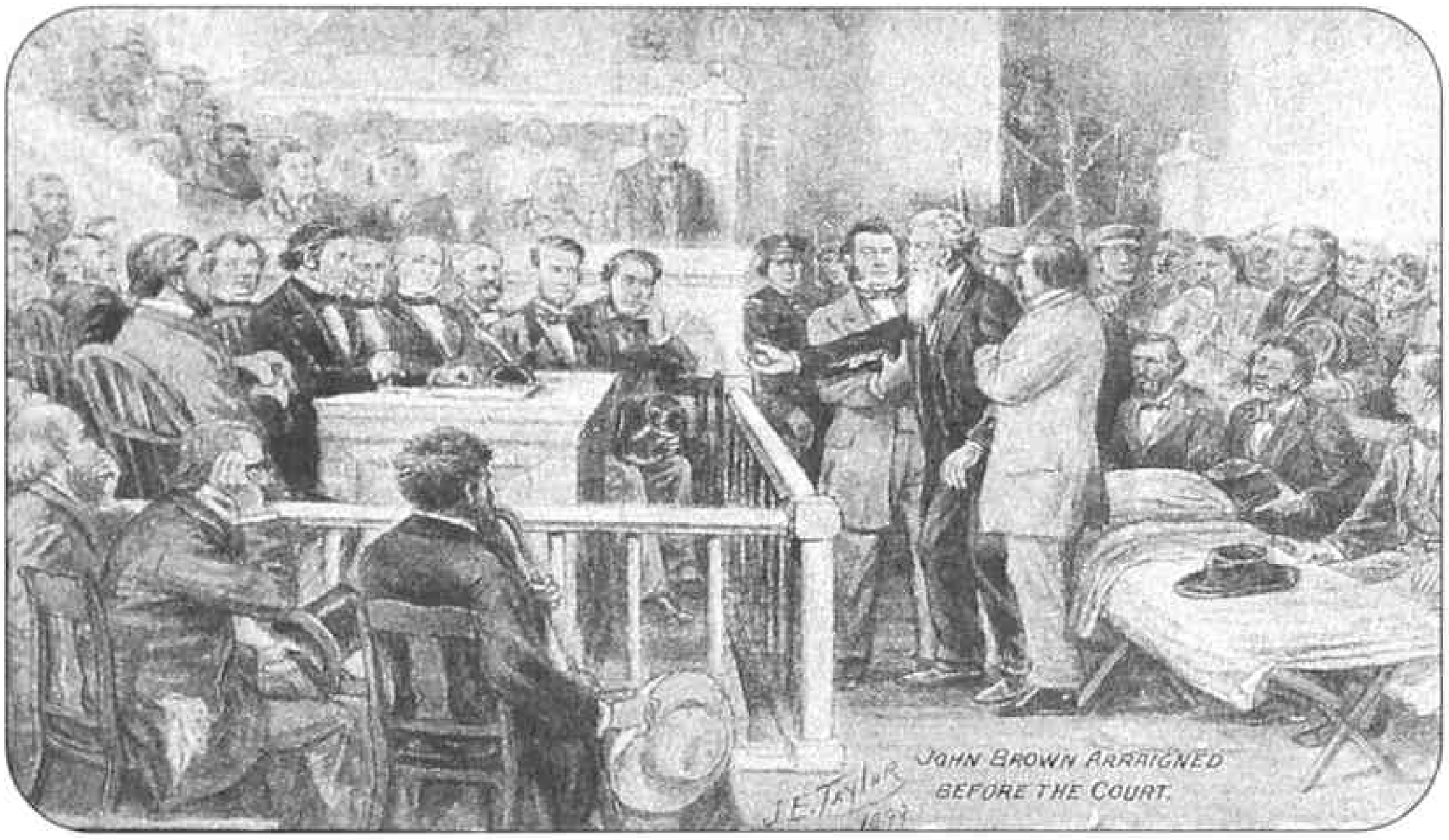
to destroy them, a people of the highest development, culture and refinement of the Anglo-Saxon race, in order to set free some four millions of late Africans held in servitude so mild that they were hardly conscious of it; and who, when he offered them the opportunity to rise, and placed the deadly pikes in their hands, were outraged at the suggestion of rising against their masters, and fled to them in terror for protection. An undertaking more diabolic or fanatical can hardly be imagined.

But whether fiend or fanatic, felon or martyr, John Brown will remain a unique character in our national annals. He was unquestionably a prime factor in hastening the end of slavery, a riddance for which, barring the terms and incidents of its departure, the whole country today congratulates itself. But with the overthrow of slavery there was also overthrown that splendid social feature which made of the South an Arcadia, at once the admiration and envy of the outer world; a social state under which was developed and presented to our country its first president, and a line of statesmen, soldiers and jurists whose names and achievements are interwrought in our national foundations, and adorn the best pages of our country's history.

Upon the ruins of that ancient social fabric, founded upon agriculture and slave labor, there is erected another, based upon industrial development. The former will be known in history as an extinct civilization— the latter, the "New South" is a living, potent reality. In the place of slavery, local in the South, there is settled upon our whole country—the nightmare of the unsolved "Negro problem."

John Brown Trial of 1859 and the Virginia Insanity Defense Laws Explored

by James Beckman



POSTCARD, FROM THE AUTHOR'S COLLECTION, FROM A JAMES E. TAYLOR SKETCH

Much ink has been spilled in many articles and books over the years delineating the basic facts of the Harpers Ferry raid, as well as the actions of old Captain Brown in that fateful year 1859 and general biographies of his life. Often overlooked in the flood of literature relating to John Brown and his raid are very unique and particular legal issues pertaining to the prosecution and conviction of John Brown. Indeed, it has been argued by many that the trial of John Brown by the Commonwealth of Virginia in Jefferson County in 1859 is one of the most famous trials in all of American history. For instance, according to Robert A. Ferguson, the George Edward Woodberry Professor of Law at Columbia University, in his 2007 book *The Trial in American Life*,[1] the John Brown trial remains one of the most significant and telling trials in American

[1] Robert A. Ferguson, *The Trial in American Life*, The University of Chicago Press: 2007

history.[2] Steven Lubet, Professor of Law at Northwestern University, also has called the Brown trial "the most significant" and "consequential" trial in American history.[3] There are, of course, a host of reasons why the John Brown trial remains one of the penultimate trials in American history, including the national import and gravity of the specific offenses (insurrection, treason & homicide) committed by John Brown in October 1859, as well as the "paradox of slavery in a democratic republic"[4] on trial and as seen through the prism of rigid legal procedure, legal process and the formalities of the "trial ritual."[5] Additionally, it has been argued that the Brown case was the "first modern courtroom event" and that Brown "may [have been] the first figure in American culture to have controlled the perception of a major event through self-dramatization and media awareness."[6] Finally, there exists in the Brown trial a host of legal issues that continue to fascinate laypersons and scholars alike today; issues such as whether or not it was proper for the Commonwealth of Virginia to levy treason charges against Brown (who was neither a citizen or resident of Virginia) or whether Brown was legally insane and therefore not legally culpable for his crimes.

This article explores this last issue, namely whether or not Brown was legally insane within the meaning of prevailing Virginia laws in effect at the time of his trial. This article will analyze the pre-trial, trial, and post-trial issues pertaining to insanity under Virginia law. This article also explores a very rarely commented upon document relating to John Brown's *legal* status relating to insanity, namely a letter written by Governor Wise to Dr. Francis Stribling on November 10, 1859, while Brown was awaiting his execution at the hands of the Commonwealth of Virginia (said letter contained in the papers of Henry A. Wise, now in the repository of the Library of Congress).

As one recent scholar (Bruce Olds) commented on a PBS American Experience episode about Brown entitled *John Brown's Holy War*, the idea of insanity is "an idea that seems to cling to him, like a barnacle to

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[2] Other trials given major treatment and discussion in Ferguson's book include the 1807 prosecution of Aaron Burr, the prosecution of Mary Surratt in 1865, the prosecution of the Haymarket defendants in 1887, and the 1951 prosecution of Julius and Ethel Rosenberg.

[3] Steven Lubet, "John Brown's Trial," *Alabama Law Review*, 52 Ala. L. Rev. 425 (Winter 2001)

[4] Ferguson, p. 117

[5] Ibid, p. 124

[6] Ibid, p. 121

the hull of a ship." Many authors over the years have paused to consider the question of John Brown's sanity and mental state—and have come to differing conclusions. For instance, in the first book written about Brown within a year of his execution, James Redpath dismissed Brown's alleged mental instability and insanity, writing that "the plea of insanity [was] first advanced by political monomaniacs in the Northern States, who could not understand a heroic action when they saw one...."[7] In Allan Nevins' famous multi-volume work on Abraham Lincoln (on the section pertaining to John Brown), Nevins insisted that Brown was "suffering from 'reasoning insanity' or 'ambitious paranoia,' a mental disease characterized by 'systematized delusions.'"[8] On the other hand, Oswald Garrison Villard (grandson of William Lloyd Garrison), in his classic 1910 book on John Brown entitled *John Brown: A Biography Fifty Years After*, declared Brown sane, writing poignantly as follows: "No lunatic every penned such elevated and high-minded, and such consistent epistles [as Brown had penned from his prison cell in Charlestown]. If to be devoted to one idea, or to a single cause, is to be a monomaniac, then the world owes much of its progress toward individual and racial freedom to lunacy of this variety. If John Brown was insane on the subject of slavery, so were Lucretia Motta and Lydia Maria Child, while Garrison and Phillips and Horace Greeley should never have been allowed to go at large...if John Brown was the victim of an idée fixe, so was Martin Luther, and so were all the martyrs to freedom of faith."[9]

Yet, it is very dangerous for the historian to do a psychological profile of a historical figure like Brown unless specifically trained to do so. As eminent John Brown historian Stephen Oates has written, "it is one thing to learn from what psychology has taught us about human beings. It is quite another for the historians to assume the role of the psychiatrist, as Nevins did with Brown, and to persist in diagnosing the 'mental disease' of some long-dead historical figure whose hidden anxieties and inner conflicts cannot be probed in psychiatric sessions."[10] While a qualified

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7 James Redpath, *The Public Life of Capt. John Brown*, Thayer and Eldridge: 1860, pp. 308-309

8 Allan Nevins, *The Emergence of Lincoln* (Volume II), Charles Scribner's Sons: 1950, pp. 73-77;quoted also in Stephen Oates, *Our Fiery Trial: Abraham Lincoln, John Brown, and the Civil War Era*, University of Massachusetts Press: 1979, p. 36

9 Oswald Garrison Villard, *John Brown: A Biography Fifty Years After*, Houghton Mifflin Company: 1910, pp. 509-510

10 Stephen Oates, *Our Fiery Trial: Abraham Lincoln, John Brown, and the Civil War Era*, University of Massachusetts Press: 1979, p. 37

psychologist might be able to make a diagnosis of Brown based upon the large volume of writings left behind by Brown,[11] this article will not address the medical issue of whether John Brown suffered from a bona fide mental disease or defect of the mind or labored under such a mental disease or defect which would today merit a classification of being mentally ill by competently trained professionals. Rather, the main goal of this article is to discuss the germane laws of insanity prevailing in Virginia in 1859 and how these laws impacted John Brown's trial (including pre-trial issues of insanity, trial issues, and post-trial issues).

The denial of criminal responsibility under the insanity test is a legal determination to be done by judge and jury, and not medical personnel. As experienced criminal lawyers are apt to say even today, the issue of insanity in a criminal case is a legal question and legal determination, and not a medical one. That is, while medical and psychiatric testimony is helpful in understanding the criminal mindset, such testimony is not dispositive in the resolution of the case. Ultimately, whether or not a criminal defendant is released from criminal accountability by virtue of the insanity defense depends upon the application of the facts of the case to a specific legal test for insanity utilized in the jurisdiction at issue. Then, the jury, applying the facts of the case to the test, will determine whether or not a defendant is not guilty by reason of insanity. Governor Wise understood this in 1859, as on November 10, 1859, Wise wrote out orders (later countermanded by Wise) to a medical doctor commanding the doctor to personally examine Brown and report back to Wise. Wise instructed the doctor, one Francis A. Stribling (superintendent of the Virginia Western Lunatic Asylum at Staunton), to determine whether Brown was "sane, *in the sense of legal & rational responsibility* for crime,"[12] and not in the sense of medical treatment or diagnosis. As the Pennsylvania State Supreme Court said in 1885 only twenty-six years after the Brown case, "while a slight departure from a well balanced mind may be pronounced insanity in medical science, yet such a rule cannot be recognized in the administration of law when the person is on trial for the commission of a high crime."[13] Thus, under the law, one can be mentally ill without being

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[11] Interview with Dr. Jeffrey Klepfer, Associate Professor of Psychology, The University of Tampa, on March 18, 2009

[12] Countermanded Letter from Governor Wise to Dr. Stribling, dated November 10, 1859, and contained as part of the Henry A. Wise papers at the United States Library of Congress.

[13] Taylor v. Com., 109 Pa. St. 262 (1885)

legal insane. Medical evidence and testimony is helpful, but not dispositive of proving or disproving insanity. Insanity for purposes of an affirmative defense at trial is a legal determination and to be done by the judge/jury by applying a specific legal test to the case at hand.

The Pre-Trial Issues of Insanity in Brown's Case

Whenever the issue of mental stability of a defendant is called into question, there are two major points in a trial where the defense may raise this issue, namely before trial during a competency hearing and during the trial as an affirmative defense (i.e., the insanity defense). A competency hearing deals with the mental well-being of the defendant to stand trial. That is, the court is charged with determining whether or not the defendant is sufficiently lucid to understand the charges levied against him and to aid in his defense during the trial. In determining competency, the court inquires into the defendant's mental state of mind *at the time of trial* (and not at the time when the underlying criminal offense occurred). If the defendant understands why he is "on trial" and he can minimally assist his counsel in the case, the court would determine the defendant competent to stand trial.[14] If the defendant were declared to be incompetent to stand trial, the charges and prosecution would be held in abeyance until such time as the defendant regained his competency. In the words of an older text recounting the status of the common law regarding insanity in the 1800s, the court should determine whether the defendant is competent to stand trial, and "if he is found insane should remand him to jail or commit him to a hospital for the insane until his recovery; then he will be tried for the offense as charged in the indictment."[15]

Thus, on Wednesday, October 26, 1859, after the Virginia State Circuit Court convened its session and the various Harpers Ferry defendants were arraigned (i.e., the indictment was read to the defendants and each defendant pled "not guilty"), the prosecutor Andrew Hunter announced that "the State elects to try John Brown first."[16] This announcement was met immediately with Judge Richard Parker's response that "his condition must first be inquired into," meaning that Brown's competency to stand

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[14] H. Douglas Singer and William O. Krohn, *Insanity and the Law*, P. Blakiston's Son & Co: 1924, p. 296

[15] Ibid, p. 297

[16] Edward Stone, ed, *Incident at Harper's Ferry*, Prentice-Hall: 1956, p. 115 (quoting trial transcripts as published by The National Intelligencer, Saturday, October 29, 1859)

trial must first be determined. At this point, Brown's appointed defense counsel, Lawson Botts[17] stood up and declared that Brown is "mentally and physically unable to proceed with his trial at this time."[18] As described by long time Jefferson County historian Professor Millard K. Bushong: "Brown was examined by Dr. Gerald F. Mason, a reputable Charles Town physician, who pronounced him perfectly able to stand trial. For moral effect upon his Northern friends the prisoner asked permission to recline on a couch during the trial. The request was granted."[19] According to the trial transcripts, Dr. Mason was sworn in as a witness on Wednesday, October 26, 1859, and testified that Brown was "able to go on understandingly with his trial...[and Mason] heard him complain of debility, but not of hardness of hearing."[20] After Dr. Mason concluded his testimony, the court called Brown's jailor, John Avis, as witness, and inquired into Brown's mental stability. Avis testified that he had "heard Brown frequently say...that his mind was confused and his hearing affected...[but] would not like to give any opinion as to his ability to stand his trial."[21] After these two witnesses, Judge Parker refused to postpone the trial, which means in essence that Judge Parker declared Brown competent to stand trial.



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Lawson Botts

The Trial Issues of Insanity

The second instance in which the mental stability of the defendant comes into question is during the trial—when the defendant may raise the

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[17] Brown had several sets of lawyers during his three and a half day trial. Court appointed Lawson Botts and Charles J. Faulkner represented Brown in pre-trial hearings. Thomas C. Green (the then-mayor of Charlestown) replaced Faulker for the trial. However, Brown was distrustful of the appointed counsel. Three additional lawyers were provided by Brown supporters in the North, namely the inexperienced twenty-one year old George Hoyt (who Brown called the "beardless boy"), and veteran lawyers Samuel Chilton (from Washington, DC) and Hiram Griswold (from Cleveland, Ohio). Botts and Green withdrew from the case upon the arrival of these three additional lawyers.

[18] Stone, p. 115

[19] Millard K. Bushong, *Historic Jefferson County*, Carr Publishing Company: 1972, p. 191

[20] Stone, p. 116

[21] *Ibid*

affirmative defense of insanity. The insanity defense operates as a complete defense against criminal charges, meaning that a successful defendant is found "not guilty by reason of insanity" and all criminality is negated. On the next day of the trial, on Thursday, October 27, 1859, Brown's lawyers attempted to do just this—raise the insanity defense on behalf of Brown and completely negate his criminal responsibility for the Harpers Ferry raid. Brown's lawyer, Botts, came into court and read a telegraph he had allegedly received "this morning" from a resident of Akron, Ohio (from A.H. Lewis) that "insanity is hereditary in that family."[22] However, Brown's counsel Botts had to weakly add that "Captain Brown also desired his counsel to say that he does not put in any plea of insanity, and if he has ever been at all insane, he is totally unconscious of it...."[23] To make matters much worse for the defense team, as the trial transcript reads, "Brown then raised himself up in bed" in the Charles Town courtroom and declared that "I reject, so far as I am capable, any attempt to interfere in my behalf on that score." He "disdain[ed]" the idea of raising the insanity defense in his case and viewed it "as a miserable artifice" for which he did not wish to be associated. In the trial transcripts, Brown is quoted as follows:

> I look upon it as a miserable artifice and pretext; I view it with contempt more than otherwise. As I remarked to Mr. Green, insane persons, so far as my experience goes, have but little ability to judge of their own sanity; and if I am insane, of course I should think I know more than all the rest of the world. But I do not think so. I am perfectly unconscious of insanity, and reject, so far as I am capable, any attempt to interfere in my behalf on that score.

Indeed, twelve days after his trial, on November 18, 1859, Mary Brown, John Brown's second wife, responded to the issue of insanity as follows:

> I never knew of his insanity, until I read it in the newspapers. He is a clear-headed man. He has always been, and now is, entirely in his right mind. He is always cool, deliberate, and never over-hasty; but he has always considered that his first perceptions of duty, and

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[22] Ibid, p. 117
[23] Ibid

his impulses to action, were the best, and the safest to be followed. He has almost always acted upon his first suggestions. No, he is not insane. His reason is clear. His last act was the result, as all others have been, of his truest and strongest conscientious convictions.[24]

So, the insanity defense was never considered by the jury in the case, and the court spent the rest of the trial on whether or not Brown committed treason, conspired to cause slave insurrection, or was responsible for homicide. As most readers know, Brown was found guilty on all charges, and executed on those charges on December 2, 1859.

But what if Brown would have allowed the insanity plea to be raised in his defense—what would have been the result? What was the specific test for insanity in Virginia in 1859 (i.e., what were the factors?) and how would Brown have actually faired then (or now) under the test for insanity? In Virginia, prior to 1839, one of the most popular articulations of the grounds for insanity (throughout both England and the United States) was a test known as the "wild-beast" test. This test, first set forth in England in 1723, required a successful defense counsel raising the issue to prove that the defendant was devoid of rationality of a man, and acted as a brute or wild beast. As was set forth by the presiding judge of the case of 1723, "it is not every kind of frantic humor, or something unaccountable in a man's actions, that points him out to be such a madman as is exempted from punishment; it must be a man that is totally deprived of his understanding and memory, and doth not know what he is doing, no more than an infant, than a brute or wild beast; such as one is never the object of punishment."[26]

However, in the early 1800s, courts in both the United States and England began to augment the "wild-beast" test with the "knowledge test." Simply stated, the "knowledge test" asked whether or not the defendant was so mentally delusional as to not understand right or wrong as defined by society's laws (i.e., does the defendant have knowledge that

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[24] Redpath, p. 309 (quoting trial transcripts as published by *The National Intelligencer*, Saturday, October 29, 1859)

[25] Richard Warch and Jonathan Fanton, *John Brown*, Prentice-Hall: 1973, p. 87 (quoting *The New York Times*, November 18, 1859)

[26] Singer, p. 282-283

he is generally violating society's laws in committing the act in question?). By the 1830s in Virginia, this "knowledge based" insanity defense took hold. As one author wrote in 1924, "from this time on, somewhat insidiously, the knowledge test crept in and supplemented the wild-beast test. Thus the law changed considerably without formal acknowledgement of its changing. The knowledge test, that is the power of distinguishing right from wrong, was however, not in relation to the particular act in question, but was general and applied to right from wrong in the abstract."[27] The knowledge test basically required that the defendant not appreciate that he was generally or specifically violating society's laws when he committed the offense. In the second earliest reported judicial decision in the Commonwealth of Virginia dealing with insanity (from 1839),[28] it is apparent from the written decision in the case that Virginia courts adopted this new "knowledge test" by the 1830s. The Virginia judge in 1839 wrote as follows regarding the insanity defense in Virginia: "In order to sustain the defence [sic] of insanity set up by the prisoner, and exempt him from responsibility, legal and moral, for the homicide with which he is charged, you must be satisfied from the evidence, that when he committed the act he was incapable, in consequence of insanity either partial or general, of judging between right and wrong or good and evil, and that at the time he committed the act he did not consider it a crime, an act evil in itself or forbidden by the laws of the land."[29]

In the 1850s, courts in England and the United States had begun to cite the now-famous 1843 "M'Naghten test" of insanity. Daniel M'Naghten was a delusional and paranoid individual in England who erroneously believed the Prime Minister (Sir Robert Peel) was following M'Naghten everywhere and attempting to destroy M'Naghten's life and reputation. In response to these delusions, M'Naghten intended to kill the Prime Minister, but instead shot and killed the Prime Minister's secretary, Edward Drummond by mistake. At M'Naghten's trial, the court declared M'Naghten not guilty by reason of insanity—despite the fact that M'Naghten knew he was committing homicide in violation of English laws. This verdict caused an uproar throughout Great Britain (including

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[27] Ibid, p. 286

[28] *Gwatkin v. Commonwealth of Virginia*, 9 Leigh 678, 36 Va. 678 (General Court of Virginia, 1839)

[29] Ibid

Queen Victoria)[30] and Queen Victoria requested that the House of Lords inquiry into the status of the law of insanity as applied throughout the Common Law Courts of England. This request by Queen Victoria caused the House of Lords to propound a group of questions to a group of English Common Law trial judges on the laws of insanity. The questions were exhaustively and thoroughly responded to by the trial judges, and the gist of the responses became known as the "M'Naghten test" for insanity. This test subsequently proliferated throughout the United States in the middle to late 1800s. The Supreme Court of Virginia expressly approved of the test in a decision rendered in 1871—although the test was very likely utilized by the general trial courts of Virginia in the 1850s and 1860s. Indeed, even as of 2009, approximately one-half of the state courts of the United States still adhere to the "M'Naghten" test for insanity, including Virginia.

The M'Naghten test (as first stated by the English trial judges in 1843 in response to the questions propounded by the House of Lords) simply states the rule as follows: "To establish a defense on the ground of insanity, it must be clearly proved that at the time of committing the act the accused was laboring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know what he was doing was wrong."[31] In short, an accused defendant was insane only if he failed to grasp the nature of the act itself (i.e., did not know what physical acts he was doing) or did not know that the act was wrong (i.e., a violation of society's laws). The M'Naghten test is generally consistent with the "knowledge test," as set forth and explained by the 1839 decision *Gwatkin* v. *Commonwealth of Virginia*.[32] Over a century later, the Virginia Supreme Court re-stated its early adherence to the M'Naghten test, stating that "[i]n the case of *Boswell* v. *The Commonwealth*, 61 Va. 614 (20 Gratt.) 860 (1871)...Virginia adopted the M'Naghten...rule for proof of insanity." The Virginia Supreme Court went on to say that "a word-for-word

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[30] Even Queen Victoria was reputedly outraged, and when hearing of M'Naghten's acquittal by reason of insanity, reputed remarked as follows: "What do you mean, not guilty? I saw him do it."

[31] H. Maudsley, *Responsibility in Mental Disease*, D. Appleton & Co: 1876, p. 95

[32] There are subtle differences which are beyond the scope of this article. For instance, the M'Naghten Test requires evidence of a bona fide "disease of the mind," which the "wild-beast" or "knowledge test" presumably did not. The differences are not germane to John Brown, as will be described, he would not have been successful under any of the insanity tests—bona fide "disease of the mind" or not.

comparison of the holding in M'Naghten with the instruction approved in Boswell demonstrates conclusively that *M'Naghten* was followed explicitly in *Boswell*..."

Given the above law on insanity in Virginia in 1859, John Brown was wise in refusing to take refuge in the defense, as he certainly would not have been successful with the defense and would have been viewed less favorable as a result than he otherwise was viewed. Assuming for purposes of argument that Brown was suffering from a "disease of the mind,"[33] Brown would still be found perfectly sane under Virginia law. Under the M'Naghten test (and the "knowledge test" adopted in Virginia by 1839), for the insanity defense to be successful, Brown's lawyers must have proved that in raiding the armory in Harpers Ferry, Brown did not "know the nature and quality of the act he was doing, or, if he did know it, that he did not know what he was doing was wrong." The "right verses wrong" test of M'Naghten asks whether the defendant knew the wrongness of one's act pursuant to societal laws and norms, and not a moral belief of right and wrong. Thus, the fact that Brown felt commanded by God to commit his raid, and his belief of the wrongness of Virginia and United States laws does not validate Brown's actions under the M'Naghten test. Rather, under the M'Naghten test, we ask whether the defendant knew (either generally or particularly) if he was in violation of societal laws. Of course, one of the main reasons and points of the raid was to combat what Brown saw as the immoral slave laws of the Commonwealth of Virginia (and the United States). So, Brown's main purposes of the raid negates the successful operation of the insanity defense and does not satisfy either prong of the M'Naghten test—as he clearly knew what he was doing (it was an elaborately planned out raid) and he knew he was violating the laws of Virginia (in both the general and abstract sense, as well as in the particular sense)—which was one of the main points of the raid.

The Post-Trial Issues of Insanity

Even after the trial, the issue of Brown's legal insanity continued to bedevil Virginia authorities, and in particular Governor Wise, for approximately one month following the guilty verdict on November 2 and

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[33] As explained at the onset, this article does not attempt to address the medical issue of whether John Brown suffered from a bona fide mental disease or defect or labored under a mental disease or defect which would today merit a classification of being mentally ill by competently trained professionals

until Brown's execution on December 2, 1859. In public, Governor Wise considered Brown's mind to be "cool," "collected," and "remarkable sane."[34] Additionally, on November 4, in a private letter to the mayor of New York City, Wise said: "I shall not reprieve him; for this sympathy is an insurrection against us worse than Brown's insurrection in arms. I am challenged to make an issue with it & I shall determinedly do so."[35] On November 7, to Andrew Hunter, Wise commented that "I wish you to understand confidentially, that I will not reprieve or pardon one man now after the letters I have received."[36] On November 8, Wise received a letter from Sylvester Thompson, a cousin of Brown who had been closely acquainted with Brown for approximately 20 years, swore before a judge in Cleveland, Ohio, that Brown's own mother and grandmother had both "died insane." He also alleged that multiple other family members (aunts, cousins, brothers and sons) of Brown had also been insane. Yet, on the back of this petition, Wise wrote that "this mode of attesting the fact of insanity, by opinion of a relative at a distance, not accessible to cross-examination, not sustained by an expert, and by counsel, is incompetent to establish the fact."[37]



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Governor Henry Wise

However, two days after he wrote on the back of the above petition, Wise wrote a curious letter ordering Dr. Francis Stribling, superintendent of the Virginia Western Lunatic Asylum at Staunton, to go to Charlestown and examine Brown personally. The Wise letter also instructed Stribling not to divulge his real purpose for visiting Brown in jail. Stribling was commanded to determine whether Brown was "sane, in the sense of legal & rational responsibility for crime." Wise wrote that if Brown was truly insane, "he ought to be cured." However, after the

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34 "Speech of Governor Wise," *Richmond Enquirer*, October 25, 1859

35 Letter from Governor Wise to Fernando Wood, dated November 6, 1859, and contained as part of the Henry A. Wise papers at the United States Library of Congress.

36 Villard, p. 504

37 Letter from Hiram Griswold to Governor Wise, dated November 7, 1859, and contained as part of the Henry A. Wise papers at the United States Library of Congress.

verbiage "he ought to be cured"—the phase "before he is executed" was written to the end of the sentence, and then struck through. Wise's instructions to Stribling went on to specify that if Brown was not legally insane, "the fact ought to be vouched in the most reliable form, now that it is questioned under oath & by counsel since conviction." Yet, Stribling never did visit and examine Brown in Charlestown, because Wise countermanded and voided his own letter shortly after penning it, and the letter was never sent.[38]

First, what can one make of Wise's countermanded letter? Did it show a benevolent or changed heart on the part of Wise as at least one author has suggested? In his 1910 seminal work on Brown, Oswald Villard describes the letter as "an admirable letter" that was "unfortunately" countermanded by "the impetuous Governor."[39] While speculative, it is doubtful that Wise was second-guessing the conviction or contemplating a pardon or a commutation of the sentence when he drafted the letter. Governor Wise, an astute politician and lawyer, was clearly aware of common law in existence at the time dictated that if "the defendant becomes insane after conviction, judgment cannot be rendered or sentence pronounced so long as he is in such condition; nor can he be executed if he becomes insane after judgment and sentence."[40] Indeed, in a speech to the Virginia legislature, Wise stated that "by our laws, the plea of insanity could avail at any time, in any stage of trial, and after conviction, before sentence of the court."[41] In the same speech, Wise went on to say that if any of Brown's accomplices could "show or prove insanity...he could not be executed as long as I am the Governor of the Commonwealth, until cured in an asylum; and, if insane at the time of committing the offence, he could not be executed, cured or not cured, at all."[42] This would explain why Wise wrote that if Brown was insane that "he ought to be cured *before he is executed*" (italicized words struck out in the original). Given his statement to the Virginia legislature, Wise could not deny that he knew he had the legal obligation to interpose himself between the defendant

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38 Countermanded Letter from Governor Wise to Dr. Stribling, dated November 10, 1859, and contained as part of the Henry A. Wise papers at the United States Library of Congress.

39 Villard, p. 508

40 Singer, p. 297

41 "Governor's Message to the Legislature of Virginia," *Richmond Enquirer*, December 6, 1859

42 Ibid

and the hangman if the governor concluded the defendant were truly insane (again, in the legal sense of the term).

In light of the above, why then did Wise countermand his own order and not send the letter to Dr. Stribling? In the words of Oswald Villard, the unsent letter was "a genuine misfortune, for the word of so eminent an alienist would have done much to answer the question which has puzzled men and will continue to puzzle some, as long as the story of John Brown is told."[43] While equally as speculative as the first question above, one could argue that Wise had second thoughts about the issuance of the order because otherwise he ran the risk of allowing continued arguments of the applicability of the insanity defense (when Brown himself rejected the defense at his trial). Second, it is not outside the realm of possibility that Dr. Stribling might have concluded Brown legally insane, thereby mudding the waters significantly in terms of any attempt to then execute John Brown without additional time and considerations being extended to Brown. Third, allowing Brown an execution delay would afford Brown additional time and a platform to continue rallying against the horrors of slavery and the unfair and unjust laws of the Commonwealth of Virginia (as he had masterfully done in prison during the month of November 1859). Additionally, if Wise then refused a delay (to avoid the above problem), he would have risked the criticism that he ignored Stribling's report and rushed to judgment in the case. An extension of time might even postpone John Brown's execution until Wise's successor was in office, with the result being that Wise's political successor, and not Wise, would get the credit and political capital (in Virginia, at least) for the execution of John Brown. Finally, it is not outside the realm of possibility that Wise wrote the letter with the full intention of countermanding it and never sending it. If a draft of the letter of the countermanded letter was then saved for posterity (as indeed it was), it would give Wise the "best of both worlds." It would show to the North that he was not cavalier in ignoring the letters he received in November 1859 regarding Brown's sanity. Yet, by not sending the orders to Dr. Stribling, he did not have to deal with any fallout from a report not fully favorable to the position that Brown was as sane and rational as the average man.

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[43] Villard, p. 508

Conclusion

In the 150 years which have passed since Brown's trial and execution, there has been scant attention paid to the fascinating legal issues at play in John Brown's trial (the application of the insanity test, being only one). While this is understandable given the general public's disinterest in legalese or legal minutiae and in light of the competing fascinating story of John Brown's actual raid (and the political impact of the raid), yet a thorough understanding of the specific laws and legal issues governing John Brown's trial gives the reader a much fuller understanding of the whole "John Brown story." It adds insight into why John Brown might have rejected the insanity defense as a "miserable artifice" and "pretext" at the onset of his trial, and why Governor Wise was at least compelled to feign interest in the issue in of Brown's sanity after his conviction, but before his execution, in November 1859.

James Beckman is an Associate Professor of Law & Chair of the Department of Government and History at the University of Tampa. *This article was partially facilitated through a University of Tampa David Delo Faculty Research Grant for the 2008-2009 academic year.*

THE CAPTURE, TRIAL AND EXECUTION OF *John Anthony Copeland, Jr. and Shields Green*

by Linda Murr and James Taylor

Sunday, October 16, 1859... a momentous day in the history of the United States. Twenty-one men, sixteen whites and five Negroes, would march into Harpers Ferry, Virginia, determined to follow John Brown to put an end to the peculiar institution of slavery. Filled with the courage of conviction, all were willing to risk their lives, die if need be, to wrest forever the shackles of bondage from slaves.

Of the five Negroes, Lewis Sheridan Leary and Dangerfield Newby would be fatally wounded, and Osborne Anderson would escape to freedom. However, John Anthony Copeland, Jr. and Shields Green would be tried and hung for their part in the raid.

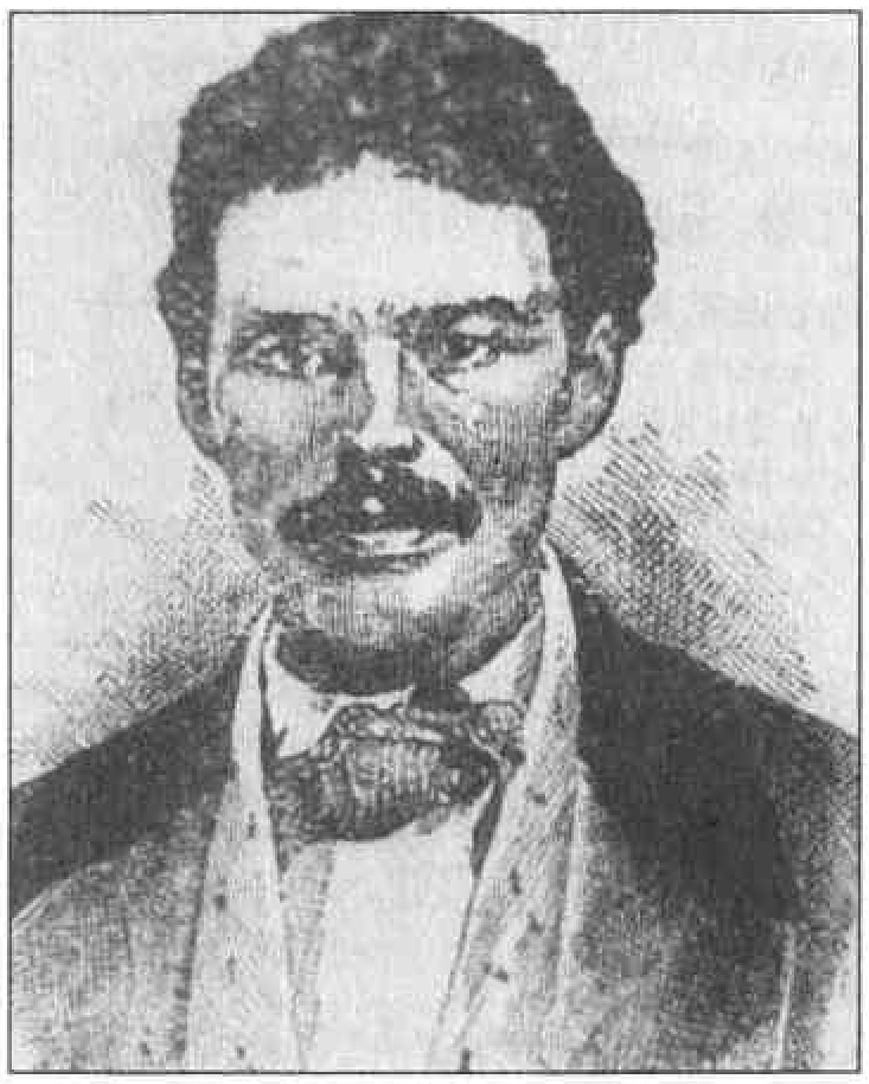


PHOTO COURTESY OF THE NATIONAL PARK SERVICE

John Anthony Copeland, Jr.

John Anthony Copeland, Jr. was born circa 1834 or 1836 near Raleigh, North Carolina. He was the son of former slave and freedman John Copeland, Sr. and Delilah Evans Copeland (born free) who were confronted with discrimination and persecution due to their status as free people in North Carolina. In 1843, they emigrated to Oberlin, Ohio

because of its relative safety from slave catchers. As a student at Oberlin Collegiate Institute, John, Jr. met fellow abolitionists at the Liberty Schoolhouse where runaway slaves recounted their stories. He and Lewis Sheridan Leary, related by marriage, were also active members of the militant Oberlin Liberators and the Anti-Slavery Society. During the spring of 1859, John Brown had just returned from Kansas with freed slaves. He made his speech to a small crowd in Cleveland, infusing them with his bold plan of slave insurrection as the path to full emancipation. Lewis Leary heard it and was fired with action. John Brown's lieutenant, John Kagi, was with Brown that day and recruited Leary to join. Leary then wrote a letter to Kagi on September 8, 1859 stating: "I have a hardy man, who is willing and in every way competent to dig coal, but like myself, has no tools. His address is John Copeland, Jr., Oberlin Ohio."[1] A collection of $17.50 was given to Leary and Copeland who left Oberlin on Thursday, October 6, arriving in Chambersburg, Pennsylvania on October 12.



PHOTO COURTESY OF THE NATIONAL PARK SERVICE

Shields Green

Esau Brown, an escaped slave from South Carolina, made his way to Rochester, New York via the Underground Railroad in 1856 and changed his name to Shields Green. Later he went to Canada and found work as a waiter and house servant. About a year later, he returned to Rochester and

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Nat Brandt, *The Town That Started the Civil War* (Syracuse, New York: Syracuse University Press, 1990) 118.

became a close friend to Frederick Douglass. Shields had a dark complexion, was well built, about 25 years old, and unable to read or write. He first met John Brown when the latter came to Rochester to visit Douglass in I858. Brown was then writing his provisional constitution and devising plans to combat slavery. When Brown was ready to leave Rochester, Green assured him of his desire to accompany him.

In early August, 1859, two months before his planned raid on Harpers Ferry, Brown wrote Douglass and told him that he was beginning his work and wanted Douglass to meet him in an old quarry in Chambersburg, Pennsylvania. He also asked Douglass to bring as much money as he could gather; in addition, he requested that Douglass bring Shields Green.

On August 19, 1859, Douglass and Green met with John Brown in the old stone quarry in Chambersburg. For two days, Brown did his best to persuade Douglass to join him in his planned attack on the federal arsenal at Harpers Ferry. Douglass, forecasting failure and death, used all of his power to get Brown to give up the idea. Douglass at last saw that Brown could not be turned from his course of action. He turned to Green and said, "You heard what Brown had to say. I am going back home. What do you want to do?" Green said, "I believe I'll go wid de ole man."[2]

John Brown had established his base at the Kennedy Farm, located in Washington County, Maryland. It was here that he laid plans to assemble his arms and supplies and to gather in his followers. Green was the first of the Negro raiders to join him there, arriving in the company of Owen Brown. They were nearly seized by a white trio who thought that Green might have been a slave trying to escape. Only by swimming a river did Green and Brown escape to make their way to the farm. Leary and Copeland arrived at the farm on October 15.

According to John Blair's book, *The Negro in Virginia*, John Brown's orders were that the white raiders were to be seen only singly but the Negroes should remain out of sight, keeping as close to the farmhouse as possible. For instance, Shields Green was noticed by a neighbor woman who thought he was a fugitive being helped to freedom. Brown tightened his restrictions on the movements of the raiders. Consequently, the Negroes were never allowed to be seen in the daylight outside of the dining room.

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[2] John Anthony Scott and Robert Alan Scott, *John Brown of Harper's Ferry* (New York, New York, Facts on File Books, 1988, 1993) 149.

On Sunday morning, October 16, 1859, "John Brown arose earlier than usual and called his men down to worship. He read a chapter from the Bible, applicable to the condition of the slaves and our duty as their brethren, and then offered up a fervent prayer to God to assist in the liberation of the bondmen in that slaveholding land. The services were impressive beyond expression. Every man there assembled seemed to respond from the depth of his soul, and through the day, a deep solemnity pervaded the place."[3]

"In the evening, before setting out to the Ferry, he gave his final charge, in which he said, among other things: 'And now, gentlemen, let me impress this one thing upon your minds. You all know how dear life is to you and how dear your life is to your friends. And remembering that, consider that the lives of others are as dear to them as yours are to you. Do not, therefore, take a life of any one, if you can possibly avoid it; but if it is necessary to take a life in order to save your own, then make sure work of it.'[4] At eight o'clock on Sunday evening, Captain Brown said, 'Men, get your arms, we shall proceed to the Ferry.'"[5]

Brown mounted his wagon and motioned his men to move out. From the farmhouse the group moved down the lane and on to the road to Harpers Ferry. Charles Plummer Tidd and John E. Cook led the way since they were more acquainted with the route. Upon reaching the town, they cut the telegraph lines on both the Maryland and Virginia sides of the Potomac. At about 10:30, they reached the Baltimore and Ohio Railroad Bridge that carried them into Harpers Ferry.

They then captured the night watchman on the bridge. Silently, the raiders fanned out to carry out their assignments. Taken as hostages were the arsenal watchman and a few people they encountered on the streets. Once in control of the armory, Brown detailed his men to other objectives.

Two men were sent to watch the bridge across the Shenandoah River, and two were instructed to guard the arsenal. Another group made their way down Shenandoah Street to the rifle factory and captured the watchman. Kagi and Copeland were left to watch the rifle factory; Leary would join them later.

Up to this point, Brown's occupation of Harpers Ferry had been quiet

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[3] Osborne Anderson, *A Voice From Harper's Ferry* (Boston, Printed for the Author, 1861) 65.

[4] Ibid, 66.

[5] Ibid, 69.

and peaceful. Osborne Anderson said, "These places were all taken, and the prisoners secured without the snap of a gun, or any other violence whatever."[6]

About midnight, a watchman arrived at the Maryland side of the Baltimore and Ohio Railroad Bridge to relieve the on-duty watchman. He was taken prisoner; and as he was being escorted across the bridge, he lashed out and raced toward town. One of the raiders fired at him, but he reached the Wager House safely. The first shots of the raid had been fired.

About this time, a group of raiders were sent out on a special mission. In this group were Captain Stevens, Charles Plummer Tidd, Osborne Anderson, Lewis Leary and Shields Green. Their mission was to capture slave owners and their slaves and bring them to the Ferry. The first slave owner captured was Colonel Lewis Washington, the great-grand nephew of George Washington. As they approached the house, Captain Stevens told Leary and Green to guard the approaches of the house, one at the side and one in front. After taking Colonel Washington hostage, some of them proceeded to the quarters. The male slaves were gathered quickly, and the two-horse and four-horse-drawn vehicles were brought to the front of the house. Washington's firearms were then demanded, and he surrendered one double-barreled shotgun, one small rifle, two horse pistols, and a sword formerly presented to his illustrious kinsman, George Washington, by Frederick the Great of Prussia. Colonel Washington was then secured and placed in his wagon. The party then drove forward to Mr. John Allstadt's house where he was also taken hostage. His slaves were gathered from the quarters, placed in Colonel Washington's wagon, and driven to Harpers Ferry.

Before returning to the Ferry, Leary and Green went through the countryside alerting the free Negroes and slaves about the raid and told them to come to the Ferry. While they were away on this detail all during the night, troops began to surround the area occupied by Brown and his men.

During this time, the Baltimore and Ohio passenger train, eastbound for Baltimore, arrived at Harpers Ferry and was stopped by a clerk from the Wager House who told the conductor of the recent events. The conductor refused to allow the train to cross the bridge until it had been checked. He then sent the engineer and baggage master out to investigate.

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[6] Ibid, 71.

They were halted by Brown's guards who turned them back at gunpoint. Heyward Shepherd, the station baggage man, heard the commotion and walked out to see what was happening. He was ordered to stop by Brown's men who were stationed at the bridge. Refusing or possibly not hearing the command, he turned to go in the opposite direction and was fired upon, receiving a mortal wound. Shepherd was able to reach the railroad office where Dr. John D. Starry cared for him until he died that afternoon.

By the time Lewis Leary and Shields Green returned to the Ferry, the townspeople had been alerted to the conditions. Leary went to the Hall's rifle factory to be with Kagi and Copeland, and Green joined Osborne Anderson and Albert Hazlett at the arsenal. When the militia arrived, the rifle factory came under heavy fire. As they tried to escape, Kagi was killed; Leary was mortally wounded, dying in extreme agony the next day; and Copeland, also wounded, was captured and placed in the guardhouse.

When the militia began to fire at the armory from all sides, Brown's men seemed doomed. Anderson, Hazlett, and Green were still at the arsenal; and they began to make plans to escape. Instead of Green going with Anderson and Hazlett, he decided to go to the engine house to be with Brown.

Anderson later said, "Had he stayed with us, he might have eluded the vigilant Virginians."[7] Green fought beside Brown until they were captured the following day by federal troops under the command of United States Army Colonel Robert E. Lee. Brought to jail in Charlestown were John Brown, Edwin Coppoc, Aaron Stevens, John Copeland, and Shields Green.

Governor Wise arrived in Harpers Ferry an October 18 and insisted that the prisoners be tried according to the laws of Virginia. Although much of the fighting had taken place on United States Government property, the question of federal or state jurisdiction did not seem to have been raised.

On October 25, the raiders appeared before the magistrate's court for a preliminary hearing. The sheriff read the commitment of the prisoners on the charge of treason and murder, after which the state's attorney asked the court to assign them council if they had none. The court appointed Charles Faulkner and Lawson Botts to defend the accused, but Brown

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[7] Ibid, 82.

stated that he had sent for council. Green and Copeland accepted the proffered lawyers after which the court adjourned. That same afternoon, the circuit court met with Judge Richard Parker of Winchester. A grand jury was called and given a report of the preliminary examination.

On October 26, true bills were reported against each prisoner. Four counts were listed against each man. The first was treason against the Commonwealth of Virginia; the second was advising and conspiring with slaves and others to rebel, etc.; the third was first degree murder of all five victims together, and the fourth was murder of the citizens separately.

John Brown was the first prisoner to be tried, his trial beginning on Wednesday, October 26, through Monday, October 31. He was found guilty of treason and murder and was sentenced to be hanged on Friday, December 2, 1859.

Green and Copeland were tried the same week and were found guilty on three of the four charges. Because the *Dred Scott Decision of 1857* ruled that a Negro was not a citizen, the charge of treason was dropped. Neither one could legally be considered a traitor. John Copeland, Shields Green, Aaron Stevens, and Edwin Coppoc would face the gallows on December 16, the Negroes in the morning, the whites in the afternoon. Albert Hazlett and John Cook were to be executed on March 16, 1860.

Before his execution, Copeland wrote letters to the Oberlin Anti-Slavery Society and to his friends, Addison W. Halbert and Elias Green. To his family, he penned the following letter:

Charlestown Jail, VA. December 16, 1859

Dear Father, Mother, Brothers Henry, William and Freddy, and Sisters Sarah and Mary,

The last Sabbath with me on earth has passed away. The last Monday, Tuesday, Wednesday and Thursday that I shall ever see on this earth have now passed by God's glorious sun, which he has placed in the heavens to illuminate this earth, whose refulgent beams are watched for by this poor invalid, to enter and make as it were in heaven of the room in which he is confined, I have seen declining behind the western mountains for the last time. Last night for the last time, I beheld the soft bright moon as it rose, casting its mellow light into my felons cell, dissipating the darkness and filling it with that soft pleasant light which causes such thrills of joy to all those in like circumstance with myself. This morning for the last time, I beheld the glorious sun of yesterday rising in the far-off

East, away off in the country where our Lord Jesus Christ first proclaimed salvation to man, and now as he rises higher and his bright light takes the place of the pale, soft moonlight, I will take my pen, for the last time, to write you who are bound to me by those strongest (yea, the strongest that God ever instituted,) the ties of blood and relationship. I am well both in body and in mind. And now dear ones, if it were not that I know your hearts will be filled with sorrow at my fate, I could pass from this earth without regret. Why should you sorrow? Why should your hearts be racked with grief? Have I not everything to gain and nothing to lose by the change? I fully believe that not only myself but also all three of my poor comrades who are to ascend the same scaffold (a scaffold already made sacred to the cause of freedom, by the death of that great champion of human freedom, Capt. JOHN BROWN) are prepared to meet our God.

I am only leaving a world filled with sorrow and woe to enter one in which there is but one lasting day of happiness and bliss.

I feel that God in his mercy has spoken peace to my soul, and that all my numerous sins are now forgiven me.

Dear Parents, brothers and sisters, it is true that I am now in a few hours to start on a journey from which no traveler returns. Yes, long before this reaches you, I shall as I sincerely hope, have met our brother and sister who have for years been worshiping God around his throne—singing praises to him, and thanking him that he gave his Son to die that they might have eternal life. I pray daily and hourly that I may be fitted to have my home with them, and that you, one and all, may prepare your souls to meet your God, that so, in the end, though we meet no more on earth, we shall meet in Heaven, where we shall not be parted by the demands of the cruel and unjust monster Slavery.

But think not that I am complaining, for I feel reconciled to meet my fate. I pray God that His will be done; not mine.

Let me tell you that it is not the mere act of having to meet death, which I should regret, (if I should express regret I mean), but that such an unjust institution would exist as the one which demands my life; and not my life only, but the lives of those to whom my life bears but relative value of zero to the infinite. I beg of one and all that you will not grieve about me, but that you will thank God that he spared me time to make my peace with Him.

And now dear ones, attach no blame to anyone of my coming

here for not any person but myself is to blame.

I have no antipathy against anyone, I have freed my mind of all hard feelings against every living being and I ask all who have anything against me to do the some.

And now dear parents, brothers and sister, I must bid you to serve your God and meet me in heaven.

I must with a few words, close my correspondence with those who are the most near and dear to me; but I hope, in the end, we may again commune, never to cease.

Dear ones, he who writes this will, in a few hours, be in this world no longer. Yes, these fingers which hold the pen with which this is written will, before today's sun has reached his meridian have laid it aside forever, and this poor soul should have taken its flight to meet its God.

And now dear ones I must bid you the last, long, sad farewell. Good-day, Father, Mother, Henry, William and Freddy, Sarah and Mary, serve your God and meet me in heaven.

Your son and Brother to eternity, John A. Copeland[8]

As Copeland was being taken from his cell and about to begin his journey to the execution site, he stated: "If I am dying for Freedom, I could not die for a better cause—I had rather die than be a Slave."[9]

On December 16 at 11:00 a.m., John Copeland and Shields Green were driven on a wagon to the execution site. After they were placed on the gallows and the final prayers were offered by Reverend North of the Presbyterian Church, the ropes were placed around their necks; a hood was placed over their heads; and their feet were tied by Captain Avis. At 11:14 a.m., the trap was released. Probably because the rope was not long enough and did not break his neck, John Copeland suffered in agony longer than Shields Green. Both men's bodies were placed in coffins and taken to a nearby field, but in less than an hour, students from the Winchester Medical College disinterred them for use in dissection, a common practice at the time. Another version of the account stated that the bodies were given to the students.

In an effort to obtain his son's body two weeks before the hanging, John Copeland, Sr. had written to Virginia's Governor Wise, imploring

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[8] Electronic Oberlin (Ohio) Group, Letters Written by John A. Copeland From Charleston (sic) Jail

[9] Brandt 243.

him for his permission to claim the remains. However, Wise told him that the body could be claimed only by a white person. When Copeland, Sr. asked Oberlin Mayor A. N. Beecher for his assistance, the latter suggested Oberlin College professor and Ohio State Senator James Monroe. Mayor Beecher then received a telegram from Governor Wise, stating that the bodies of both Copeland Green had been stolen by the students at the medical college. Monroe made the trip to Winchester, and fearing the public feeling against Northern abolitionists, registered at the hotel as James Monroe, Russia, which was the name of the township in Ohio in which Oberlin was located. When the medical students were notified of Monroe's arrival, they broke into the dissecting room, removed Copeland's body, and refused to give it to Monroe.

James Monroe returned without Copeland's body on Christmas Eve, 1859. On Christmas Day, funeral services were held at First Church for Copeland and Green. In 1860, a marble cenotaph erected by the Oberlin citizens was placed in Westwood Cemetery. The original inscription reads:

These colored citizens of Oberlin, the heroic associates of the immortal John Brown, gave their lives for the slave.

Et nunc servitudo itiam mortua est, laus deo.[10]
S. Green died at Charleston (sic) Va, Dec. 16, 1859, age 23 years
J.A. Copeland died at Charleston (sic) Va, Dec. 16, 1859, age 25 years
L.S. Leary died at Harpers Ferry, Va. October 20, 1859, age 24 years

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Linda Murr was born in Cleveland, Ohio and lived in Ohio's Western Reserve where John Brown also lived from 1805 to 1846. She is an associate member of the Jefferson County Black History Preservation Society, Inc.

James L. Taylor, born in Charles Town, graduated from Page-Jackson High School, US Navy veteran [Korean War]. Graduated from Shepherd College [University] and West Virginia University. Retired Teacher/Coach from the Jefferson County School System.

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[10] And thus slavery is finally dead, thanks be to God

Cary Breckinridge Letter

(December 4, 1859)

Preface by Robbie Robertson

Editor's note: During the August meeting of the Henry Kyd Douglas Camp, Sons of Confederate Veterans, Robbie Robertson read a letter from one of his relatives. After hearing it, I could not resist having it for the magazine because it gives credence to several execution day stories. It is printed courtesy of the History Museum of Western Virginia, One Market Square, Roanoke.

Preface

Cary Breckinridge (1839-1918) was in the Virginia Military Institute (VMI) Class of 1860. He was captured (exchanged) once and wounded three times in the War while serving with the 2nd Virginia Cavalry, but survived, reaching the rank of colonel. He served on the VMI Board of Visitors and in the Virginia House of Delegates. Four of his five brothers were also VMI cadets. Three of them were killed in action in Virginia units. The family was from Fincastle, Botetourt County, Virginia. He was a second cousin of Confederate Major General, United States Vice President John C. Breckinridge of Kentucky.

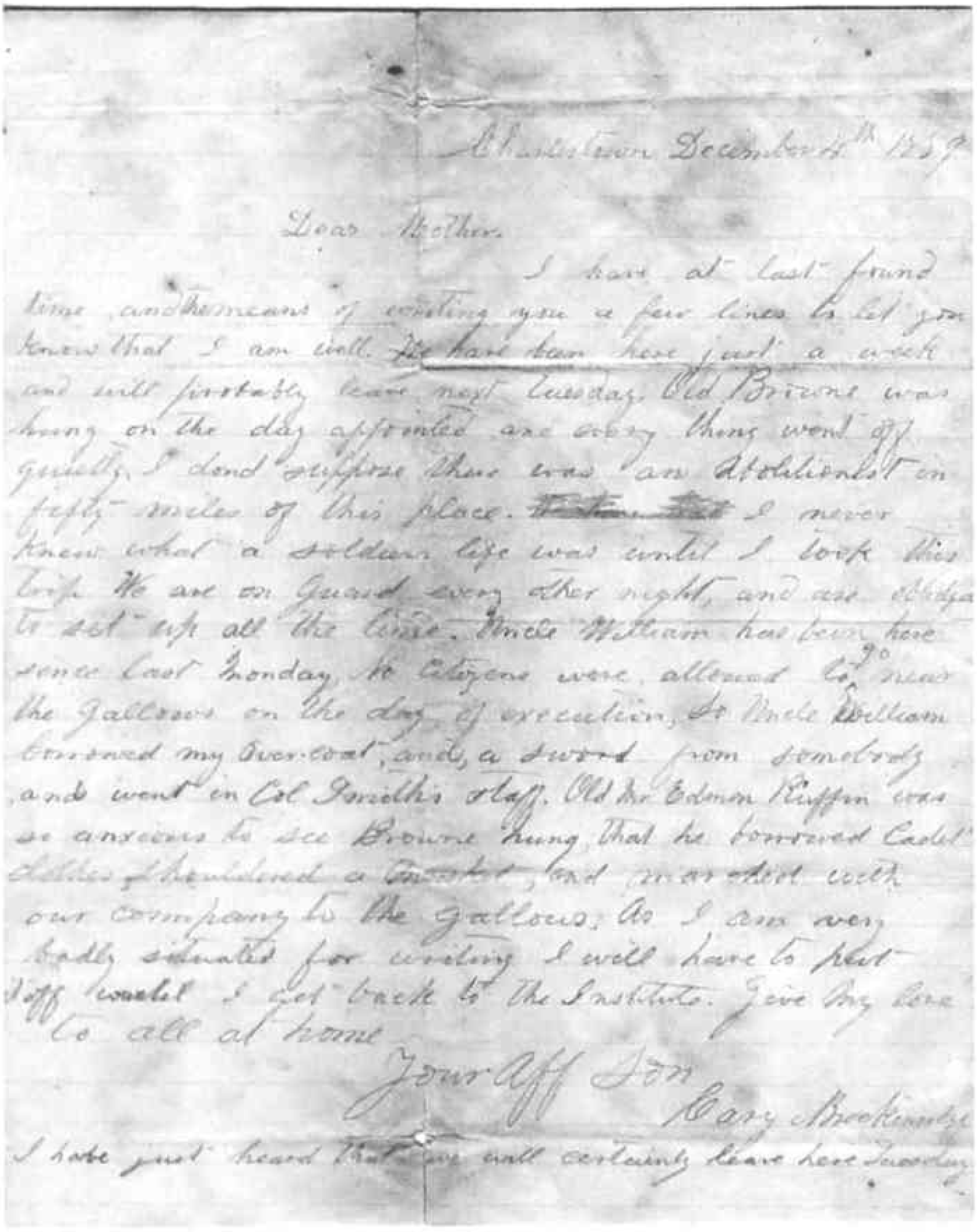
Great nephew Robbie Robertson

Charlestown
December 4th, 1859

Dear Mother,

I have at last found time, and the means of writing you a few lines to let you know that I am well. We have been here just a week and will probably leave next Tuesday. Old Browne (sic) was hung on the day appointed and every thing went off quietly. I don't suppose there was an Abolitionist in fifty miles of this place. I never knew what a soldiers life was until I took this trip. We are on guard every other night, and are obliged to set up all the time. Uncle William[1] has been here since last Monday. No citizens were

[1] William Wirt Gilmer, his mother's brother from Ivy Creek, Virginia.



Alexandria December 4th 1859

Dear Mother

I have at last found time, and the means of writing you a few lines to let you know that I am well. We have been here just a week and will probably leave next Tuesday. Old Brown was hung on the day appointed and every thing went off quietly. I dont suppose there was an Abolitionist in fifty miles of this place. ~~I never~~ I never knew what a soldiers life was until I took this trip. We are on Guard every other night, and are obliged to eat up all the time. Uncle William has been here since last Monday. 80 Citizens were allowed to go near the Gallows on the day of execution, so Uncle William borrowed my Over-coat, and a sword from somebody, and went in Col Smiths staff. Old Mr Edmun (sic) Ruffin was so anxious to see Browne (sic) hung, that he borrowed Cadet clothes, shouldered a Musket, and marched with our company to the Gallows. Am very badly situated for writing I will have to put off ~~writing~~ until I get back to the Institute. Give my love to all at home

Your Aff Son

Cary Breckinridge

I have just heard that we will certainly leave here Tuesday

allowed to go near the gallows on the day of the execution, so Uncle William borrowed my over-coat, and a sword from somebody and went in Col. Smith's[2] staff. Old Mr. Edmun (sic) Ruffin[3] was so anxious to see Browne (sic) hung, that he borrowed Cadet clothes, shouldered a musket, and marched with our company to the gallows. Am very badly situated for writing I will have to put it off until I get back to the Institute. Give my love to all at home.

Your Aff Son
Cary Breckinridge

I have just heard that we will leave here Tuesday

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[2] Colonel Francis Henney Smith, superintendent, Virginia Military Institute

[3] Edmund Ruffin, a secessionist and pro-slavery Virginian, who claimed to have fired the first shot at Fort Sumter, South Carolina.

John Brown's Men Who Escaped From Harpers Ferry

by Bob O'Connor



Osborne P. Anderson



Owen Brown



John E. Cook



Barclay Coppoc



Albert Hazlett



Francis J. Merriam



Charles P. Tidd

PHOTOS COURTESY OF THE NATIONAL PARK SERVICE

Of all the publications over the last 150 years to address John Brown and his raid on Harpers Ferry on October 16, 1859, the least information has been published about the seven raiders who escaped.

The seven men escaped in two groups. Osborne P. Anderson, a black raider and Albert Hazlett, escaped from the town of Harpers Ferry. Their escape is documented in Anderson's book *A Voice from Harper's Ferry* published in 1861. Although the book is out of print, Jean Libby published *Black Voices of Harpers Ferry* and included the entire volume of Anderson's book inside hers.

Owen Brown (John Brown's son), John Cook, Barclay Coppoc, Francis J. Merriam, and Charles P. Tidd escaped in another group. Their story was told by Owen Brown to a reporter who published the account

under the title of *Owen Brown's Escape From Harper's Ferry* in The Atlantic Monthly in the March 1874 edition. Ralph Keeler, the reporter, interviewed Owen Brown for his story.

Anderson tells of his position with Hazlett at the arsenal opposite the engine house. They watched Brown and his men fall captive the afternoon of Monday October 17. With that he says "of the six men assigned a position in the arsenal by Captain Brown, four were either slain or captured; and Hazlett and myself, the only ones remaining, never left our position until we saw, with feelings of intense sadness, that we could be of no further avail to our commander, he being a prisoner in the hands of the Virginians. We therefore, upon consultation, as our work for the day was clearly finished, and gain a position where in the future we could work with better success, than to recklessly invite capture and brutality at the hands of our enemies."[1]

Anderson and Hazlett fled Harpers Ferry, believing that they had stayed at their post long enough and needed to flee. "We could not aid Captain Brown by remaining," Anderson explained. "We might, by joining the men at the Farm, devise plans for his succor; or our experience might become available on some future occasion."[2]

"Hazlett and I went out at the back part of the building, climbed up the wall, and went upon the railway... We travelled (sic) up the Shenandoah along the railroad and overtook one of the citizens. He was armed, and had been in the fight in the afternoon. We took him prisoner in order to facilitate our escape."[3]

Their unidentified prisoner begged for his life. He offered to leave his gun with them and promised not to tell anyone where they were. Feeling compassion for him, Anderson and Hazlett let him go. Not long after that, the two escaping raiders started climbing into the mountains. Troops began to search for them, as their released prisoner had probably turned them in. Anderson and Hazlett fired upon the troops and the troops returned the fire. As darkness settled in, the troops returned to town without getting any closer.

After the mild skirmish with the troops, the two men hid out for about three hours. Then "we descended from the rocks, we passed through the back part of the Ferry on the hill, down to the railroad, proceeding as far

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[1] Osborne P. Anderson, *A Voice from Harper's Ferry*, Boston, 1872 within *Black Voices of Harpers Ferry*, Jean Libby, Berkeley, California, 1979, pg. 46.

[2] Ibid, p. 47

[3] Ibid, p. 47

as the saw-mill on the Virginia side, where we came upon an old boat tied up to shore, which we cast off and crossed the Potomac. The Maryland shore once gained, we passed along the tow-path of the canal for some distance, when we came to an arch, which led through under the canal, and thence to the Kennedy Farm, hoping to find something to eat, and to meet the men who had been stationed on that side. When we reached the farmhouse, all our expectations were disappointed."[4]

The three men they were looking for at the Kennedy Farm were the rear guard, left at the headquarters by Captain Brown. They were Captain Owen Brown, F. J. Merriam, and Barclay Coppoc. The three were ordered to remain at the Kennedy Farm as sentinels, to guard the arms until morning, when they would be joined by some men from the Ferry with teams to move all arms and other things to the old school-house, located about three quarters of a mile from Harpers Ferry.

Unfortunately for Anderson and Hazlett, the other three men had already loaded a wagon with arms and proceeded to the schoolhouse. There they encountered John Cook and Charles P. Tidd, men who had been with Captain Brown at the Ferry but had gone back across the river into Maryland to secure more arms at the schoolhouse.

Tidd told Owen Brown and the others that there had been fighting at the Ferry. "Our men were all hemmed in at Harper's Ferry, that many of them were killed, and that there was no chance for any of them to escape," Tidd said. "The fact is, boys, we are all used up; the best thing we can do is to get away from here as quick as we can."[5]

Owen Brown was reluctant to leave, not wanting to desert the others. John Cook arrived as they argued what to do. Cook told the others "Our men are all killed but seven. Your father was killed at four o'clock this afternoon,"[6] he told Owen. In Cook's opinion, all they could do is try to escape.

Grabbing a twenty-pound bag of sugar and filling a bag with sweet biscuits found at the schoolhouse, the five (Cook, Tidd, Brown, Coppoc and Merriam) fled along with an unidentified Negro man who had helped the rear guard load the wagon with guns.

Owen Brown took charge of the escape operation, having been aiding

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[4] Ibid, p. 51

[5] Ralph Keeler, Owen Brown's *Escape from Harper's Ferry*, March, 1874, The Atlantic Monthly, p. 346.

[6] Ibid.

the underground railroad in the area. He felt certain he could lead them to freedom by going north. Brown shared his idea with the others, to follow the mountains north. He was not sold on going to Chambersburg, Pennsylvania, but agree with the others to try to reach there. He knew they could get help. Captain Brown's supplies had been shipped through the Oaks and Caufman warehouse in Chambersburg, brought there by the Cumberland Valley Railroad, and then transported by wagon to the Kennedy Farm.

Owen told his men they would travel by night and sleep out of sight during the day, avoiding all roads and staying on the mountain top as much as possible. Despite the cold and dampness, they could build no fires. They had to remain silent until they got past Chambersburg. They would steal provisions when needed.

The Negro with them complained of rheumatism. He wanted to go back. Owen urged him to stay, knowing full well that the man might "sell out" to the authorities, giving up their position in return for his own freedom. Owen watched the man careful, staying awake most of the night. When he dozed for a few minutes, the Negro fled. Besides knowing where they were, the man also now knew of their plans.

Owen changed the plan, crossing Pleasant Valley quickly before the sun rose and climbing South Mountain. The men traveled to the rocky mountain top with difficulty, slipping and falling along the way. As the sun rose, they dove into a nearby thicket when eight horsemen approached. They were not discovered.

They whispered their ideas to their leader. Cook wanted to steal horses and ride off. His wife was waiting for him in Chambersburg, so that was where he wanted to go. And he wanted to get there quickly. Tidd and Coppoc liked Cook's idea. Merriam was timid and quiet, and always took Owen's side of the issue.

By this time, the other group was pushing in the same direction at the same time.

Anderson and Hazlett attempted to find the others at the schoolhouse. Not finding them there, they too decided to move into the mountains and head north. "We started at once, wending our way along until dark, without being fortunate enough to overtake our friends, or to get any thing to eat," Anderson said. "As may be supposed, from such incessant activity, not having tasted a morsel for forty-eight hours, our appetites were exceedingly keen. So hungry were we, that we sought out a cornfield, under cover of night, gathered some of the ears—which, by the

way, were pretty well hardened—carried them into the mountains,—our fortunate resource—and, having matches, struck fire and roasted and feasted."[7]

They moved onward and northward. Anderson describes their perilous and fatiguing journey. "Our only food was corn roasted off the ear, often difficult to get without risk and seldom eaten but at long intervals." He describes Hazlett as "less inured to physical exertion"[8] and says he completely broke down about ten miles south of Chambersburg. He could not go any further and begged Anderson to go on without him. Anderson did not want to leave him, as he figured the two could help each other along the way. When Hazlett insisted, Anderson went on without him.

Meanwhile Merriam became more and more a burden to the group he was with. Owen Brown told the reporter he carried Merriam's provisions along with his own. He said that Merriam "began to show symptoms of giving out only a day or two after leaving Harpers Ferry."[9]

The five men slept in the mountains during the day and came down to the edge of the woods to travel by night. Five or six days into their escape, a cold rain set in, followed in the morning by snow. They half-waded, half-swam a bridgeless stream and made about five miles through snow and wet that day. Upon finding a spot to rest, they soon heard "what were unmistakably human voices, calling to one another...and soon after we heard the baying of hounds."[10] Owen said they scattered quickly into the thickets and hid.

The traveling in the dark was treacherous. The men fell often, or were knocked down by tree branches they had not seen in the dark. The rocks and ground were wet and slippery. And their hunger weakened both their bodies and their spirits.

On evening on the summit of the mountain above Boonesboro (sic) "we came upon a sort of monument, or perhaps an observatory, in the shape of an unfinished tower.[11] I went up the winding stairs to take a view of the surrounding country. Horsemen were scampering hither and thither on the highways and the whole country, it seemed, was under

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7 Anderson, p. 52 -53
8 Ibid, p. 53
9 Keeler, p. 348
10 Ibid, p. 350
11 The tower was the Washington Monument, built by the citizens of Boonsboro on July 4, 1827.

arms. Descending hastily, I had little difficulty in impressing upon the boys how necessary it was that we should be in concealment."[12]

The men were slowly starving. Tidd halted one day and vowed to go no further without something to eat. He insisted that "you'll be all winter, and never get through after all; you'll starve and freeze to death. It is just as well to expose ourselves one way as another."[13] Cook offered to go for food. Owen Brown begged him not to go, but relented when the others out voted him. He did talk Cook into taking money and buying the food instead of stealing it. Cook was gone about three hours. When he returned, he brought back a bag with boiled beef, several loaves of bread, and a pie. Owen Brown told the reporter: "If you have never been a great deal more than half-starved, you can form no idea how marvelously good that feast was that day."[14]

The next day at four in the afternoon, Cook was sent to get provisions for the second time. The four others waited until two o'clock the next morning, and then left without him. Cook never rejoined them. They pushed north towards Chambersburg, arriving at Mrs. Ritner's boarding house. Mrs. Ritner[15] quickly told them to leave as soldiers were guarding the house. The four men fled further north.

Anderson reached a home in Chambersburg where an acquaintance fed him, but quickly ran him off when it was thought the federal marshals who had already been to the house would return. Anderson headed in the direction of York, Pennsylvania intending to go to his home in West Chester, just outside of Philadelphia.

Owen Brown finally reached the conclusion that due to the exhausted condition of Merriam, he needed to be sent home by train. Brown helped trim his beard, repaired his torn coat and sent him on the train at Scotland. And then there were three.

Owen set them out on a path to Crawford County, Pennsylvania where he knew he had friends. After that he intended to get to Ashtabula

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12 Keeler, p. 352
13 Ibid, p. 352
14 Ibid, p. 353
15 Mrs. Ritner was the daughter-in-law of anti slavery Governor Joseph Ritner who served as governor of Pennsylvania from 1835-1839. Mrs. Ritner's boarding house had been visited by many of John Brown's men prior to the raid as she aided John Brown's operations in the area.

County, Ohio where his brother John Junior lived. If that was unsafe, he intended to head for Canada.

They trudged through a heavy snow for several days, capturing several chickens and were so anxious to eat something, they hardly waited for them to be cooked. Owen even told the reporter that Tidd did not stop with just the meat. He was so hungry he ate the bones too.

They followed the canal towpath for a ways and even hitched a ride on a passing canal boat. Quakers helped them at Bellefonte (Coppoc himself was from a Quaker family in Iowa).

On November 4,[16] they were invited to dinner at a farm. The farmer let them read his newspaper aloud and the three escaped raiders read about Harpers Ferry. The first account read was the capture of John Cook He had been captured near Mont Alto, Pennsylvania, taken to the jail in Chambersburg, held overnight and sent to Charlestown, Virginia for trial.

They also learned that John Brown had not been killed as Cook had told them, but had been severely wounded and had already been tried and found guilty. They also heard that Coppoc's brother, Edwin, had also been tried and found guilty and that Watson Brown had been shot while carrying a truce flag.

Shortly afterwards, the men left. Coppoc decided to take a stagecoach toward home. Tidd and Owen Brown continued on through Townville, Brookville, Clarion and Shippensville, through Franklin and to Randolph. Finally Tidd split off and headed to Oil Creek. Owen Brown continued on to Ashtabula County, Ohio to his brother, John's house.

Anderson reached York and the home of William Goodridge who was an operator of the underground railroad. Goodridge, the son of a slave, hid Anderson for several weeks on the third floor, under the stairway of a closet in his Centre Square Building in the downtown and then placed Anderson in a hidden compartment of a freight car and sent him by railroad to William Still in Philadelphia.

From there Anderson went home to West Chester, Pennsylvania. There he said "his own father turned him out from the door, threatening to have him arrested if he ever came again; and that most people he met turned a cold shoulder on him as if he were an outcast."[17]

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[16] Owen Brown specifically remembered the date because it was his birthday. He told the reporter "that was the most memorable one of his life."

[17] Anderson, p. 172

What happened to the seven raiders who escaped?



Osborne P. Anderson, 20, of West Fallowfield Township, West Chester, Pennsylvania escaped to Canada. He lived until December 10, 1872 when he died in Washington, DC.



Owen Brown, 35, escaped to his brother's farm in Ohio. Later they moved to the remote mountains of Las Casitas, California where he lived the rest of his life. He died January 8, 1889.



John Cook, 29, of Haddam, Connecticut, was tried and found guilty of murder, treason and inciting slaves to rebel. He was hanged on December 16, 1859 in Charlestown, Virginia (now Charles Town, West Virginia)



Barclay Coppoc, 20, of Salem, Ohio who lived in Springdale, Iowa, escaped. He enlisted in the Union Army and was killed in a train accident on July 24, 1861.



Albert Hazlett, 22, of Indiana, Pennsylvania, was captured near Carlisle, Pennsylvania. He was taken to Charlestown, Virginia where he too was tried, found guilty of murder, treason, and inciting slaves to rebel. He was hanged on March 16, 1860.



Francis Merriam, 22, of Farmington, Massachusetts, escaped. He was commissioned as a captain in the Third South Carolina United States Colored Infantry. He died in New York on November 28, 1865.



Charles Tidd, 25, of Palermo, Maine escaped. He served in the 21st Massachusetts Volunteers in the Civil War. He died of fever on February 9, 1862.

Bob O'Connor is a board member of the Jefferson County Historical Society and a regular contributor to the Guardian Newsletter. He is an author. One of his books is a historical fiction account of the John Brown raid called "The Perfect Steel Trap, Harpers Ferry 1859." He may be reached at author@boboconnorbooks.com.

Given In Evidence

by Susan Collins

Stored in The Jefferson County Museum's document collection, document number 22 of the John Thomas Gibson[1] papers, is perhaps the single most important item on that list. A shabby book, consisting of 256 pages, the title printed in faded gilt letters on the spine reads: *Harper's Ferry*[2] *Invasion*. Known as the Mason[3] Report, it is the findings of a select United States Senate committee relative to the John Brown raid. This article is based on some of those findings.

Following swiftly on the heels of the capture of "Captain" John Brown, and reports of sensational events in Harper's Ferry, came the revelation that this attack was not the isolated action of a religious zealot, but an anticipated event, encouraged and funded by men of wealth and influence in the north, who called themselves radical abolitionists.

Trunks and carpetbags crammed with incriminating documents had been discovered in the Kennedy farmhouse by militia groups scouring the area. Residents of Sharpsburg, Maryland had already ransacked the isolated building and also the nearby schoolhouse, but enough remained to create a panic among Brown's nucleus of ardent supporters in Massachusetts and Connecticut. This small group referred to themselves as "the Secret Six," and although blessed with many gifts, they shared one fatal attribute: an unshakeable belief in their own infallibility. They were: George Luther Stearns, Gerrit Smith, Thomas Wentworth Higginson, Frank B. Sanborn, Dr. Samuel Gridley Howe and Theodore

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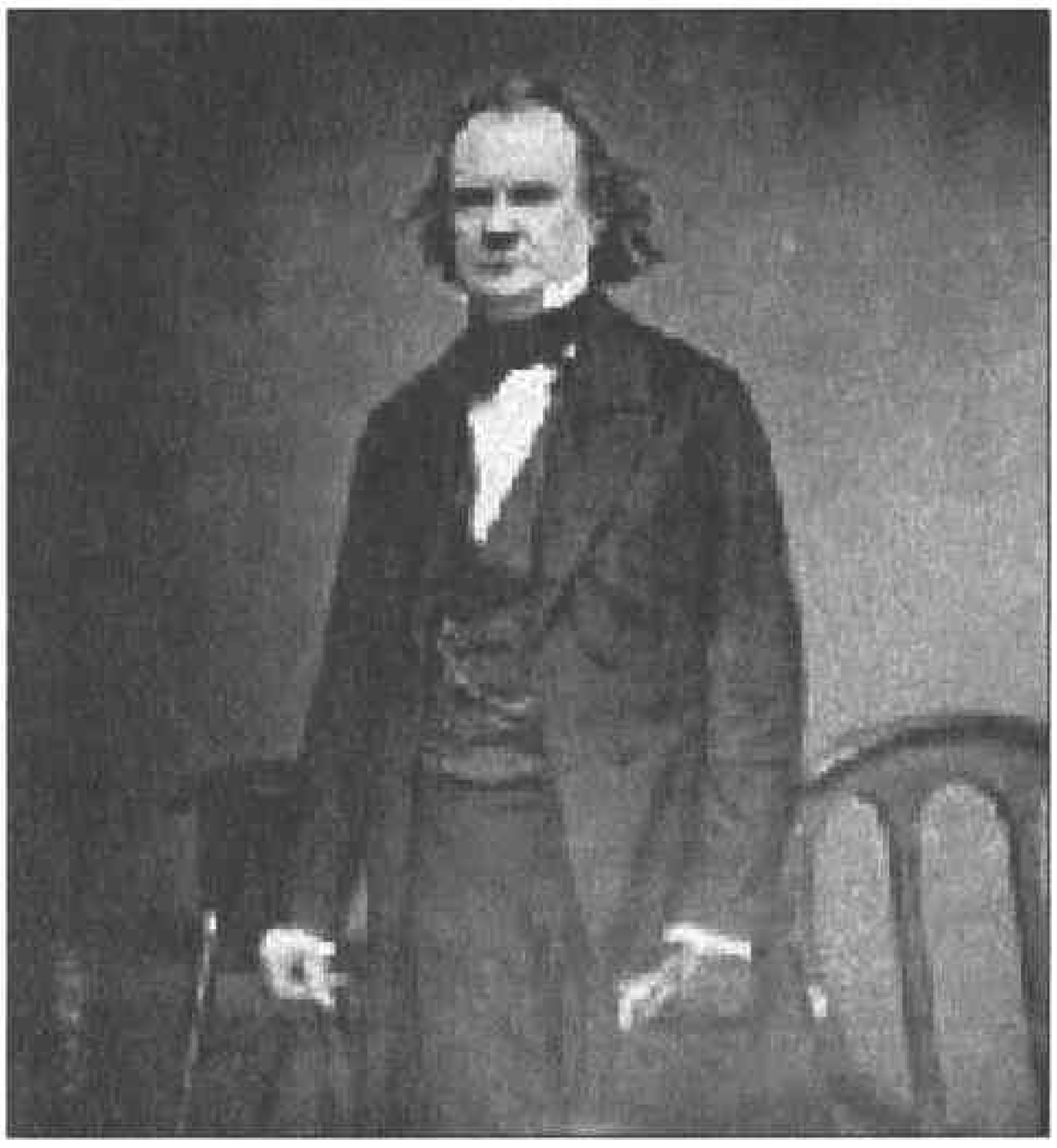
[1] In 1859, Gibson was colonel of the 55th Regiment, Virginia Militia. The 55th was among the first militia groups to respond to the raid. Gibson was present when John Brown was arrested, and he made the first official report to Governor Henry A. Wise of Virginia. Gibson bought a plot of land in the area of the execution site and built his home in 1891 on what is now South Samuel Street, Charles Town.

[2] Harpers Ferry, at the time, was known as Harper's Ferry which will be used throughout this article. Similarly, Charlestown will be used for Charles Town, the current spelling.

[3] James Murray Mason (November 3, 1798 - April 28, 1871) was a United States Representative and United States Senator from Virginia. He was a grandson of George Mason. He drafted the (second) Fugitive Slave Law of 1850 enacted on September 18, 1850. He was appointed by Confederate President Jefferson Davis as commissioner to Great Britain and France during the Civil War.

Parker, all talented men and, in the case of Gerrit Smith, extremely wealthy.

In November, on the day of Brown's hearing in the Charlestown courthouse, Dr. Samuel Gridley Howe and George Luther Stearns fled to Canada, while Gerrit Smith, almost at the point of collapse, hit upon the novel idea of admitting himself to a lunatic asylum. For several weeks he was treated as an honored guest and enjoyed a restful stay, immune from possible arrest.



COURTESY JEFFERSON COUNTY MUSEUM

Senator James M. Mason

On December 14, 1859, the Federal Government ordered the Senate to select a special committee to inquire into the recent events at Harper's Ferry. Members of the committee were: Senator James M. Mason (Virginia), Chairman; Jefferson Davis (Mississippi); G.N. Fitch (Indiana); Mr. J.R. Doolittle (Wisconsin) and Mr. J. Collamer (Vermont). A blizzard of subpoenas quickly sped out from Washington to the New England states, the Kansas Territory, New York, Ohio and Illinois. Having sought expert legal advice, however, Messrs. Stearns and Howe had no qualms about appearing before the committee. They were informed that should they be arrested, the trial would take place in Boston. This heartening news put any apprehensions the two might have to rest.

Among the thirty-two testimonies given before the Mason Committee, I have chosen to describe those of Andrew Hunter, attorney and prosecutor of John Brown; Edward K. Schaeffer of Baltimore, storekeeper; Boston resident James Jackson, florist and Lind F. Currie aged thirty-three, farmer and schoolteacher residing in Jefferson County.



COURTESY JEFFERSON COUNTY MUSEUM

Prosecutor Andrew Hunter

On January 13, 1860, Andrew Hunter testified before the committee. Governor Wise of Virginia had requested that all captured documents be placed in Hunter's hands: many of these papers came from unlikely sources—Hon. Alexander R. Boteler, representative in Congress from that district, officers of the Baltimore troops and newspaper editors in Baltimore. Henry Davenport, Esq., an officer in the Jefferson Guards, handed over Edwin Coppoc's "commission" in Brown's phantom "army." A major discovery among these papers was the *Journal of the Provisional Constitution Convention held on Saturday, May 8, 1858* in Chatham, Canada.[4] The contents of Brown's "Provisional Constitution" went far in convincing the jury of Brown's treasonable intent.

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4 Report Committee Number 278, 36th Congress, 1st Session, *The Report of the Select Committee of the Senate Appointed to Inquire into the late Invasion and Seizure of Public Property at Harper's Ferry*, (Washington, D.C., 1860), p. 65

Andrew Hunter saw Brown about three hours after his arrest, in one of the rooms of the armory superintendent's office. With Hunter, were the governor, Colonel Robert E. Lee, Lewis Washington and a number of other gentlemen. Brown was lying on a cot and "appeared to be very severely wounded, but his wounds did not prove to be so dangerous."[5] Lying beside Brown on another cot was Aaron Stevens: indicative of the influence Stevens appeared to have with Brown, since they later shared the same cell. Governor Wise assured Brown that he was not obliged to talk and that anything he said would not be produced against him at his trial. Upon hearing this, Brown became positively garrulous, information poured forth and he was insistent that Wise be shown a copy of the "Provisional Constitution." This was hastily fetched from among the piles of captured documents and Brown then requested that Wise read from it out loud. For nearly three hours Brown spoke at length of his plans—to the amazement of his listeners. When asked where he intended to put his provisional government into operation, he replied, " Here, in Virginia, where I commenced operations." Since Brown had brought only a small band of men with him to Harpers Ferry, how much support did he expect to receive? Hunter records the reply as "three thousand or five thousand—if he wanted them." After these words a silence fell on the room; Hunter had the feeling that further important details were about to follow. Suddenly Aaron Stevens roused himself, and said that "he (Brown) was not sure of any aid, but he only expected it, adding, "you do not understand him." Whereupon Brown echoed, "Yes, I merely expected it; I was not certain of any support."[6]

Brown then answered questions about where he expected support to come from and also the number of arms he had brought with him. He replied that the support would come from slaves and non-slaveholding whites, that would "join him from all quarters." Brown was prepared to arm about one thousand five hundred men "but not perfectly." Governor Wise and Andrew Hunter then took turns asking about the kinds of weapons Brown had in his possession. He had "200 Sharps rifles and about 200 revolver pistols, and had expected 1,500 spears, but the contractor had failed, and he had received only about 950."[7]

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[5] Ibid, p.59
[6] Ibid. p.61
[7] Ibid. p.62

Another questioner inquired whether or not Brown had intended "to stampede slaves off." This suggestion was indignantly refuted by Brown. Hunter says: "He designed to put arms in their hands to defend themselves against their masters, and to maintain their position in Virginia and the South. That, in the first instance, he expected they, and the non-slaveholding whites would flock to his standard as soon as he got a footing there, at Harper's Ferry; and as his strength increased, he would gradually enlarge the area under his control, furnishing a refuge for the slaves, and a rendezvous for all whites who were disposed to aid him, until eventually he overrun (sic) the whole South." Responding to a question from Governor Wise, Brown complacently remarked that "the property of all slaveholders was to be confiscated, and the proceeds applied as an indemnity for the trouble and expense of freeing the slaves and of carrying on the expedition."[8]

There was no hesitation or ambiguity in Brown's choice of words; his claimed intentions remained in the minds of his listeners, and in the notes taken by his future prosecutor. Imagine Hunter's amazement, when, appearing for his sentencing in Charlestown courthouse, Brown told Judge Parker that "his purpose in coming to Virginia was simply to stampede slaves, not to shed blood; that he had stampeded twelve slaves from Missouri without snapping a gun, and that he expected to do the same thing in Virginia, but only on a larger scale."[9] By then Hunter had the measure of his man: the conflicting statements in his testimony, his boastfulness, and, to use Andrew Hunter's gentlemanly words, "the palpable inconsistency" between the statement given to himself, Governor Wise and others in Harper's Ferry, and Brown's words spoken to the judge during his trial. The amount of military materiel hidden in the schoolhouse, including the fearsome "spears" were damning evidence that John Brown and his group of followers had anything but peaceful intentions when they crept into the sleeping community of Harper's Ferry.

A letter from Brown to Andrew Hunter, written from the Charlestown jail and dated November 22nd, 1859, underscores the "palpable inconsistency" and is worth quoting in full (Italics are Brown's).

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8 Ibid. p.63
9 Ibid. p.62

Charlestown, Jefferson County, Va.,
November 22, 1859.

Dear Sir: I have just had my attention called to a seeming confliction between the statement I at first made to Governor Wise and that which I made at the time I received my sentence, regarding my intentions respecting the slaves which we took about the Ferry. There need be no such confliction, and a few words of explanation will, I think, be quite sufficient. I had given Governor Wise a *full and particular* account of that, and when called in court to say whether I had anything further to urge, I was taken wholly by surprise, as I did not expect my sentence before the others. In the hurry of the moment, I forgot much that I had before i*ntended to say*, and did not consider the full bearing of what I then said. I intended to convey this idea, that it was my object to place the slaves in a condition to defend their liberties, if they would, *without any bloodshed*, but not that I intended *to run them out of the slave States*. I was not *aware* of any such apparent confliction until my attention *was called* to it, and I do not suppose that a man in *my then circumstances* should be *superhuman* in respect to the *exact purport* of every word he might utter. What I said to Governor Wise was spoken with all the deliberation I was master of, *and was intended for truth*; and what I said in court *was equally intended for truth*, but required a more full explanation *than I then gave*. Please make such use of this as you think calculated to correct any *wrong* impressions that I may have given.

Very respectfully, yours,
JOHN BROWN[10]

Brown wanted this letter published and Hunter duly complied, sending a copy to *The Spirit of Jefferson*. While Brown was in jail, Hunter estimated that the prisoner had received between two hundred and two hundred and fifty letters. Some of them had been intercepted, and among this number were offers to rescue Brown, while still others were addressed to Jailer Avis, attempting to buy his cooperation in rescue attempts.[11]

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[10] Ibid, p. 67
[11] Ibid. p. 66

And then there were the maps. From among the documents placed before the committee, Andrew Hunter drew out a roll of maps detailing the southern states of Kentucky, Tennessee, Alabama, Mississippi and Georgia and marked in various points with a cross. Pasted on each map was a section of the 1850 Census Report, "showing the number and kind of inhabitants in each county, free or slave, white or black, male or female."[12]

John Brown asked Andrew Hunter to draw up his will: this was done "about an hour and a half before his execution." Brown thanked the lawyer for his "kindness and attention" and indeed, the relationship between Brown and his prosecutor was an extraordinary one. Andrew Hunter's decency and straightforward manner stood in marked contrast to the inadequacies of Brown's chosen lawyers.

On the morning of October 13, 1859 a disheveled figure entered the premises of Schaeffer and Loney, located at numbers 1 and 3 Hanover Street in Baltimore. The young assistant was taken aback when the visitor asked to buy forty or fifty thousand percussion caps. Not only did Schaeffer and Loney not have that number on hand, the price quoted was apparently unsatisfactory. The nervous assistant hastily fetched his employer to handle matters.

When Edward K. Schaeffer, who gave his testimony on February 2, 1860, saw the waiting customer he "was not favorably impressed with the young man's appearance."[13] That was hardly surprising. Francis J. Meriam,[14] aged twenty-two, was an unimpressive sight to begin with; possessed of a frail physique and spotty complexion, he was obviously laboring under some strong excitement. Schaeffer confirmed that the company could not supply fifty thousand caps, urging Meriam to go and try his luck at similar businesses in the area. As he was leaving, Meriam's attention was drawn to a display of spades and shovels. Schaeffer's suspicions were aroused: "I suspected that he was furnishing supplies for some filibuster expedition, though I knew that New Orleans and New York were generally the places where they got up those expeditions."[15] Schaeffer refused to sell him any shovels and escorted Meriam to the door.

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[12] Ibid.
[13] Ibid. p. 145
[14] Merriam is the correct spelling. Meriam is used in the report and in this article.
[15] Report Committee Number 278, p. 146

The next day Meriam was back with sufficient funds to purchase the percussion caps, requesting that they be packed and sent to Barnum's Hotel where he was staying under his own name, in room 204. Meriam paid the bill of forty-five dollars in twenty-dollar gold pieces, leaving the store in such haste that he forgot his change. A few days later, newspaper headlines reporting the events at Harper's Ferry confirmed Mr. Schaeffer's fears about his unwelcome customer. Equally alarming was the identification of the suppliers of the percussion caps. Clearly printed on the box lids were the words:

> 201/4 M. caps
> From S. & L. B.
> F.J. Meriam, 204 Barnum's Hotel, Baltimore[16]

Before leaving the witness stand, Mr. Schaeffer had something further to offer. While exchanging information with the staff of Barnum's Hotel, Schaeffer learned that the day before Meriam made his purchase, the young man had received a sum of money by express from Boston, Massachusetts.

The source of this money was Meriam's uncle, James Jackson, who was also his guardian—and a poor liar. Jackson's responses on January 6, 1860, were guarded and reluctant. Information was extracted with great difficulty and only after firm probing on the part of the committee: the members were sorely tried while they listened to Jackson's monotonous litany—"I think I did" or, "I think not," and, "I do not remember." Jackson had the responsibility of handling funds inherited by Francis Meriam following the death of his father "ten years, or perhaps fifteen years" before.[17]

The committee learned that Mr. Jackson had received an urgent telegram from his nephew in Baltimore, requesting the sum of six hundred dollars in gold. (Jackson was "unsure" of the date, or even of the month). This amount was duly sent by Adam's express from Boston on October 14th; in point of fact the money belonged to Francis Meriam, not to his uncle. The committee was then treated to a description of James Jackson's unique methods of financial management. When asked how he had raised the six hundred dollars, Jackson replied: "I think I got it from

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[16] Ibid, p. 146
[17] Ibid, p. 135

my father; he handing me a check on one of the Boston banks for the amount." Question: "How did you obtain it from your father? If the money belonged to Meriam, what need had you to resort to your father for it?" Answer: "I think some property of Mr. Meriam's came into my hands, and I think I lent a portion of it to my father, and when this telegraphic dispatch came I called on him for the amount."[18]

Poor Francis Meriam. A victim of other people's greed and ruthlessness, his very naivety offered him a strange protection. On December 23, 1858, Meriam wrote a letter to John Brown. The previous winter he had traveled to Kansas in hopes of meeting Brown, carrying with him a letter of introduction from Wendell Phillips. Back in Boston, Meriam had been primed with exciting stories of heroic deeds performed by Brown and others in Kansas and became fired with enthusiasm for "the Cause." Although he was unable to meet Brown, the degree of Meriam's enthusiasm can be gauged by the following: "...I earnestly wish to join you to act in any capacity you wish to place me as far as my small capacities go," and, "I already consider this the whole present business of my life. I am entirely free from any family ties which would impede my action." At this time Meriam was making plans to travel to Hayti, "to learn the conditions of things there" with a new friend, James Redpath, a newspaper reporter originally from Scotland, and an old acquaintance of John Brown from the latter's days in Kansas. The ill-assorted pair spent the winter on the island; when they returned home Francis Meriam was five hundred dollars the poorer but James Redpath had plenty of fresh copy for his articles.[19]

Jackson was asked whether he knew of his nephew's whereabouts before receiving the Baltimore telegram. He admitted that he "thought" Francis was in Chambersburg, Pennsylvania. Jackson denied ever meeting Brown or that Meriam had any connection with Brown. The young man arrived on the doorstep of the Kennedy farmhouse the night before the raid, carrying more money in gold. Although he was useless for Brown's plans, Meriam was none the less sworn in as a "private" in Brown's "provisional army." Francis Meriam's worth to Brown and his followers decreased in direct proportion to his rapidly dwindling fortune. In short, he had been flattered (by Franklin Sanborn and James Redpath, among others) fleeced, and was to be ultimately abandoned. Referring to

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[18] Ibid, p. 130
[19] Ibid, p. 66

Meriam in a letter, Sanborn said, "'Tis a virtue posted in numbskulls, to give money freely...."[20]

Finally, with the collapse of Brown's plans, Cook, Owen Brown, Charles Tidd and Barclay Coppoc managed to find their way to Pennsylvania, and Chambersburg, with Meriam toiling in their wake. Miraculously, he was never captured, but finally surfaced in Boston, to the dismay of many, including his relatives. According to uncle James, Meriam went to ground in the home of a Dr. David Thayer, on Beach Street. While in hiding, Meriam confided in his uncle that "he had participated in the Harper's Ferry matter" and "he was, with a few others, stationed at some distance from Harper's Ferry to guard arms that were there." Question from the committee: "What arms?" Answer: "Arms that were to be used, if necessary, I suppose."[21] Jackson also stated that four to six weeks ago his nephew had left Boston for Canada and that although he had not seen Meriam since then, he had received a request for one hundred dollars. Jackson also claimed that all the money young Francis now possessed amounted to six or eight hundred dollars.

The schoolhouse lay about half-way between the Kennedy farmhouse and the Ferry. Everything appeared to be normal that morning of October 17th. The schoolmaster, Lind F. Currie, who testified on January 11th, 1860, had between twenty-five to thirty pupils, ranging in age from eight to fifteen. Currie was a farmer who also taught school, not an unusual combination for the times. At about ten o'clock, the creaking of a heavily-laden wagon could be heard approaching the school. Suddenly strange men appeared in the doorway. All were heavily armed, their leader John Cook wore two revolvers stuck in his belt, a large Bowie knife and was carrying a Sharp's rifle. With Cook were two other men, Charles Tidd and William Leeman, also several negroes carrying pikes. With them they had brought Maryland farmer Terence Byrne, who had been abducted at gun-point while riding towards the Ferry. Cook informed the shaken schoolmaster that he was taking possession of the schoolhouse, that it would be used as a depot for "their arms and implements of war."[22]

Incredibly, Cook told Currie to keep the children in the school and we should not be interrupted. By now pandemonium reigned: the children

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[20] Otto J. Scott, *The Secret Six—John Brown and the Abolitionist Movement*. TIMES BOOKS, a division of Quadrangle/The New York Times Book Co., 1979. p, 293.

[21] Report Committee Number 278, p. 132

[22] Ibid, p. 55

were hysterical with fear and Currie could do nothing with them. With considerable courage, Currie insisted that the children be allowed to run home, all except one small boy and the schoolmaster kept him back, maintaining that the child was too young to find his way on his own.[23]

Currie had the opportunity to see the wagon's contents. It was loaded with long boxes, each containing about a dozen Sharp's rifles, also a large black trunk. John Cook was in a chatty mood and spoke at length to his hostage. "Cook said that their intention was to free the Negroes; that they intended to adopt such measures as would effectually free them, though he said nothing about running them off or anything of that kind. He said this too: that those slave-holders who would give up their slaves voluntarily would meet with protection, but those who refused to give them up would be quartered upon and their property confiscated, used in such ways as they might think proper; at least they would receive no protection from their organization or party. I distinctly recollect that he said that."[24]

There must have been an air of unreality about the whole episode, at least from Lind Currie's perspective. He asked, and was allowed to take his youngest pupil home, and then returned. In Currie's words, "I would not have gone back, but that there was no way of getting out that I knew of. There were two other roads, one through the Ferry, but both were occupied. The Ferry at that time was occupied by these men, and I could not get through the Ferry. There was another road, passing up by Brown's house, which would have led me some miles out of my route home, but I did not go that way because I presumed that also was occupied by these men." One can only hazard a guess at what motivated Currie to return to the possible dangers that awaited him. Reasons enough were Cook's boastings that he and his friends were supported by five or ten thousand men "for aught I know." There was no reason to disbelieve Cook: "I believed it; I supposed it was all true; I had no idea that twenty-two men were going to attempt such a foray as that."[25]

By now the wagon was unloaded; the others had left, leaving Cook and "one black man" behind. Currie had recognized the Negroes, they were the slaves of Lewis Washington and had told John Cook that Currie was a slave holder. After hearing this, Cook's attitude towards Currie became

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[23] Ibid, p. 55
[24] Ibid, p. 56
[25] Ibid, p. 58

rather cooler but the urge to hold forth to a captive audience was too strong. Soon, Cook was talking eagerly to the horrified schoolmaster, with his usual lack of discretion. Currie remembered Cook's words about Gerrit Smith, that "he knew of it, and was interested in it," and the name of Frederick Douglass. Then Cook said: "We, as a little band, may perish in this attempt, but there are thousands ready at all times to occupy our places, and to step into the breach. It is our design to use every effort to disseminate our sentiments in regard to the institution of slavery among your own people; we will scatter them among you in different ways; we will send our people among you as colporteurs and peddlers, and we will place them in your pulpits and schools; in different ways we will send our men among you, and by such means circulate our opinions and sentiments."[26]

Between two and three in the afternoon, the sounds of shooting from the Ferry became rapid and continuous. Currie asked, "Mr. Cook, what does that mean?" The reply was chilling: "Well, it simply means this: that those people down there are resisting our men, and we are shooting them down."[27]

As the evening sun began to set, Currie asked to be allowed to leave. Before this, his attempts to edge towards the door were blocked by Cook. Now, doubtless to Currie's surprise, his captor released him, but not before extracting a promise to reveal nothing of what he had seen.

The investigation lasted for almost six months. The committee had striven to follow their instructions and stay within the boundaries laid down for them. This was unfortunate: the testimony of some old Kansas cronies of Brown, particularly W.F. Arny, general agent of the Kansas Aid Committee, promised revelations of extraordinary value. But the committee had been directed to concern themselves only with the Harper's Ferry attack; Arny was warned not to stray off the subject. Of the five resolutions adopted by the Senate, number three states: "Whether such invasion and seizure was made under color of any organization intended to subvert the government of any of the States of the Union; what was the character and extent of such organization; and whether any citizens of the United States not present were implicated therein, or accessory thereto, by contributions of money, arms, munitions, or

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[26] Ibid, p. 59
[27] Ibid, p. 57

otherwise."[28] The conclusions of the majority—Mason, Jefferson Davis and G.N. Fitch were that "the money to maintain the expedition, and the large armament they brought with them, had been contributed and furnished by the citizens of other States of the Union, under circumstances that must continue to jeopard the safety and peace of the Southern States, and against which Congress has no power to legislate." After examining the Constitution, the three reluctantly concluded that laws of defense only applied to attacks from foreign powers, and not indigenous forces. They were not prepared to suggest any legislation, but "earnestly" recommended that "provision should be made by the executive, or, if necessary by law to keep under adequate military guard the public armories and arsenals of the United States, in some way after the manner now practiced at the navy-yards and forts."[29]

The minority conclusion of Mr. Doolittle and Mr. Collamer, was the reverse of their colleagues; that there was no supporting evidence to prove that any private citizen from another state had aided and abetted Brown. Those who testified that they knew nothing of Brown's plans and activities—despite proof to the contrary—must be believed. These witnesses were not culpable of anything *because they denied that they were*.[30]

The times were against the committee: 1860 was election year and political expediency dictated that Senator Mason's commission of inquiry be hastily buried, like a particularly unsavory bone. Not only had some of the "Secret Six"—George L. Stearns, Gerrit Smith, Frank Sanborn and Samuel Howe received subpoenas (but not Thomas Higginson or Theodore Parker)—so had men in the high reaches of government. It was all most disagreeable, particularly to President Buchanan. As the nation moved ever more gradually towards the brink of chaos, the revelations of the committee receded into the background.

The dreadful fact was that men like the "Six" and their friends longed for a war that would subjugate the South and bring about a new order, according to their ideas of a Higher Law. That, for the most part, they knew nothing of the South or of its people, mattered not at all. No sympathy was expressed for the murdered citizens of Harper's Ferry—not even for the death of Hayward Shepherd, the free black railroad porter, a bitter irony.

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[28] Ibid, p. 1
[29] Ibid, p. 12
[30] Ibid, p. 24

On December 3rd, a reporter from the New York Herald attended a mass rally at Boston's Tremont Temple. The martyred Brown was compared to Christ, and Governor Wise to Pontius Pilate, while a Reverend Mr. Martin declared that he "sanctioned Brown's course, but that his only fault was that he had not intended to shed blood," betraying a deep fundamental confusion. The reporter concluded: "The effect of abolition doctrines upon the rostrum, in the pulpit, and in the light literature of the day, and the morbid sympathy for men whose lives were justly forfeit to the laws of a State which they had outraged. On the one hand the abolitionists excite the people of the North to interfere with the right of the South, and on the other they stir up the hot blooded Southerners to that point where, as they believe, forbearance ceases to be a virtue. The result will inevitably be disunion and civil war."[31]

Susan Collins has been curator of the Jefferson County Museum since 1996 and resides in Berkeley County.

[31] *New York Herald*, December 3, 1859

"The old wagon will make a fine exhibit..."

by P. Douglas Perks

The Jefferson County Museum is home to a remarkable collection that reflects the rich history of our county. One of the unique features of the Museum is that its exhibits and archives display and protect a cross-section of our county's story from early settlement to the present day.

Not surprisingly, as we prepare to commemorate the sesquicentennial of John Brown's attack on the United States Musket Factory at Harpers Ferry, the Jefferson County Museum is one of the best places to view objects that were a part of the raid, the trial and conviction of John Brown and six of his co-conspirators, and their subsequent execution.

Of the relics that are connected to that part of our history, none is more significant than an old wagon which has become known as the "John Brown Wagon."

Described as a light freight wagon, its physical dimensions explain that reference. The box of the wagon measures eleven feet nine inches front to back. The sides vary from twenty-three and three quarter inches to twenty-four and one half inches high. The wagon is forty-eight inches wide. A drop down tailgate has four twenty-four inch by one and one half inch strap hinges each fastened with a drive pintle.

Designed to be pulled by two horses, the driver sat on a bench in the box of the wagon. Brackets attached to the exterior of the front of the box would have held a footboard. The wagon's front wheels are three feet in diameter. The rear wheels are three and one half feet in diameter. Both front and rear wheels have wooden spokes and are iron rimmed. The diameter of the wheels give the wagon a thirty-eight inch ground clearance.

Although we do not know who made the John Brown Wagon, we do know who owned the wagon. George W. Sadler, a prominent citizen of Charlestown, Virginia,[1] was an undertaker as well as furniture and coffin maker,[2] Mr. Sadler's shop was located on the south side of the one

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[1] Jefferson County officially became a part of West Virginia following a U. S. Supreme decision rendered in 1871. Charlestown was changed to Charles Town in 1912 to avoid confusion with the state capital.

[2] John A. Washington, *Magazine of the Jefferson County Historical Society*, Volume XXXIV, December 1968, 43.

hundred block of West Washington Street. Today if you stroll along the sidewalks of historic Charles Town, just after you pass the United States Post Office look up at the top of the façade of the building which is home to Collins' Barber Shop, Jumpin' Java, and Amaya International. You'll see the name "SADLER BLOCK" prominently displayed. In 1859, Mr. Sadler's shop was one door west of the Jefferson County Jail.

We are also unclear of the exact date that Mr. Sadler purchased his wagon. However the following excerpt taken from the diary of Susan Wood Keyes gives us a point of reference:

> *July 10th. [1849] - All the ladies & gentlemen from this house except Pa & Ma went out fishing and gathering raspberries. Dr. Cordell went too they brought a good many of the latter to Ma for preserving. They went in Mr. Sadler's little furniture wagon.*[3]

Dr. John A. Washington, who edited sixteen year old Susan Wood Keyes diary for an article in the December 1972 edition of *The Magazine*, made this note regarding Mr. Sadler's wagon:

> *The occupants that day of 'Mr. Sadler's little furniture wagon' would have been surprised to learn what the future held for the conveyance. It was undoubtedly the same wagon used on Dec. 2, 1859 when it was pulled up to the Jefferson County jail and, accompanied by George Sadler, an undertaker as well as furniture and coffin maker, and by the sheriff and jailer, James W. Campbell and John Avis, John Brown was carried to the place of execution, now the 500 block of South Samuel Street. The wagon is now a leading exhibit in the county museum in Charles Town.*[4]

"Mr. Sadler's little furniture wagon" would play a prominent role in the final hours of John Brown's life. Louis P. Starry worked in George Sadler's shop. At the time of this interview in 1909, he was eighty-two

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[3] *Magazine of the Jefferson County Historical Society*, "Diary of Susan Wood Keyes," Volume XXXVIII, December 1972, 35. Susan Wood Keyes married Rev. Charles E. Ambler. Their daughter, Miss Lucy J. Ambler, made her mother's diary available to Dr. John A. Washington, longtime president of the Society and editor of *The Magazine*.

[4] Ibid.

years old. He had this to say regarding December 2nd, 1859:

Yes, it is fifty years since the hanging of Brown, and my, how time goes. I remember the day that it took place just as well as if it had been yesterday. Charles Town was crowded with thousands of people, who began coming soon after daybreak. Whole families of them came in wagons, others on horseback and afoot. That year we had a spell of Indian summer in the late fall and the second of December was just like a May morning, in Virginia, honey-bees were flying about and birds singing everywhere. At the time of the hanging I was in the undertaking business with George W. Sadler and we had charge of Captain Brown's funeral. Sheriff Campbell notified us that the execution would occur at noon, so along about 11.00 o'clock we were on hand at the jail, with the casket in the wagon.

We had three hangings of them and Brown was the only one that day. John E. Cook, Edwin Coppoc, Shields Green and John Copeland were hanged on December 16th and



COURTESY JEFFERSON COUNTY MUSEUM

Mr. Sadler's wagon with John Brown seated on coffin proceeding to execution site.

Aaron D. Stephens and Absalom Hayslepp (sic) were hanged on March 16, 1860. The night before Cook was hanged he tried to escape. He had gotten out of his cell on top of the jailyard wall when caught.

Well, we didn't have to wait long at the jail before Sheriff Campbell brought Brown out. He climbed up in the wagon and took a seat on the casket; then surrounded by soldiers marching in a square around us, we started for the gallows.[5]

A newspaper man for *The Staunton Spectator* filed this report:

The following account of the last hours and execution of John Brown was dispatched from the (sic) Charlestown by telegraph, on Friday afternoon the 2nd [December, 1859].
At the door of the jail an open wagon with a pine box, in which was a fine oak coffin, was waiting for him. He looked around and spoke to several persons whom he recognized, and walking down the steps, was assisted to enter the wagon, and he took his seat on the box containing his coffin along with Jailor Avis.[6]

Years later the widow of Captain John H. Zittle would publish his "eye-witness" account of the "John Brown Invasion." Remarkably similar to the 1859 news account, Zittle affirmed the presence of Sadler's wagon:

At the door of the jail, an open wagon, with a pine box, in which a fine oak coffin, was waiting for him. He looked around and spoke to several persons whom he recognized, and walking down the steps, was assisted to enter the wagon, and took his seat on the box, containing his coffin, along with Jailor Avis.[7]

The site of the execution was just five blocks south of the Jefferson County Jail in a field owned by Mrs. Rebecca Hunter. Waiting for the

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[5] J. Hampton Baumgartner, "Fifty Years After John Brown, "*Book of the Royal Blue*, Vol. XIII, No. 3, Baltimore, Maryland, December 1909, 8-9.
[6] *The Staunton Spectator*, December 6, 1859.
[7] John H. Zittle, *A Correct History of the John Brown Invasion at Harper's Ferry, West Va., Oct. 17, 1859*. Mail Publishing Company, Hagerstown, MD, 1905, 141.

arrival of the prisoner were hundreds of militia and a number of state and local officials. Among the crowd was newspaper man David Hunter Strother. Denied access to the site as a member of the press, Strother used his familial relation to Commonwealth Attorney Andrew Hunter to secure a spot near the gallows. Strother wrote these words:

> *At eleven o'clock escorted by a strong column of soldiers the Prisoner entered the field. He was seated in a furniture waggon (sic) on his coffin with his arms tied down above the elbows, leaving the forearms free. The driver with two others occupied the front seat while the jailer sat in the after part of the wagon.*[8]

As Louis P. Starry indicated, Mr. Sadler's little wagon repeated the trip south of town on two more occasions. Eventually all seven survivors of the attack on Harpers Ferry were carried to the gallows in the back of that wagon:

> *The prisoners [Copeland and Green] were conveyed from the jail to the gallows in a furniture wagon, driven by Mr. Sadler, Undertaker, accompanied by Mr. Starry, his assistant. In the wagon with the prisoners were the Sheriff Mr. Campbell, Capt. Avis, jailor, and Dr. J. J. H. Straith; the Rev's Mr. North, Waugh and Leach followed behind the wagon on Foot.*
>
> *As soon as they [Copeland and Green] were taken down [from the gallows] the Sheriff and Jailer returned to the Jail, in the same wagon, for Cook and Coppoc.*[9]

George W. Sadler continued his furniture and undertaking business until his death in 1876.[10] Following him in the business were sons John Newton Sadler and Leonard L. Sadler. Both Sadler men had served in the

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[8] From a manuscript written by David Hunter Strother who used the nom de plume *Porte Crayon*.

[9] "The Execution of Cook, Coppoc, Copeland and Green - Charlestown Dec 16th, 1859," By Gallaher & Co., Virginia Free Press, Charlestown, Jefferson County, Virginia, Vol. 52 No. 52 Thursday Morning December 22, 1859, 1.

[10] Beeline Chapter, NSDAR. *Tombstone Inscriptions Jefferson County, West Virginia*. Wadsworth Publishing Company, Marceline, Mo., 1981, 374.

Confederate army, John Newton as a member of Company G, 2nd Virginia Infantry Regiment and Leonard L. first as a member of Company A, 2nd Virginia Infantry Regiment,[11] then as a member of Company B, 12th Virginia Cavalry Regiment.[12] They continued in their father's business until their deaths near the end of the nineteenth century. Just before 1900, Melvin T. Strider and Horace Osbourn purchased the business.

Following the acquisition of the Sadler business by Strider and Osbourn, the wagon became popularly referred to as the "John Brown Wagon." There was a great deal of interest both locally and nationally in acquiring relics that had some connection with John Brown. For example, on November 29th, 1859, John Brown had given local confectioner John Frederick Blessing his personal Bible "with the best wishes of the undersigned & his sincere thanks ; for many acts of kindness received."[13] In 1893 Blessing's wife, Mrs. Emily Jane Blessing, sold the Bible to a collector from Chicago for $200.[14]

However, of all the John Brown relics, the John Brown Wagon is both the most significant and the most desirable. So, just how did the wagon find its way to the Jefferson County Museum?

In May of 1935, Mr. D. W. Ramey recounted the history of ownership of the wagon in a sworn affidavit. Mr. Ramey was a partner with Mr. Melvin T. Strider in the furniture and undertaking business that Strider and his then partner Horace Osbourn had purchased from the Sadler brothers. According to Mr. Ramey the ownership of the wagon was as follows:

- Before their business was purchased by Melvin T. Strider and Horace Osbourn, the Sadler brothers sold the John Brown Wagon to Mr. Tom Knight.
- After acquiring the business from the Sadlers, Melvin T. Strider and Horace Osbourn re-acquired the wagon from Knight; at a later date D. W. Ramey purchased Osbourn's

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[11] Frye, Dennis E. *2nd Virginia Infantry*. H. E. Howard, Inc., Lynchburg, Virginia, 1984, 128.

[12] Frye, Dennis E. *12th Virginia Cavalry*. H. E. Howard, Inc., Lynchburg, Virginia, 1988, 165.

[13] This inscription was written by John Brown on the fly-leaf of his Bible.

[14] From an affidavit signed by Mrs. Blessing in 1893 declaring the authenticity of the Bible and acknowledging receipt of the money.



COURTESY JEFFERSON COUNTY MUSEUM

The John Brown Wagon in the 1959 Centennial Parade.

interest in the business which then became Strider and Ramey.

- Strider and Ramey sold the wagon to M. H. Sandbower.
- On May 21, 1935 Melvin T. Strider and Frank L. Ronemus purchased the wagon from M. H. Sandbower and D. W. Ramey who swore *"that it is the same wagon (except repairs) sold to the said M. H. Sandbower years ago."*

After Strider and Ronemus acquired the John Brown Wagon, there was at least one serious attempt to purchase the wagon and take it away from Charles Town. In 1949, Paul M. Angle, Director of the Chicago Historical Society, contacted Major T. T. Perry inquiring about the wagon. In his letter Angle said,

> *My inquiry is occasioned by the possibility of acquiring this vehicle for the Chicago Historical Society. We already have*

considerable material relating to John Brown's Life.[15]

Major Perry, who was then the postmaster of Charles Town, passed the letter to one of his employees, Frank L. Ronemus, who was a postal clerk. Ronemus sent this reply to Angle:

> *For your personal information I might say that the wagon is in good shape with one exception, the floor. All claims as to the genuineness of the wagon can be authenticated. The wagon was drawn by two horses, carried John Brown to his execution and his body to the B. & O. RR station here for shipment to New York State where he was interred.*[16]

Ronemus politely declined the offer to sell the wagon and it remained in Jefferson County.

As the centennial of John Brown's Raid approached, Ronemus began making plans to put the John Brown Wagon on display. Because of this, he became interested in compiling a correct history of the John Brown Wagon. Major Perry suggested that Ronemus contact Mr. Boyd Stutler who at the time was president of the West Virginia Historical Society. Perry knew that Stutler was an avid collector of memorabilia associated with John Brown and that he had conducted research dealing with the raid. Ronemus contacted Stutler requesting that he:

> *... furnish me the names of the persons who rode with him [John Brown] both to and from the execution. I am under the impression that a Mr. Avis and a Mr. Campbell both accompanied him. The wagon was drawn by two white horses. We hope to take this wagon to the spot of execution during the next few months for photographs and should the picture appear in the papers, I am sure many questions will be asked.*[17]

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[15] Paul M. Angle, Letter to Major Thornton T. Perry, Jr. June 8 1949.
[16] Frank L. Ronemus, Letter to Paul Angle. June 15, 1949.
[17] Frank L. Ronemus, Letter to Boyd Stutler. April 3, 1955.



COURTESY JEFFERSON COUNTY MUSEUM

The Sadler wagon c. 1900 near 3rd Avenue Ranson looking southwest. The building in the background is the Goetz Harness Factory.

Stutler's reply to Ronemus focused on the use of the wagon on December 2nd, 1859, the day of John Brown's execution. He had this to say about the wagon and its occupants:

> *George W. Sadler, as you know, was the undertaker selected by the authorities to prepare the coffin. On the morning of execution the light spring wagon was used to deliver the coffin to the jail, and it may be - though proof is lacking - that prior arrangement had been made with Mr. Sadler to take the prisoner to the gallows. At any rate, the wagon drew up in front of the jail with the black walnut coffin enclosed in a pine box in the back.*
> *When the prisoner was brought out of the jail he was assisted to the wagon, taking his seat on the boxed coffin. Captain John Avis, the jailor, took a seat with him. Three men rode the single seat in front, they were certainly George W. Sadler and*

Louis P. Starry. The third man in the seat - fifth man on the wagon - was not definitely named by reporters present, but who was W. W. B. Gallaher, a local man who had obtained a place on the staff of the New York Herald and who had been sent back to Charles Town by his paper to cover the raid, trial and execution.[18]

Stutler's opinion regarding the occupants of the wagon as it left the Jefferson County Jail appear to be the most conclusive and consistent with the contemporary newspaper accounts. However, the unnamed third person seated up front has opened the door to speculation. Consequently, depending upon the account, one can almost fill in the blank with the names of numerous men who "drove John Brown to the gallows." As is often the case with personal accounts, why let the truth get in the way of a good story?

In any event, Frank Ronemus tried to get a correct account of the wagon's history. After completing his research, he prepared the following synopsis which was released to the media and which was posted near by each time that the John Brown Wagon was on display:

THE JOHN BROWN WAGON.

ON DECEMBER 2, 1859, JOHN BROWN WAS TRANSPORTED IN THIS WAGON FROM THE JAIL IN CHARLESTOWN TO THE GALLOWS AND HIS BODY BACK TO THE JAIL AND LATER THE SAME DAY TO THE BALTIMORE & OHIO RAILROAD STATION FOR SHIPMENT TO NEW YORK.

THIS WAGON AT THE TIME WAS THE PROPERTY OF MR. GEORGE W. SADLER, THE UNDERTAKER SELECTED TO PREPARE THE COFFIN AND TAKE PROPER CARE OF THE BODY. THE WAGON WAS SUBSEQUENTLY SOLD TO THE FIRM OF STRIDER AND RAMEY, SUCCESSORS TO MR. SADLER.

THE WAGON WAS DRAWN UP TO THE JAIL WITH THE BLACK WALNUT COFFIN ENCLOSED IN A PINE

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[18] Boyd B. Stutler, Letter to Frank Ronemus. August 26, 1959.

BOX IN THE BACK. THE PRISONER (JOHN BROWN) WAS BROUGHT OUT OF THE JAIL AND ASSISTED TO THE WAGON TAKING HIS SEAT ON THE BOXED COFFIN. CAPTAIN JOHN AVIS, THE JAILOR, TOOK A SEAT BESIDE HIM. THREE MEN RODE THE SINGLE SEAT IN FRONT. THEY WERE: GEORGE W. SADLER, UNDERTAKER; HIS ASSISTANT, LOUIS P. STARRY, THE DRIVER AND MAKER OF THE COFFIN AND W. W. B. GALLAHER, A LOCAL MAN EMPLOYED BY THE NEW YORK HERALD TO COVER THE RAID, TRIAL, AND EXECUTION. SHERIFF JAMES W. CAMPBELL AND TWO MEDICAL OFFICERS RODE IN A CARRIAGE IMMEDIATELY BEHIND THE WAGON WITH A MILITARY ESCORT FLANKING THE WAGON AND THE CARRIAGE. THE WAGON WAS DRAWN BY TWO HORSES, THE PROPERTY OF THE UNDERTAKER, MR. SADLER.

MELVIN T. STRIDER.
FRANK L. RONEMUS, OWNERS
CHARLES TOWN, WEST VA.[19]

In April 1958, the Old Charles Town Library, Inc. was formed to acquire, build and operate a civic center, offices for the Chamber of Commerce, a library and a museum for the community. In June 1961 Miss Elsie B. Murphy purchased land and a building adjacent to the Charles Town Library for the location of the cultural center. In 1963 plans for the cultural center were announced to the public launching a fund raising campaign to build the facility. Dedication of the new building was held on September 19th, 1965.

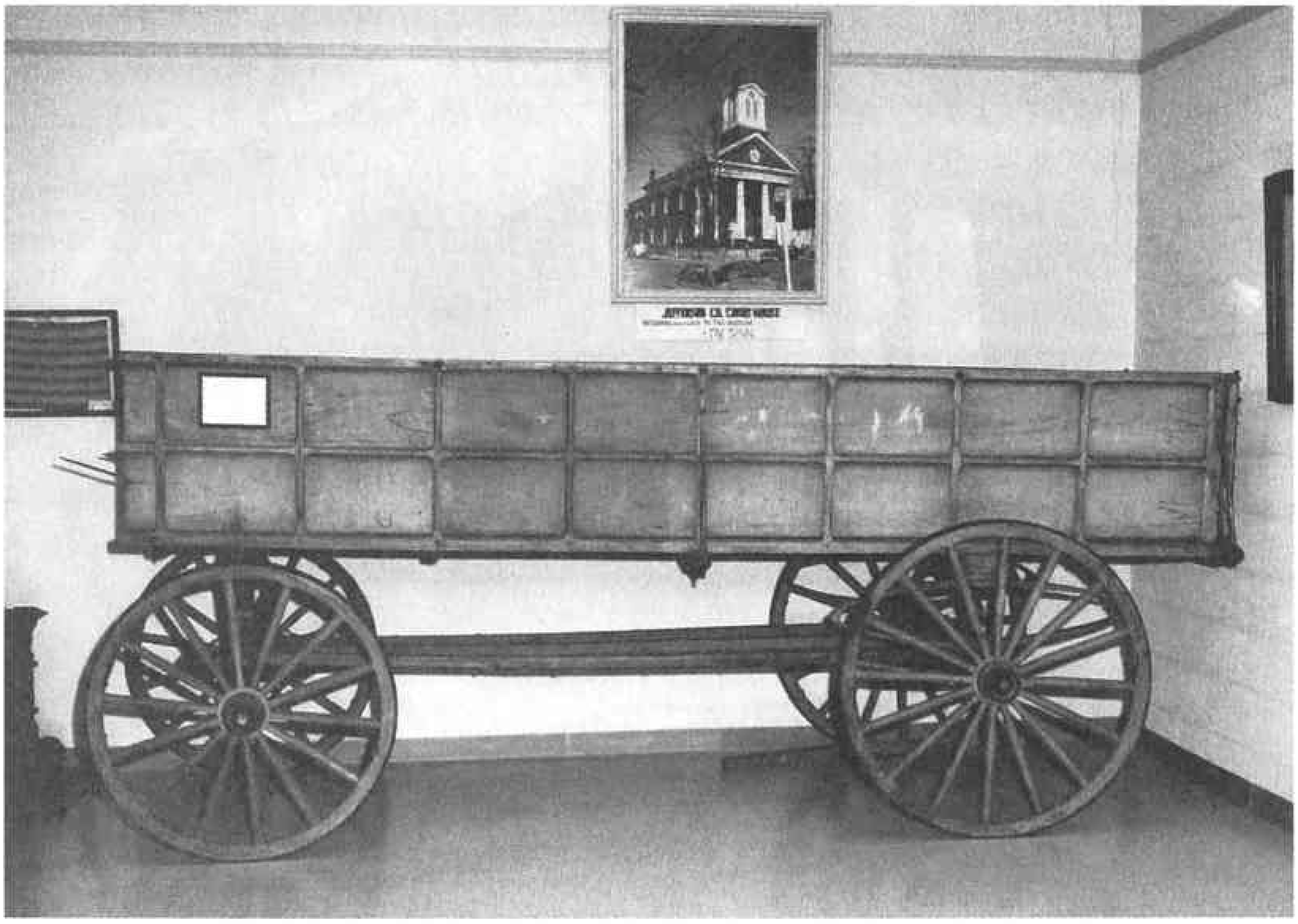
On August 31st, 1965 the story of the John Brown Wagon came to the end of the road. In a letter written by Boyd B. Stutler to Frank L. Ronemus on August 26th, 1959, Stutler said, *"The old wagon will make a fine exhibit and I hope you place it on view..."* That is exactly what happened.

When the Jefferson County Museum opened on the ground floor of the new civic center, Messer's Strider and Ronemus conveyed *"a certain article or piece of personal property, being the wagon which John Brown*

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[19] Frank L. Ronemus, A history of the John Brown Wagon.

was carried from the Jefferson County, Virginia, jail to the gallows where he was hanged"[20] to the care of the museum to ensure that future generations would be able to see this important relic.



COURTESY JEFFERSON COUNTY MUSEUM

The John Brown Wagon in the Jefferson County Museum in 1965.

If you would like to see the wagon and many other relics that are associated with not only the story of John Brown, but also with the rich history of Jefferson County, visit the Jefferson County Museum.

P. Douglas Perks, a Native of Jefferson County, is Assistant Curator Jefferson County Museum. He is a frequent speaker on Jefferson County History, the author of "Mr. Jefferson's County" in The Guardian, *and a contributing author to* The Magazine of the Jefferson County Historical Society.

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[20] Frank L. Ronemus, and estate of Melvin T. Strider, Dec'd. Certificate of transfer of property. August 31st, 1965.

Summer Picnic

It was a beautiful day at the annual picnic, weather-wise and deviled egg-wise. There were between 150 and 200 members and guests in the yard of the Allstadt House and Ordinary (tavern). In 1811, Jacob Allstadt bought a story and a half house which has been expanded to its present configuration. The house was a hostage-taking stopping point for the John Brown raiders in 1859. One of the highlights of the house is the repaired door that was battered down to get to the Allstadt family.

The present owners, Jim and Barb Gibson, both officers on the historical society board, have restored the buildings and they have done a beautiful job. Jim mounted pictures in and outside to show the before-and-after during restoration of the buildings.

Thanks to Betsy Wells for organizing the picnic, the Magnolia Tree for catering it and for all the great dishes brought by the members



Allstadt House



Allstadt Ordinary (Tavern)



Members and guests, Allstadt House in the background.