Table of Contents

Magazine of the

Jefferson County Historical Society

Volume XIX
December 1953

Table of Contents

Magazine of the

JEFFERSON COUNTY HISTORICAL SOCIETY



Volume XIX December 1953

Table of Contents

CONTENTS

	Page
Officers of the Society	3
Addresses Delivered since December, 1952	3
Price of Magazine	3
Piedmont, a Manor House of Jefferson County	5
Virginia or West Virginia	12
Rezin Davis Shepherd, Public Benefactor and Country Squire	15
Judge Richard Parker—He Tried John Brown	27
John Yates Beall, His Thrilling Career for the South	38

JEFFERSON COUNTY HISTORICAL SOCIETY

Organized May 21, 1927

OFFICERS

President—Mrs. Robert Browse, Charles Town, W. Va.

Vice-President—A. D. Kenamond, Shepherdstown, W. Va.

Recording Secretary—Thornton T. Perry, Jr., Charles Town, W. Va.

Corresponding Secretary—Ella May Turner, Shepherdstown, W. Va.

Treasurer—Anne S. (Mrs. Clarence) Hobart, Charles Town, W. Va.

Curator—Elizabeth Daniel, Charles Town, W. Va.

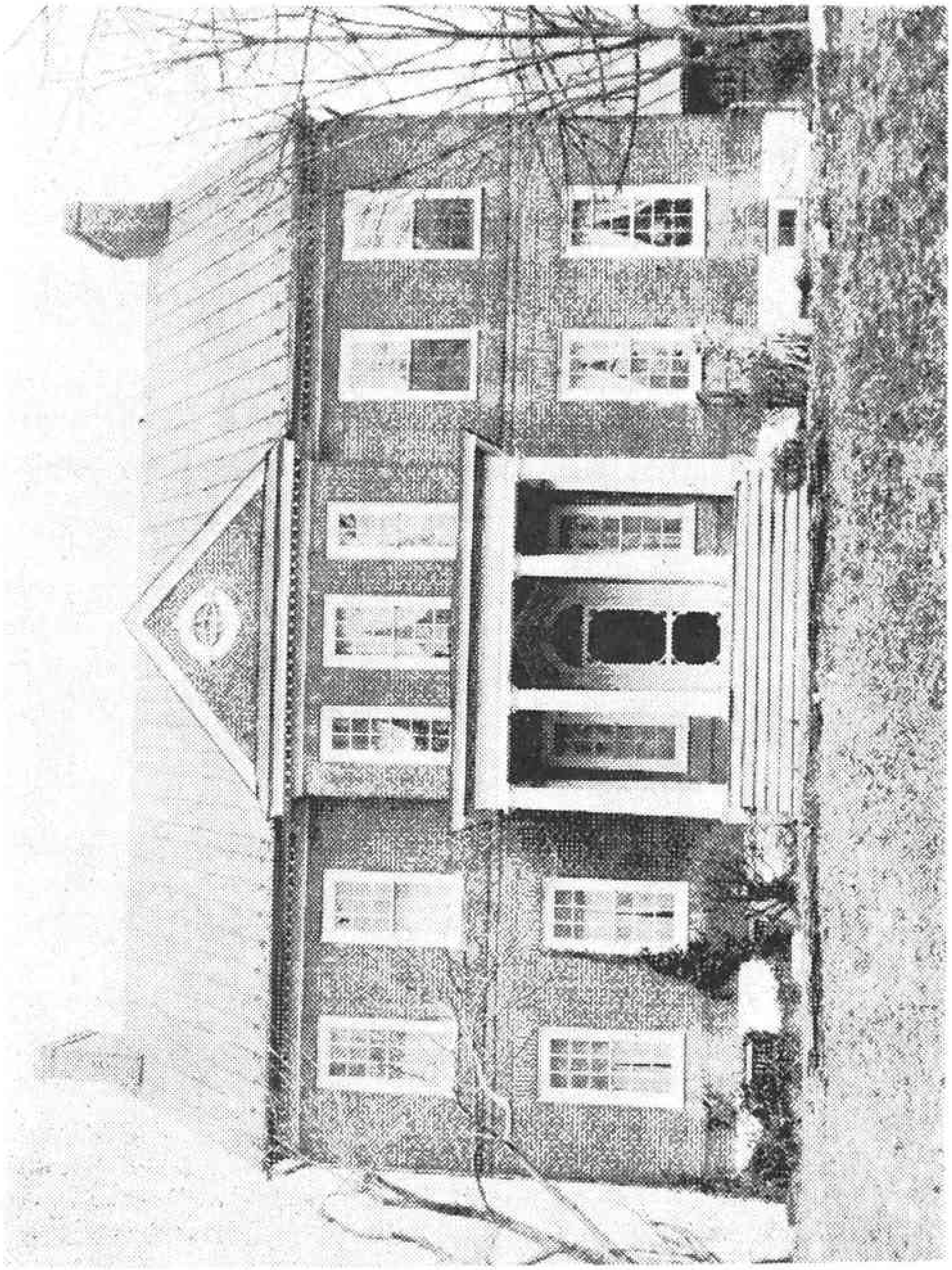
Directors—Sallie Lee Powell, Shepherdstown; Susan Gregg Gibson, Charles Town; J. Burns Huyett, Charles Town; Anne Lloyd Baylor, Charles Town; Margaret P. Chew, Charles Town; Thomas R. Moore, Charles Town.

ADDRESSES

Delivered before the Society since December 1, 1952

May 16 at Charles Town—Washington's Lost Plantation by Charlotte Judd Fairbairn. A dinner meeting held jointly with the Second District's Regional Meeting of the West Virginia Historical Society.

Price of the Magazine—$1.00 per copy. The 1937, 1938, 1940, 1942, 1943, and 1944 issues are no longer available.


PIEDMONT

"PIEDMONT" — A MANOR HOUSE OF JEFFERSON COUNTY

By Caskie Norvell, II

(Mr. Norvell is the executive director of Shenandoah Valley, Inc., Staunton, Virginia, to which position he went from the editorial staff of The Jefferson Republican, Ranson, West Virginia.)

In the quiet northeasternmost section of West Virginia, closely guarded by Maryland and Virginia, lies Jefferson county. This county named for the third President of the United States has received considerable recent publicity due to the restoration of five of the Washington Family Homes in the area. Nevertheless, what is probably the most beautiful example of Georgian architecture to be found anywhere in West Virginia has been unjustly pushed into the background in the plethora of notoriety given the one-time residences of the Washingtons. That great house is "Piedmont," located just west of Charles Town.

"Piedmont," built in 1780—kitchen wing as early as 1735—has been successively the home of Worthingtons, Nourses and Briscoes, and is presently in possession of the last named family, having been acquired by Dr. John Briscoe by deed dated November 22, 1786, although it is generally believed that he was living on the property for some years prior to that time. Miss Louise Briscoe, a descendant and one of the present owners, states that Dr. John built the main brick part of the dwelling in 1780; and it seems indisputable that this larger front section was built by Dr. John Briscoe.

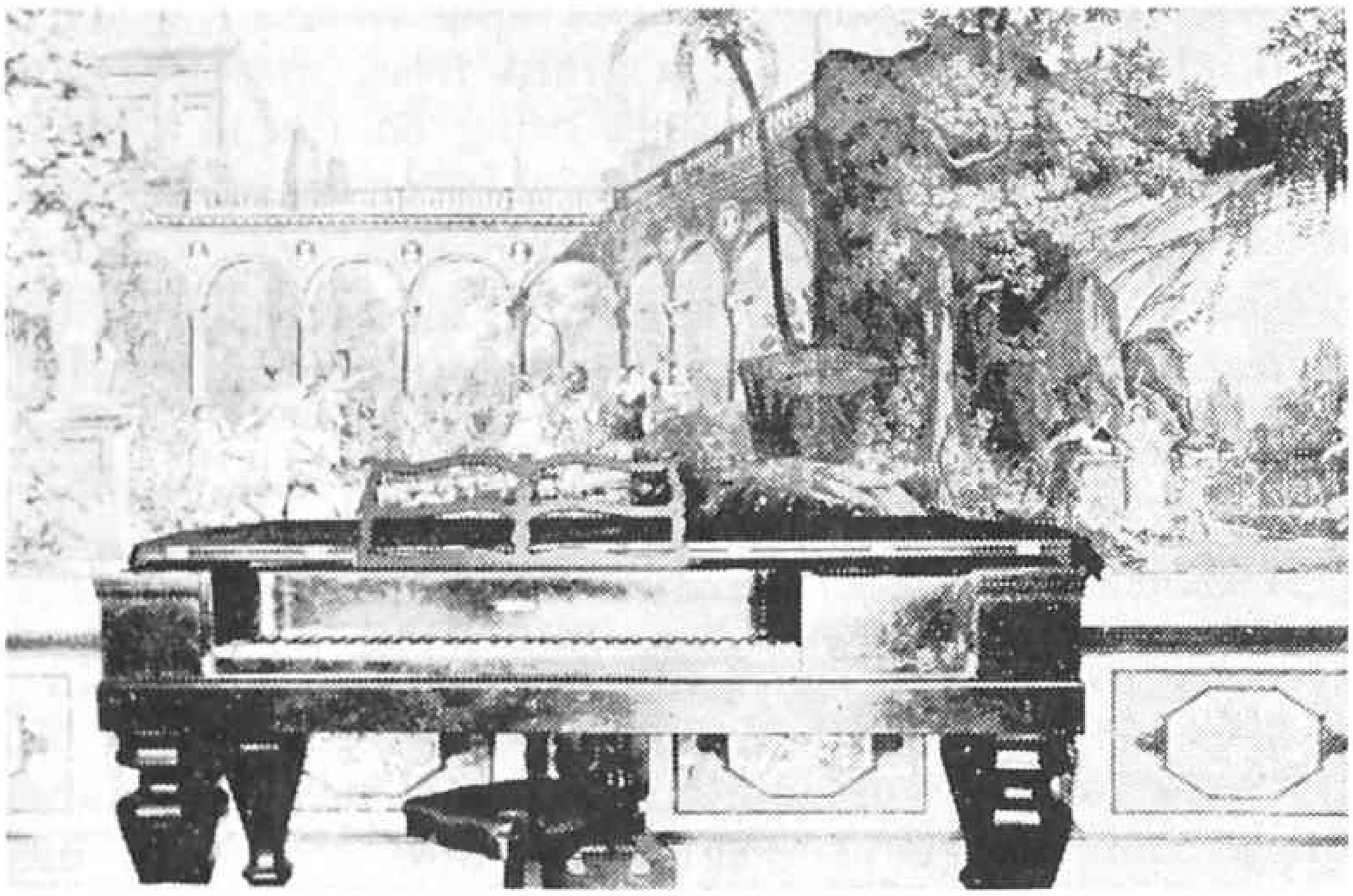
When it is said that "Piedmont" is probably the noblest specimen of Georgian design to be found in the Mountain State, one immediately runs into the counterclaim of its neighbor, "Harewood," built by Samuel Washington, oldest brother of President George Washington, in 1757, despite a historical marker at its gate, which designates 1771 as its building date. The late Thomas Tileston Waterman in his book, "The Mansions of Virginia," opined that "Harewood" was the finest example

of Georgian executed in native stone to be found anywhere. And so it is. But "Piedmont" was built of brick, the usual medium for this splendid eighteenth century style of building. Hence it seems possible for both "Piedmont" and "Harewood" to back up their claims with neither stealing lustre from the other.

Not the least element of "Piedmont's" claim lies in its exceptionally favorable location. While the Washingtons tended to build their homes on eminences, Robert Worthington preferred the bucolic seclusion of a tree-shaded site on the banks of Evitt's Run. The Run is a spring-fed stream, and always seems crystal clean as it runs above a tangy abundance of watercress. Present day visitors to "Piedmont" must ford the little stream in order to get into the dooryard of the manor.

Smiling down on the sparkling waters is the mansion itself, its Flemish bond brickwork mellowed to a rust-pink color, which defies accurate description. It is of two storeys above a moderately high basement, whose foundation is of native stone, now treated to a coating of whitewash. The smoothness of its facade is broken in the center by a gently gabled promontory serving as a backdrop for its splendidly detailed doorway. This entrance is partially hidden by a classic porch supported by four small fluted columns. The fanlight and woodworking around the door are particularly worthy of note. No blinds mar the simplicity of the bonded brickwork; and the only note of accent is the finely denticulated cornice under the simple tin roof. In its entirety it is a residence of elegant simplicity—or simple elegance, if you prefer.

A joy to behold from the outside, it is the interior which has brought "Piedmont" its chief fame. In fact, one room of the inside is perhaps better known than all the rest of the plantation put together. This is the room with the famous—and justly so— French wallpaper, which was brought from Paris in 1806. This paper is one of the first four such patterns made, and depicts scenes from the Travels of Telemachus, when that worthy visited



French Wallpaper at Piedmont

the Isle of the Nymph, Calypso. A block-type wallpaper, it is said that 500 different blocks were used in making it; and so far as is known the only other example of this type wallpaper in this country is to be found in the Metropolitan Museum of Art, in New York. If for no other purpose than to behold this wallpaper a trip to "Piedmont" is well worth the effort.

(Editor's Note—On the walls of the spacious parlor of the Campbell Mansion at Bethany, West Virginia, is scenic wallpaper brought from France, depicting Telmachus and Minerva. Mrs. H. P. Schley, of Shepherdstown, remembers this paper from childhood years spent in the Alexander Campbell mansion during the time her father, W. H. Woolery, was president of Bethany College and has frequently visited the old home in recent years and noted the fine state of preservation of the famous wallpaper.)

While today "Piedmont" stands as a thing of beauty and is classed as a "must" on all historical tours, it has an interesting history. As has been already stated, its most ancient portion was the stone wing built in 1735

by Robert Worthington. This Worthington was a Quaker, who, about 1730, obtained a grant from the Crown of 3,000 acres, deed to this effect being on file in Orange county, Virginia, from which shire Jefferson was carved, after several other lesser partitions.

Miss Carrie B. Wilson, writing in the Magazine of the Jefferson County Historical Society (December 1939, Volume V, Page 25) says:

> ". . . among papers relative to the settlement of his estate, on record in Orange county, Virginia, is a deposition made by his wife, which states she and her husband were married in Friends meeting in New Jersey, the 13th day of the sixth month 1729, and that they 'quickly after the said marriage removed to this county.'"

This Robert Worthington is said to have originated in Cheshire, England, coming via New Jersey, to this site on Evitt's Run in the then-county of Orange, Virginia. He named the property "Quarry Banks—New Stile," after his old home, "Quarry Banks," in England. He died at "Quarry Banks—New Stile" (Piedmont) in 1735.

The property came down to Worthington's son, Colonel Robert Worthington, Jr. The young Quaker is said to have married in 1760 "out of meeting," and thereby withdrew from the Society of Friends. He seems to have become what we would call today a solid citizen. In addition to the normal farming activities of a plantation of "Piedmont's" magnitude, Colonel Worthington served in various parish and county activities. As Miss Ella May Turner records in "The Magazine of the Jefferson County Historical Society" (December 1948):

> "His name appears on a number of county deeds as witness, along with that of Thomas Rutherford, Hugh Stevenson, Magnus Tate, and William Little. During the late 1760's he became interested in locating a Church of England chapel somewhere nearer than Bunker Hill Church, for his own and neighbors' use, and in 1769, they petitioned the House of Burgesses for the right to erect Norborne Parish Chapel, now erroneously called St. George's Chapel, on part of Worthington's land. The details on erection of this chapel found in Bushong's book seem to be substantially correct. Robert Worthington's name also appears on the Glebe deed in 1772 when a church

farmland was added to the Norborne Parish property. (Dec. 7, 1772. Berkeley county, filed under Berry to Church Wardens.) This Glebe was sold in 1802."

It was about the year 1770 that James Nourse arrived in Jefferson (then Berkeley) county, and purchased the Quarry Banks house and land from Colonel Worthington, who then took up residence at a house he built on a property now called "Altona," and owned today by the heirs of Colonel Davenport. The good colonel died in July of 1779 and his will was admitted to probate July 30 of that year, and may be seen today in the Berkeley County Court House, at Martinsburg.

Before passing on from the Worthingtons to James Nourse it seems only proper to pause long enough to call attention to the fact that Thomas Worthington, youngest son of the colonel and Margaret Edwards Worthington, eventually left his native heath to settle in Ohio, where he became the sixth Governor of that mid-western state. His gubernatorial term was from 1814 to 1818, and this service was preceeded by two terms as United States Senator from Ohio—1803-07 and 1810-14.

The Nourse famiy did not remain in possession of the erstwhile Worthington property very long before passing it on to the Briscoes, who still hold possession. In fact, it was in 1780 that James Nourse sold the property to Dr. John Briscoe, removing to Fredericksburg, Virginia, where he died five years later. James Nourse's appraisement is listed in the Berkeley County Court House, and is dated February 1785. The total appraisement, signed by John Bull, Benjamin Beeler and Thomas Rutherford, was for personal possessions amounting to 1036 pounds —or even a shilling or two over.

On December 22, 1786, the shares of Joseph, James and William Nourse in the property of James Nourse (now known as "Piedmont") was sold by Robert Nourse, their attorney, to John Briscoe of Berkeley for 1900 pounds "current money of Virginia." Miss Louise Briscoe states that Dr. John Briscoe lived at "Piedmont" prior to 1786

under agreement to purchase, but that the deed of 1786 is probably the only deed from Nourse to Briscoe in existence.

And so we come to the Briscoe family and its relation to the brick house by the marsh. While it was Dr. John who built the magnificent structure now under discussion, it is obvious that in 1806 it was his heirs who brought the scenic wallpaper from Paris, as his will was probated in 1789. His will, found on page 13, Deed Book 2, in Berkeley County Court House, bequeathed "Piedmont" to his wife Ann, with the provision that she rent one-half of the plantation, dividing the rental among Dr. Briscoe's children.

Since the death of Dr. John Briscoe the property has passed quietly down through the hands of his heirs. On March 17, 1858, John, Henry R. and W. D. Briscoe sold the Church and graveyard to Braxton Davenport. The deed is recorded in the Court House at Charles Town, and travellers along West Virginia Route No. 9 may still see the ghostly ruins of what was once Norborne Parish Chapel.

Without interruption, this architectural symphony in Flemish bond brick has now come into the possession of the Misses Briscoe, who still maintain its gracious traditions, even though today's servant problem makes the job of maintaining them a much more difficult task than it was in the slave-holding days of the Worthingtons, Nourses and earlier Briscoes.

Old Virginia aristocrats to the bone, the Misses Briscoe receive with equal grace and cordiality old Jefferson county friends and interested visitors. With what seems to be unending patience they show the casual caller the block wallpaper; the sword of General Darke, a family connection; the portrait of the same famed Indian Fighter; historic old guns; and many other heirlooms of the Briscoe and Darke families. Then they serve tea in the dimly lighted drawing room. And as you take your leave of "Piedmont," you look around you at the shaded lawn with its oaks and willows, with its ever-flowing spring

streams. Then you consider the magnificence of the manor, the graciousness of its owners and the placid calm of its setting and you can not help but reflect that the aura of the Old South lingers over "Piedmont."

Important Source Material

Back issues of the Magazine of the Jefferson County Historical Society.

Thomas Tileston Waterman's "The Mansions of Virginia."

John Wayland's "Historic Homes of Virginia and the Eastern Panhandle of West Virginia."

Millard K. Bushong's "A History of Jefferson County, West Virginia."

Charlotte Judd Fairbairn's "The Washington Homes of Jefferson county, West Virginia."

Additionally the author is particularly indebted to Charlotte Judd Fairbairn for exhaustive research into musty records of Jefferson and Berkeley counties. Without her considerable assistance it would have been impossible for him to prepare this article.—C. N., II.

1850 STATISTICS ON JEFFERSON COUNTY

As reported in the county newspapers

The number of horses 3,578, asses and mules 134, milch cows 2,546, working oxen 196, other cattle 3,227, sheep 11,086, and swine 16,940. The improved land comprised 81,087 acres and the unimproved 29,716. Wheat produced 472,008 bushels, rye 7,702, corn 287,304, oats 21,236. The population of the County amounted to 10,476 white, 540 free colored, 4,341 slaves, total 15,357.

VIRGINIA OR WEST VIRGINIA?

The Vote in Jefferson County

The post-mortem on Jefferson County's passing from the jurisdiction of the Old Dominion continued long after the county's accession to West Virginia became a fait accompli.

There were three steps by which the people of Jefferson became West Virginians. First, there was an election held on May 28, 1863, the results of which were certified by Governor Pierpont to Governor Arthur I. Boreman, of West Virginia, on September 14, 1863, about three months after West Virginia had been admitted to the Union. Then, on November 2, 1863, the West Virginia legislature passed an act including Jefferson County in the new state. But the constitutionality of the transfer was questioned soon after the close of the war, which had occasioned the rending of Virginia. This was finally settled on March 6, 1871, when the U. S. Supreme Court decided that the allegation of fraud was not sustained and the election of May 28, 1863, had rightly determined that Jefferson County should be a part of West Virginia.

The claims made by those questioning the constitutionality of the transfer were that proper notice of the time and purpose of the election had not been given the voters, and that the returns as certified and accepted as genuine were neither a full and free expression of the opinion of the people nor a true report of the votes actually cast.

In the two polling places open, Harpers Ferry voted 52 for and 1 against, and Shepherdstown 196 for and 1 against, making the county a part of West Virginia, according to the results certified. With so many of the voters of the county away in the Confederate army, it could hardly be expected that more than a small proportion of the electorate would participate in the election. As to the vote in Shepherdstown there is an interesting commentary found in the papers of Colonel Alexander R. Boteler,

of Shepherdstown, now in the possession of his granddaughter, Miss Helen Boteler Pendleton. This paper is in his own handwriting and records what he regarded as correct information as to the balloting.

Notes by Colonel Boteler

List of those who voted at Shepherdstown May 28th, 1863 for annexing Jefferson Co. to West Virginia.

1. James Wiley
2. Jas. D. Feaman
3. Wm. A. Chapline
4. Conrad Snyder
5. Thos Fawcett
6. John Traynor
7. John D. Staley
8. Geo. H. Colbert
9. Jno. H. Cookus
10. Jno. W. Grant
11. Jas. W. Greenwood
12. John Lashorn
13. Jos. A. Chapline
14. John Gibbons
15. Mathew Jones
16. Vandiver Lemen
17. George McBee
18. Charles Gatrell
19. Jno. Reed voted against Annexation

From the foregoing it will be seen that at Shepherdstown there were only 19 votes polled 18 for and 1 against Annexation. Of those in favor of subjecting Jefferson to the jurisdiction of W. Va. four at least were illegal voters at that time for Jas. D. Feaman, Geo. H. Colbert, Jos. A. Chapline and Mathew Jones had no votes here on the 28th May, 1863.

Therefore there were only 14 legal votes cast here for annexation during the entire day. What was done after night when the polls were closed is another chapter of fraud of which more hereafter.



Rezin Davis Shepherd

From a portrait presented to Shepherd College by Gorham Brooks, of Boston, son of Shepherd Brooks. This is a copy, made in 1917 by Mary Bradish Titcomb, of a Gilbert Stuart portrait made in 1824. The Stuart portrait now hangs in the home of Mrs. Eleanor Brooks Saltonstall, niece of Shepherd Brooks and mother of Senator Leverett Saltonstall.

REZIN DAVIS SHEPHERD

Public Benefactor and Country Squire

It is incumbent on any one mentioning the name of Rezin Davis Shepherd to distinguish the Rezin Davis Shepherd meant from others of the same name. The number of such, however, may be narrowed to two before any confusion sets in, which confusion results from the fact that two men of that name owned and lived at the famous "Wild Goose" farm, three miles north of Shepherdstown toward Terrapin Neck.

The later of these two was more commonly known as R. D. Shepherd, and even more generally known from New York to Louisiana to California as R. D. McLean, famous as a Shakespearean actor. This Rezin Davis Shepherd inherited "Wild Goose" in 1891 from his father, Henry Shepherd, and held the place till May 1, 1911, when he and his wife, Elizabeth Lee Kirkland (Odette Tyler was her stage name), gave possession of it to Edwin S. Jarrett and went to live in Washington. At that time the fine old country estate consisted of 185 acres. This Rezin Davis Shepherd had adopted R. D. McLean for his stage name, his mother having been Azemia McLean before her marriage to Henry Shepherd in New Orleans, where the latter had been associated in business with his uncle, the Rezin Davis Shepherd (1784-1865) who is to be described herein as the public benefactor and country squire.

The "Wild Goose" farm and mansion have undergone considerable improvements by the different owners during the past 75 years. Notably there were those made by Henry Shepherd, who acquired the place in 1871 from the heirs of Rezin D. Shepherd (1784-1865) and is said to have spent approximately $100,000 in developing the place as a stock farm and improving the highway leading to it and since known as Shepherd Grade, and the improvements made by Edwin S. Jarrett, who during his ownership from 1911 to 1935 spent lavishly to enlarge and modernize the mansion house.

The farm has had a way of changing in size. In the last transfer, that from Marshall Sprague, its owner for about ten years after the passing of Edwin S. Jarrett, to its present owner, Joseph I. Triplett, the place had 215 acres. As noted before, Mr. Jarrett secured the place when it contained 185 acres. The heirs of Rezin Davis Shepherd (1784-1865), namely his daughter Ellen Brooks and her two sons, Peter C. Brooks the younger of that name, and Shepherd Brooks, all of Medford, Massachusetts, took over "Wild Goose" when it contained 468 acres.

The wealthy proprietor had been accumulating those acres for several years, joining together some eight tracts to complete his plantation. In all, it consisted of the "Reserved Lot" of 35 acres, three small tracts from Henry Shepherd and one from the Hamtramck heirs, the 72 acres secured from James S. and Elizabeth Swearingen Markell, the 111 acres from George S. and Rebecca Swearingen Kennedy secured in 1843, and the 196 acres that had come from the Swearingen heirs through a transaction with his brother, Charles Moses Shepherd. The latter had done rather well by himself, having paid the Swearingen heirs $10,072.50 in 1838 and selling to Rezin D. Shepherd for $19,000 in 1841.

So it appears that Rezin Davis Shepherd had gathered up most of the acres for his large plantation before he retired in 1849 to live the life of a country squire at "Wild Goose." The date "1842" cut in the wall near the wine cellar indicates that he had enlarged his house in that year to its present dimensions of 100 feet from front to back with the width varying from 40 to 60 feet. It is said that the main house was begun in 1821 with the section now used as kitchen and pantry.

Before passing to any account of Mr. Shepherd's public benefactions or the earlier acquisition of his wealth, it might be well to comment on the name of his plantation. A recent publication records that R. D. Shepherd, better known as R. D. McLean, "is credited with naming the place 'Wild Goose,' because he, like the geese, went

south each Fall for the Winter theatrical season in New Orleans." A beautiful conception, but the Henry Shepherd account of "Wild Goose" appearing as an appendix in Aler's History of Martinsburg published in 1888, before R. D. McLean acquired the place, credits the naming to Rezin Davis Shepherd (1784-1865). And the tradition coming through the Shepherd children's children has the name deriving from the fact that wild geese of old had the habit of stopping over there briefly on their way south, just as they have been doing out in that vicinity during the past few weeks. After all, "Wild Goose" farm lies near the Potomac, or Cohongoroota, the "river of the wild goose."

The story of Rezin Davis Shepherd's life is an intricate one, involving as it does his activities in so many places. There were the years of his early boyhood in Shepherdstown; his later boyhood in Baltimore, which served as a preparation for his mercantile success; two decades of great financial gain in New Orleans, first as an agent for a Baltimore importer and later in business on his own account; a decade or more with his young daughter in Boston; another decade or more back in the active management of his business interests in New Orleans; and the final sixteen years at his delightful country retreat near Shepherdstown.

This, however, is perhaps too definite an assignment to a particular place at a particular period. Mr. Shepherd had his roots in Shepherdstown and, even after he reached middle age and had acquired much of his great wealth elsewhere, he responded to the attraction of this community with more or less frequent brief visits, or periods of temporary residence, and other manifestations of interest.

Rezin Davis Shepherd was born in Shepherdstown on August 1, 1784, the son of Captain Abraham and Eleanor Strode Shepherd. At this time Abraham Shepherd lived in a stone house at the northeast corner of King and German (or Main) streets. Here, too, Abraham

had been born thirty years earlier, which must have been soon after Thomas Shepherd, founder of Shepherdstown, and grandfather of Rezin D. Shepherd, had completed the old stone house, famed in story as Shepherd's Fort, because neighboring families gathered there at the first sign of redskin warriors during the troublesome days of 1754-1758.

While yet a mere boy Rezin D. Shepherd was placed in the store and counting house of William Taylor, who had an extensive business in Baltimore, being a large importer and ship owner.

John McDonough was then a clerk in the same house, and in 1800 was sent by his employers as super-cargo, with a large consignment of goods, to New Orleans. When this was turned to good profit, McDonough was sent to England, there to secure a valuable lot of goods adapted to the New Orleans market. When returns from sales of this cargo, which arrived there in 1801, failed to reach expectations, Rezin D. Shepherd was sent by the house in Baltimore to cooperate with Mr. McDonough in New Orleans in effecting the sales and settlement of the big adventure.

Mr. Shepherd reached New Orleans in September, 1802, and took quarters with Mr. McDonough, who was at the time "a genial and pleasant, and even a gay and fashionable young man." That succient characterization of John D. McDonough by a New Orleans editor of a century ago has been greatly elaborated upon by Harnett T. Kane in his "Pathway to the Stars," readers of which find no mention therein of Rezin D. Shepherd.

McDonough and Shepherd were two clear-headed and energetic young men, and, when they teamed together, they soon effected a most satisfactory settlement of the business entrusted to them, so that Mr. Shepherd could return to Baltimore the following winter with the accounts all balanced and a large remittance in specie.

The purchase of Louisiana in 1803 was a great political event, but William Taylor, of Baltimore, seems

to have been the only merchant to comprehend its consequence to dealers in Louisiana products and to have the foresight and energy to profit by it. To be relieved of paying an import duty of 2½ cents per pound on Louisiana sugar brought into "the States" would mean a neat profit to one who controlled the sugar. So Shepherd again set out for New Orleans with secret orders to buy all the sugar possible. He and McDonough with characteristic energy soon succeeded in buying 1800 of the 2100 or 2200 hogsheads of sugar then produced in Louisiana. This was a most profitable operation, and Mr. Shepherd was rewarded by his employer with a handsome share of the profits, sufficient in fact to enable the young man to start in mercantile life on his own account.

This business proved successful, and in 1808 Mr. Shepherd married the niece of his old employer, Lucy Taylor Gorham, of Barnstable, Massachusetts, who died in 1814, leaving one child, Ellen, who later married Gorham Brooks, son of Nancy Gorham and Peter Chardon Brooks, a wealthy and enterprising merchant of Boston.

Mr. Shepherd was in New Orleans during the War of 1812, and, when the British troops threatened Louisiana, joined the volunteer troop of horse commanded by Captain Ogden, which embraced the elite of the young men of the city. Transferred by order of General Jackson to the staff of Commodore Patterson, he rendered valuable assistance to the Commodore and won a citation of honor. It was while in the performance of these duties that he was credited with saving the life of Judah Touro, the wealthy New Orleans merchant and philanthropist. Forty years later Mr. Touro left the residue of his estate, after bequeathing over a half million dollars to numerous charities, to his "dear old friend, Rezin D. Shepherd," who was made executor of the will.

From 1817 to 1837 Mr. Shepherd left his mercantile business largely in the hands of his brother, James Hervey Shepherd, and took up residence in Boston, devoting his time chiefly to private affairs and the rearing of his daughter. The death of his brother in 1837 necessitated his

return to active management of his affairs in New Orleans, and it was not until 1849 that he could settle with some degree of permanence at "Wild Goose," his country estate in Jefferson County, Virginia. By that time his nephew, Henry Shepherd, had acquired sufficient experience in the counting room to be entrusted with the management of his large interests in New Orleans.

In October, 1865, Rezin D. Shepherd became seriously ill with typhoid fever. He passed away at "Wild Goose" on Friday night, November 10, 1865, being in the 82nd year of his age.

At the time of his death the New Orleans **Picayune** said: "Mr. Shepherd was by far the largest property holder in the city of New Orleans. His estate has been variously estimated from two to three million and even higher." The **Shepherdstown Register** said: "His estate is supposed to be worth one and a half millions." In settlement of the internal revenue tax on legacies, his three heirs made oath that all his real, personal and mixed property did not exceed $1,460,000. Only $61,000 of this estimate was credited to Jefferson County. The greater part of this latter valuation was in real estate, including the "Wild Goose" farm, which was sold to Henry Shepherd in 1871 for $30,000.

As a benefactor during his life time, the benevolences of Mr. Shepherd found issue through three main channels —to his many relatives, to the city of New Orleans, and to the community of Shepherdstown, the place of his nativity.

His many relatives, when in need of help or undertaking some worthy project, could usually count on Mr. Shepherd's making something available from his vast resources. Outright gifts may have been infrequent, but all advances Mr. Shepherd might regard as mere loans at the time were turned into bequests when he made his last will on September 1, 1859. "First," he then declared, "Having given property and money at different times to

my family connections, the greater part of which Stands Charged on my Books under the head of an account there opened, and called 'Family Accounts,' I will and bequeath to each therein named whatever may have been so given and charged, or any thing I may hereafter give during my life time."

When the news reached Shepherdstown in February, 1854, that Rezin D. Shepherd had been named as a beneficiary in the will of the late Judah Touro, whose life he had saved at the Battle of New Orleans, it was reported that Mr. Shepherd intended to give all that was left, after paying the Touro bequests to charities, towards improving the city of New Orleans. In the absence of any record of amounts accruing to Mr. Shepherd as administrator of the estate, as well as residuary legatee, it would be impossible to estimate the exactness with which that intention was fulfilled. However, the people of New Orleans felt that Mr. Shepherd was very generous, as shown in the obituary notice and tribute to the virtues of the late Rezin D. Shepherd in a November, 1865 issue of the New Orleans **Picayune**, which said: "In this city he was largely engaged, during the last years of his residence, in constructing the splendid improvements on Canal Street, which gave to that noble avenue the impulse that has resulted in rendering it the spendid boulevard it now is, and yet he managed to find time and means to carry out the benevolent design of Mr. Touro, in constructing an alms-house on a scale superior to any similar establishment on this continent. To this object Mr. Touro had bequeathed the sum of $80,000, but this amount not being adequate to carry out the design on a scale corresponding with the liberal and philanthropic views of the testator, Mr. Shepherd donated the land, of the value of $40,000, for the purpose, and added, from his own means, $50,000 to finish the building in a style of architectural beauty and elegance which would have made it one of the most beautiful edifices in the South. It had been nearly completed at the beginning of the war, and we

deeply grieve to add that its destruction by fire has been one of the sad incidents of that saddest of modern events."

In Shepherdstown there is now a daily reminder of the generosity of Rezin Davis Shepherd in the old town clock and a town hall, which has long stood as the central structure of the "Old College Building" facing Main Street just off King. It seems fitting that the two should be joined in union to mark his birthplace, though it was a devious course that brought them together and assigned the hall to its present use.

As early as 1841 Mr. Shepherd decided that the people of Shepherdstown should have a common guide to the time of day and therefore purchased a large clock. At the time the best available location for such was the old Episcopal Church at the corner of Church and High streets, but this necessitated a tower, which he erected at his own expense. All was made ready by July 11, 1842, when the Town Council employed a man "to wind and keep in repair the Town Clock." At this date it looks like a peculiar arrangement, and there has appeared no documentary record to account for Shepherdstown's having enjoyed the services of a town clock for more than a century. However, it seems to have been in character for Mr. Shepherd to make his benefactions without benefit of signature or seal. Yet, there is one letter from Mr. Shepherd on record in the Minutes of the Town Council, during the 1857-1859 mayoralty of Joseph B. Welshans, in which he yields to a request that he nominate three men to distribute an unspecified sum of money which he proposed to give the Council for relief of the poor.

By 1858 there had been considerable agitation for the erection of a hall to serve as a meeting place of town officials and community groups. Mr. Shepherd agreed to contribute the $600 which he had previously loaned the Town Council to repair streets damaged by heavy rains, but the Council, unable to secure sufficient funds, aban-

doned the hall project and returned the full amount of the loan in partial payments.

Mr. Shepherd was in the meantime turning the town hall idea over in his own mind and working it out in his own way. The then vacant lot at the corner of King and German streets, where "Shepherd's Fort" had stood, had come into his possession and would be an ideal location for a town hall, which he visioned with one story for a library and another for group meetings; the hall could support a tower for the Town Clock, the treatment the Episcopal Vestry was giving it not being exactly to his satisfaction; and, moreover, he could by erecting a hall at his own expense be assured of a building with architectural beauty and elegance to mark the place of his birth.

Accordingly, the project was started, with much gratification to the people of the community. The cornerstone laying on October 6, 1859, was a great occasion for them all—the Mayor and Town Council, the Masons and Odd Fellows, the Elk Branch and Shepherdstown Sons of Temperance, and Citizens all. There were the Hamtramck Guards, headed by martial music, and Cost's Cornet Band, of Keedysville, Md., and an imported orator, to give color and spirit to the event.

Deposited in the cornerstone at the front corner to the west were old coins, such as a pine tree shilling of 1652, two half pence of George II for 1735, a Virginia farthing of 1774, and county newspapers and lists of town and county officers. It appears that it was all carried out without the presence of Mr. Shepherd, who must have been sitting quietly through it all out at "Wild Goose," though the celebrants had a daguerrotype of him which they deposited reverently in the cornerstone.

The building was completed and the clock in operation in its tower in 1865, not many months before the death of Mr. Shepherd. His will had already been made, but he let his heirs know that he wished the town to have use of the hall, and, in case the county seat should

be moved to Shepherdstown, the hall should be offered for use as a court house. It was thus used from 1866 to 1871, and during the early part of that period the two wings were added to the hall built by Mr. Shepherd.

In 1871, after the building was abandoned as a court house, Shepherd College was incorporated as a private institution, becoming a state institution in 1872. The college needed a building, but this had been provided by an arrangement with Mr. Shepherd's grandson, Shepherd Brooks, of Boston, who came into sole possession of the town hall in 1866. Later, on July 1, 1872, Mr. Brooks leased Lot 36 and part of Lot 35 with the buildings thereon for ten years, annual rent of $5.00, to be used for the College. The lease was continuable beyond the ten years and then terminable only on two years' notice by either Mr. Brooks or the College Trustees. For the next 25 years the College catalogue proudly boasted of a building new, with wings added, the whole costing more than $30,000.

In 1891 Mr. Brooks deeded the property to a self-perpetuating board of trustees, who were to keep the building in repair and to allow its use for whatever they should deem best for the interest of the town and community.

Serving on that board of trustees from 1891 till his death in 1935 was the distinguished Shepherdstown attorney, George M. Beltzhoover, Sr. From the beginning of the college in 1871 he had been secretary-treasurer of the College Board of Trustees, and, from its inception as a state institution, secretary-treasurer of the Executive Committee, a local board in charge of fiscal affairs under a State Board of Regents. Thus, Mr. Beltzhoover was a continuing agent on changing boards and the guiding hand in making Rezin D. Shepherd's "town hall" available for the use of Shepherd College through the years.

In 1909 the Legislature created a State Board of Control to manage the financial affairs of the College, replacing the local Executive Committee, and from that

time Rezin D. Shepherd's "town hall" has been under lease, first to the West Virginia Board of Control, and more recently to the West Virginia Board of Education, which has succeeded to the former's functions in connection with Shepherd College.

SHIP BORE NAME OF R. D. SHEPHERD'S DAUGHTER

(Found in notes of Ella May Turner taken from a Shepherd Account Book.)

25 July 1839

All accounts heretofore existing between R. D. Shepherd and Henry Shepherd have this day been Settled, having a balance of Four Thousand Dollars due to R. D. Shepherd, which gives to Henry Shepherd a clear unencumbered Interest of one-half in all the stock of cattle, Horses, Sheep & Hogs to said Henry Shepherd, including the Importation daily expected to arrive from Liverpool on board the **Ellen Brooks** with those now in hand. In the **Ellen Brooks** 12 head Durhams 12 Sheep & Six Pigs.

R. D. Shepherd
Henry Shepherd

Winchester, Virginia.
February 12th 1889.

Gen. H. J. Wright
Dear Sir.

I shall be much pleased to see the article in the Trial of John Brown, which you have prepared for publication -

You need not be troubled to return the paper which contained what I had to say on the same subject - You will have observed that I confined myself very closely to the manner of the trial, and to what occurred during its progress - and if it may not be as interesting reading as a more sensational article might have been - My wish was alone to show that the conduct of it had been greatly misrepresented.

Very respectfully,
General,
Yours
Richard Parker

JUDGE RICHARD PARKER—HE TRIED JOHN BROWN

By Boyd B. Stutler

(Mr. Stutler, 580 Fifth Avenue, New York 36, New York, is the editor of the American Legion Magazine; a member of the publications committee, Autograph Collectors' Journal; vice-president, The Civil War Round Table of New York; and a contributor to The American Philatelist.)

For a full dozen years Richard Parker—later Judge Richard Parker of Winchester—was a resident of Jefferson County, and was active in its business, political and social affairs. As a young man, he was for ten years Military Storekeeper and Paymaster at the Harpers Ferry Armory and Arsenal, and then was for nearly two years in residence at Charles Town in the practice of law.

It was this same Judge Richard Parker who, in a long public career spanning more than sixty years, earned a measure of immortality by a single incident—an incident, however, vitally involving the places of his former residence in Jefferson County. He is one who had a dubious fame thrust upon him—when he is mentioned in the historical records, as he frequently is, he is referred to as the judge who sentenced John Brown to death. And that one

---

The letter appearing on the opposite page was addressed to Marcus Joseph Wright (1831-1922), Brigadier General, C. S. A., a native of Tennessee, who had an active field command until after defense of Atlanta in 1864, (wounded at Shiloh). In 1878 he was appointed by the U. S. Government as agent for the collection of Confederate archives, and served in that position until his retirement in 1917. He was the Confederate assistant and consultant in the compilation of the 128-volume collection **War of the Rebellion; Official Records of the Union and Confederate Armies.**

Judge Parker's letter refers to an article on the John Brown trial prepared by General Wright which was published in the **Papers of the American Historical Association,** October, 1890, under the title "The Trial and Execution of John Brown," and reprinted, with additions and revisions, in the **Southern Historical Society Papers,** (Richmond), Vol. 16, titled "The Trial of John Brown, Its Impartiality and Decorum Vindicated." With the letter Judge Parker sent him a copy of the St. Louis (Missouri) **Globe-Democrat** of April 8, 1888, containing his article, "The Trial of John Brown," which has never been reprinted.

incident, it seems, is the only act of this jurist that has caused his name to be remembered.

Perhaps because he was a modest man, plodding, methodical, and was so completely wrapped up in his own and his family affairs, he left scant biographical details. That, and for no other good reason, is probably why some writers have confused this Judge Parker with Judge Isaac Parker, the better known hanging Judge of Arkansas. The Virginia judge probably sentenced other men to death during his nearly twenty years on the bench, but there is nothing in his record or in his scattered personal papers to indicate that he took any great pride in the act. He did not make a career of hanging, nor did he in after years exploit his service as the presiding judge at the trial of John Brown and his associates. If we can read his manuscript diaries aright, the severe penalties of the law he was called upon to inflict upon offenders were painful to him.

Again there is some confusion in fixing the identity of the right Richard Parker, and for a more logical reason. He came of a distinguished line of Virginia judges—he was the third of his name in line of descent to grace the Virginia bench, the years of service of this family almost spanning the years of the Republic down through the Civil War. His great-grandfather, Richard Parker, (1729-1813), of Westmoreland County, was judge of the General Court from 1788 until his death. Richard Elliott Parker, (1783-1840), grandson of the first Richard and father of the third, who established the family home at "The Retreat," near Snickersville, (now Bluemont, Loudoun County), served in the Virginia Legislature, commanded a regiment of Virginia troops in the War of 1812, and was appointed judge of the General Court in 1817. He served on the bench until December 12, 1836, when he was elected to the United States Senate—but his stay in the Senate was brief; he resigned his seat on March 4, 1837, to accept an appointment as judge of the Supreme Court of Appeals of Virginia. Judge Richard E. Parker

kept his place on this bench until his death at "The Retreat" on September 9, 1840. "This day between 9 and 10 p. m. my dear Father breathed his last," the son Richard wrote in his diary.



Judge Richard Parker

With all this family legal tradition behind him it was only natural that young Richard Parker should turn to the law. Born in Richmond on October 22, 1810, he entered the University of Virginia in 1827, when he gave his place of residence as Norfolk, where his father was then serving as Judge. He was graduated on July 19, 1833, with the degree of Bachelor of Laws, and in that same year, at the age of 23, set himself up in the practice of law at Berryville, then in Frederick County, but near the family home at "The Retreat." He was admitted to the bar at Winchester, where he plead his cases in the courts. It was not until 1836 that Clarke County was created, and Berryville became its county seat. At the first session of the court in the newly created county a number of lawyers were admitted to practice, including Richard

Parker and Charles B. Harding, who was Prosecuting Attorney of Jefferson County at the time of the John Brown trial.

It was at Berryville that young Richard Parker began his apprenticeship in the law and his preparation to carry on the family tradition as jurists. But practicing law by a beginner—even one with the prestige of having his father as presiding judge—was not very remunerative, and after a trial of five years he gave up the struggle—so all his years of preparation for a place on the bench were not in the practice of law. The records in the National Archives at Washington disclose that on December 26, 1838, he accepted a commission as Military Storekeeper and Paymaster of the United States Armory and Arsenal at Harpers Ferry, and that he served in that position until May 12, 1847, when his resignation became effective. This is a lost interlude in his career, now reconstructed in part from brief notes found in stray volumes of his diaries. Also lost to public knowledge until recently was his period of residence at Carter's Hotel in Charles Town, where he opened a law office upon severing his connection with the Harpers Ferry Government works. And incidentally, his landlord was Isaac N. Carter, great-grandfather of the currently well known Hodding Carter, Pulitzer-prize winning Mississippi editor, author and **Saturday Evening Post** contributor.

While living at Harpers Ferry, on September 3, 1844, Richard Parker was married to Evalina Moss, daughter of William and Gertrude Holmes Moss of Fairfax County, and through this marriage became allied with several of the leading families of the lower Shenandoah Valley—the Holmes, Hunters, McGuires, McCormicks, Faulkners, and others. The family home was established at Harpers Ferry "in a tenement on High Street, known as the Stone Kitchen adjoining the blue stone house occupied by Hiram Carney & others," according to the terms of a lease dated April 20, 1844, for which the Paymaster paid a rental of $36 per annum. Later, he no doubt moved into

one of the splendid homes erected by the Government for housing the Armory and Arsenal officials, some of which are still standing.

It was Judge Parker's habit to buy a pocket diary at the beginning of each year in which he made notes from time to time, sometimes using the same diaries for special entries in later years. He was not, however, a satisfactory diarist; most of the entries are concerned with income and expenses, with goings and comings, with the trivia of family life, with an occasional observation on public and political matters. His income was never large, and his household expense book at the most active period of his life disclose a very modest scale of living. But it is from the few volumes of these diaries which have been preserved that we get a quick peep at the man himself and his habits. His entries are terse; he wastes no words, as on January 25, 1840, he wrote "Tonight resumed the wearing of flannels after an interval of 3 or 4 years;" on March 12th of the same year, "At a bridal party given to J. B. Packett and lady by young men of Charles Town;" January 28, 1847, "Hang up bacon today;" February 2, "Commence smoking bacon;" June 20, 1840, "Mr. Felix Grundy was received by me in the name of the Democracy of Harpers Ferry—left for Bath, Martinsburg, Shepherdstown on tour with Grundy, returned to H. F. on 24th;" November 25, 1841, "Old Mrs. Fitzsimmons was found dead this morning—gave Miss Mary (Fitzsimmons) order for a cord of wood—$4.00."

As Paymaster of the Government plant, Parker was required to go frequently to Baltimore, Washington and Philadelphia on official business and to draw money to meet the payroll—it was a hard-money day and employees were paid in silver and gold—and notes of his affairs on these trips were equally terse. Parker was fond of the theatre—and oysters—notation of plays attended, with names of the theatres and of the leading actors and actresses, were carefully set down in the diary, but the cost of oysters is found both in the diaries and the

household expense book. And he was equally laconic about his contacts with the bigwigs at Washington, and about his visits to the White House. "Saw President this evening—Secretary of War in the morning," is the brief mention of his official calls upon President John Tyler and his Secretary of War on December 28, 1841. And again, "Went to the Presidents at night," was his record of a call on President James K. Polk on April 29, 1847.

Early in 1847 Parker decided to return to the practice of law and, after conferences with Judge Isaac R. Douglass, (whom, years later, he succeeded), he began to attend the courts at Berryville, Winchester, Romney, Martinsburg and at other nearby county seats. He had determined, after his talks with Judge Douglass, to locate at Charles Town, and on February 26 he wrote in his diary: "Went to Charlestown with Eva. Selected our rooms at Carter's. We are to get the room over the parlor and small room adjoining—furnishing our own rooms and light—(work to be furnished by Carter)—for $290 per annum." At the same time his mother was living at Sappington's Hotel at a rate of $150 per year for room and board, and extra $25 for one fire. This rate seems exceedingly low when measured by the standards of today's cost of hotel living, but was thought ample at that time. Five years earlier, in 1842, Abraham Lincoln took his bride to live at the Globe Tavern at Springfield, Illinois, for which he paid $4.00 per week, each, for room and board.

Parker's final week at Harpers Ferry was a busy one. On Sunday, May 9, he wrote: "Spent this day very unprofitably in a religious view—being neither at church nor taking time out for meditation—engaged in packing books and clothes and attending to some matters in my office." Then on the following day he hurried away, "left in cars for Clarke getting out at Thompson's Depot"; we can only guess at the reason for this precipitate departure from his office before his resignation became effective from an entry written on May 11, 1847, at "The Retreat."

"Today was to come off at or near Harpers Ferry a fight between (Bob) Caunt, an English boxer, & (Yankee) Sullivan, an Irish fighter. A great concourse of bullies, blacklegs & pickpockets expected." That day Harpers Ferry was the sports capital of the world, the scene of an international bare-knuckle championship prize fight featured by the London and New York papers—but retiring Paymaster Parker wanted none of it. On the following day, May 12, he noted "Took up residence at Carter's Hotel, Charlestown."

His practice at Charlestown was meager—the town was over-run with lawyers—and after a little more than a year he returned to Berryville where he would be nearer "The Retreat" estate, of which he had been in charge since the death of his father, including about twenty slaves which he hired out. A convenient escape from law, the cares of the estate and looking after the slaves came in the spring of 1849 when he became a candidate for the Democratic nomination for Congress in his District. The convention was held at Winchester on February 22, 1849 —Parker was nominated on the 16th ballot and was elected on April 26, following. He had not completed his term in the lower house of Congress when, in January, 1851, he was appointed judge of the Circuit Superior Court of Law and Chancery to succeed the lately deceased Judge Isaac R. Douglass, and was assigned to the Frederick-Jefferson circuit. He took office at the May term, 1851. He continued his residence at Berryville until after 1852, at least he was living at that place in January of that year when he sold a slave girl, Milly, to his cousin, John E. P. Daingerfield, of Harpers Ferry, for $475.

When he went to live in Winchester, with which city his name is always associated, he took up residence in a quaint and comfortable mansion at the southern edge of the town. This house had been built by his wife's kinsman, Judge Hugh Holmes, at the beginning of the century on a plan furnished by President Thomas Jefferson. Here Judge Parker weathered the storms of years until his death in 1893.

It so happened that Judge Parker was about to convene the regular fall term of the Jefferson County circuit court in October 1859, at just about the time John Brown and his little Army of Liberation swooped down from the Maryland hills in the historic raid on Harpers Ferry. Thus he was forced into the center of a situation of national importance by circumstances over which he had no control, which was quickly fanned into flames by sectional hates and differences over the slavery issue. He has been roundly criticized for the unseemly haste with which the captured raiders were hurried into trial, and the trial itself is frequently referred to, even today, as a legal lynching. But the temper of the people in the affected area—which the Judge well understood from long residence there and from his intimate acquaintance with the larger bulk of the citizenry—coupled with official pressure from Richmond made a prompt trial (and conviction) imperative. Certainly there would have been an illegal lynching had not the court acted promptly, despite the pressure of Colonel Robert E. Lee and his contingent of United States Marines.

The raid at Harpers Ferry occurred on the night of October 16, 1859; Brown and his men were beaten down and the survivors were captured in an assault on the historic fire engine house on the morning of the 18th, and were transferred to the jail at Charles Town under a Marine guard commanded by Lieutenant Israel Green on the following day. All preliminaries were completed before an examining court presided over by Justice Braxton Davenport; an indictment was returned on the 26th, and the trial of Brown was begun before Judge Parker on the same day. It was completed on the 31st with the forseen, inevitable verdict of guilty of all charges and on all counts—rebellion, treason, conspiring with slaves to rebel, and murder. During the course of the trial Judge Parker presided with dignity and with due regard to all the forms of law, though it must be said that he was dominated in many of his restrictive rulings

by the stronger personality of Andrew Hunter, who had been designated by Governor Henry A. Wise to assist the weakling, alcoholic prosecuting attorney in the prosecution of the case. Hunter did not assist—he took over, much to the discomfiture of the regularly elected prosecuting attorney.

This was Judge Parker's day in the sun—the single trial in his long career that put his name in the history books. The trial, of course, attracted international attention—he was praised in one section, and damned and excoriated in others. And to this day his conduct of the trial is a subject for study and discussion by authors, lawyers and law students. Parker, himself, did not muddy the waters by defending his own actions—but few of his letters have been found which refer in any way to the trial, and so far as can be found he wrote only one piece for publication concerning it. In his diary for March 25, 1887, he wrote: "The **Globe-Democrat**, published in St. Louis, to pay me $100 for article on Trial of John Brown." The article did not appear in the **Globe-Democrat** until April 8, 1888, when it was printed under the title "John Brown's Trial." Andrew Hunter, however, beat him to the punch—his version of the raid and trial in a long and labored article was published in the New Orleans **Times-Democrat** on September 5, 1887. Both the Judge and Prosecutor had their say in a single story. It is interesting to note that a Columbia University professor in the latest critique of the trial (**Fair Trial**, by Richard B. Morris. New York; Knopf. 1942) makes no mention of either narrative, and apparently was satisfied to draw his material from secondary sources. Dr. Morris concludes that the trial was flagrantly unfair.

Twice re-elected to the judgeship, Judge Parker was still holding that office when the Civil War broke up all the courts in his area. He retired to his home at Winchester and though a slave-holder and intensely pro-Southern in his views, there is no record that he took an active part civil or military in the civil strife. He did in-

vest heavily in Confederate bonds which caused him much financial embarrassment at the close of hostilities. He visited the hospitals to comfort the sick and wounded; wrote letters for the men who could not write, and his note books reveal that all too many times he had to write letters to parents and wives telling them of the death of their son or husband.

At the close of the war Governor Francis H. Pierpont —chief of the Restored Government of Virginia—called upon him to reorganize the courts and civil government in his circuit. Judge Parker carefully noted in his diary under date of August 19, 1865; "Qualified before Jos. H. Denny J. P. to commission from Gov. Pierpont." He continued to serve as judge until the early part of 1869, when he was summarily removed from office by order of the military commandant of the District. That ends his career as a judge. For many years his three commissions as judge, handsomely framed, had a place of honor on the walls of the den at "Sunrise," home of the late Governor William A. MacCorkle at Charleston, and on a table before the commissions were the gavel, water pitcher and glass used by Judge Parker at the John Brown trial—now, alas, all dispersed and lost to sight.

Retirement from the bench did not end the public activities of Judge Parker. He returned to the practice of law, and to help out in those lean days he organized a law class, boarding many of the students in his own home. Active in the Masonic fraternity for many years, he served as Grand Master of Virginia Masons in 1876.

The Parkers had no children. The Judge outlived his wife and all the members of his immediate family. A pathetic note in his diary dated November 1, 1887, tells of the death of his wife: "Tuesday. At 11:30 of the night of this day (All Saints) my dear wife died to my great loss . . . We were married on Sept. 3, 1844 & our wedded life was one of great happiness." The Judge died at his Winchester home on December 10, 1893, and is buried in Mount Hebron Cemetery.

Soon after his death his private papers were disposed of—probably the greater bulk by burning—and the surviving pieces have been widely scattered. Letters and documents turn up in the hands of autograph dealers with considerable regularity, but most of them have to do with financial matters and personal affairs. And invariably the catolog listing—if the piece reaches that dignity—identifies the writer as "the judge who sentenced John Brown to death."

HEAVY LOAD AT SHEPHERDSTOWN WHARF

(From Shepherdstown Register, March 27, 1858)

The Boat "Susan Baker," owned by RENTCH & STONEBREAKER of this place, Mr. George Harris, Captain, left the Wharf of the Chesapeake and Ohio Canal, at this place, on Saturday last, 20th inst., ladened with 4000 bushels of Corn, 200 bushels of Wheat, 150 bushels of Oats, 128 barrels of Flour, 56 bushels of Timothy seed —the entire weight of which was one hundred and thirty-four tons. The boat averaged 4 feet, 6 inches, of water in the bow, and 4 feet, 5 inches in the stern.

This is said to be the heaviest load ever known to leave the wharf of Shepherdstown, upon the Chesapeake and Ohio Canal.

JOHN YATES BEALL
His Thrilling Career for the South

(Written for the Confederate Veteran, 1899, by the Reverend James H. McNeilly, Nashville, Tennessee)

One of the purest, bravest, noblest of those who poured their blood as a libation on the altars of freedom in defense of the rights of the States was John Yates Beall. In lonely prison cell and on the cruel scaffold, his faith never wavered, his courage never failed, his devotion to his land never faltered. He was executed on Governor's Island, in New York Harbor, on the 24th day of February, 1865, by the Federal military authorities, on the charge of piracy, of being a guerrilla, violating the laws of war, and being a spy.

He solemnly protested his innocense, saying, "I protest against the execution of this sentence. It is murder! I die in the service and defense of my country. I have nothing more to say." A brief account of his life and service will show to the readers of the Veteran a man of stainless honor, a soldier of fighting courage, a Christian of sublime faith. We owe it to ourselves, to our cause, and to the memory of the dead, to do honor to one who proved himself so worthy of our love and respect in circumstances most trying and pathetic. Let not the name and deeds of him who made such a sacrifice for the cause we loved and fought for be forgotten.

John Yates Beall was descended from liberty-loving ancestors. In his veins flowed the blood of the Howards, of England, and the McGregors, of Scotland—noted names in the border warfare of the early days.

He was born on the 1st day of January, 1835, in circumstances of affluence. He received an excellent education, graduating at the University of Virginia.

The death of his father left him, a youth of scarcely twenty-one years, in charge of a large estate in the beautiful Valley of Virginia, with the care of his mother, four sisters, and a younger brother upon him.

The beginning of the war in 1861 found him dwelling in a lovely country, with ample means, surrounded by

congenial friends; a gentleman of fine culture, a prominent citizen, a zealous member of the Episcopal Church. He was devoted to his family, and loved his native State with chivalrous affection. He loved the Union, too, with a deep and intelligent devotion. Everything in his circumstances made him deprecate war. But he was a thorough adherent to the Virginia school of politics, believing in the doctrine of States' rights; and when he felt that Virginia's rights were threatened, and that her honor was at stake, there could be no hesitation as to his duty. He felt that the very nature of the Union was perverted by a triumphant faction, and, forsaking ease and comfort he offered himself for defense of his country. He enlisted as a private in a company from Jefferson County, which formed part of the Second Virginia Regiment and of the immortal "Stonewall Brigade."

But his service was short in the infantry. On the 15th of October, 1861, being at home for a short while, he took part in an engagement near by, between Col. Turner Ashby and the enemy. While leading a successful charge he was desperately wounded; and from that wound he never recovered, being discharged by a medical examining board.

But he could not remain idle. Returning from the South, where he had sought restoration, he was with Stonewall Jackson in his valley campaign. His health, still feeble, prevented his following that great leader or in the further campaign of 1862.

He then left his home and made his way to Iowa, and thence into Canada, where he remained until January, 1863.

While in Canada he gathered information and conceived the plan of rescuing Confederate prisoners along the lakes, and placing privateers on their waters. These plans, while sanctioned by the Confederate Government, were not attempted for more than a year.

Returning to Richmond in February, 1863, he was appointed acting Master in the navy and was known afterwards as Capt. Beall. From April to November, he,

with a few bold spirits, engaged in privateering in Chesapeake Bay. He had only two boats, named, from their color, the Raven and tha Swan. With these he captured several sloops and schooners, and inflicted such damage on the enemy's commerce that they sent quite a large expedition of infantry, cavalry, and artillery, with gunboats, to capture him. This they succeeded in doing early in November. He and his companions were thrown into Fort McHenry, and heavily ironed, on a charge of piracy. By threats of retaliation, the Confederate Government secured for him the same footing as other prisoners of war and he was duly exchanged in May, 1864.

Capt. Beall was still eager to carry out his plans for war on the northern lakes. He believed that he could secure secretly a well-armed vessel and, placing her on the lakes, could sweep them, from Buffalo to Detroit and Chicago, laying all the cities along their shores under contribution to the Confederacy. He believed that he could surprise the war vessel guarding the prisoners at Johnson's Island and release them, and adding this vessel to his strength, that he could release other prisoners confined near the lakes; and that his force, marching through the unprotected Northern States, would create a demand for peace among the people already tired of the war.

Of course this undertaking was full of danger, and required carefully prepared plans for concert of action among the prisoners at various points; but it came so near success that its feasibility was shown. If all in whom he trusted had been as cool, brave, and determnied as Capt. Beall, it would have succeeded; but in the critical moment some of his men failed him, and among the Confederate officers there was a traitor.

The plan was to capture the war steamer, Michigan, which lay off Johnson's Island, in Lake Erie. Then, at a preconcerted signal, the prisoners on the island were to rise against the guard, and, under cover of the guns of the steamer, were to make their escape to the mainland. The Michigan, with her fine armament, was then to be used as a privateer.

A Maj. Cole, one of John Morgan's men, a man of great brilliancy, polished manners, utmost coolness, and dauntless courage, was to have charge of the expedition. When all was in readiness, he went to Sandusky City, opposite to Johnson's Island, where he could be in easy communication with Capt. Beall, who had gone to Canada. Maj. Cole was supplied abundantly with means, and passed as a very wealthy Philadelphian, heir to immense estates. He entertained lavishly, won the regard of prominent men of all parties, and by his winning ways ingratiated himself with all classes, civil and military.

He became intimate with the officers of the Michigan, who invited him to visit them, and showed him over the ship, and allowed him to go onto the island and converse freely with the prisoners. He entertained the officers in splendid style, and used to have long confidential talks with the engineer of the vessel.

On the evening set for the capture he had invited the officers of the Michigan to a supper at his hotel. They were there to be drugged, so as to incapacitate them for duty. Capt. Beall's part was to secure and man a vessel, and to be near enough that when the officers were in the midst of their entertainment, he could, at a given signal, steam up beside the warship and suddenly board her, taking possession of her in the name of the Confederate States. Then Maj. Cole would take command, and they would carry out the remainder of the plan.

On the 19th of September, 1864, Bennet G. Burley, who had been under Capt. Beall in his privateering ventures on Chesapeake Bay, went aboard the steamboat Philo Parsons, at Detroit, taking passage to Sandusky City. She was a boat of 220 tons burden, plying regularly between the two cities. He arranged for her to touch at Sandwich and Amherstburg, small Canadian villages, to take on some friends of his.

Capt. Beall and two companions got on at the first named place, and at the other place sixteen men came aboard, throwing on an old trunk tied with ropes, which

afterwards proved to be filled with grappling hooks and hatchets. There were 80 passengers besides the newcomers.

About four o'clock in the afternoon, just as the boat was leaving Kelly's Island, five miles north of Sandusky City, Capt. Beall suddenly presented a pistol at the head of the helmsman, and giving a signal, his men gathered to him with hatchets and grappling hooks, and they took possession of the boat in the name of the Confederate States.

The attack was so sudden that there was no resistance. The Confederate flag was hoisted, the boat's books and papers were secured, and the passengers and most of the crew were landed at Middle Bass Island.

According to their own testimony Capt. Beall treated all with marked courtesy and kindness, yet he was firm and determined. Not one particle of private property was disturbed by his order or with his knowledge. He was acting strictly as a Confederate officer for his government.

While lying at Middle Bass Island, the Island Queen, a screw propeller, came alongside, not suspecting any danger. She was speedily boarded and captured by the Confederates. On board of her were twenty-five or thirty Federal soldiers, who were paroled.

As there was need of only one boat for the purpose in hand, the Island Queen was scuttled and sunk, and the Philo Parsons was cleared for action and headed for the mouth of Sandusky Bay. Everything on the part of Capt. Beall and his men was in condition to carry out successfully the plan agreed upon. They were in position and waiting with eager anxiety the signal to attack the Michigan, but the signal was not given. At the last moment Maj. Cole had been arrested as a spy, having been betrayed, it is said, by a Confederate Colonel, who was in the plot.

Capt. Beall, though ignorant of what had occurred on shore, determined to go ahead. He believed to the day of his death that the officers and crew of the Federal ship

were ignorant of his nearness and of the plans for their capture, and that a sudden dash would have enabled him to seize the vessel and still carry out the scheme; and in confirmation of his belief is the fact that the Philo Parsons actually advanced under the guns of the Michigan and was permitted to withdraw without being fired on or pursued.

But while he was cautiously and slowly approaching the ship, and had come near enough to hear voices on deck, and to note the outline of her fourteen guns, as she lay in the moonlight, seemingly unconscious of danger, suddenly a new difficulty effectually stopped his progress; his crew mutinied. Only Burley and two others stood by him. Seventeen signed a paper saying that they believed the enemy was aware of their presence, and to go on would end in certain failure. They therefore refused to go on, although they praised the skill, courage, and gentlemanly bearing of their leader. In vain he commanded, expostulated, entreated, the men would not obey. With sore and indignant heart, he saw the failure of his plans just on the eve of success, as he believed, and all through the lack in spirit in those whom he trusted. Reluctantly he turned back, and after landing some prisoners whom he held, he scuttled the Philo Parsons, and leaving her to her fate, landed at Sandwich, Canada.

Still his indomitable spirit sought to serve the cause of his distressed country. With a few Confederate soldiers he watched the military trains on the railroad near Buffalo, hoping to capture the property or soldiers of the Federal Government, and to rescue Confederate prisoners, who were frequently carried over the road to prison. Three attempts were made to derail trains said to be carrying Confederate officers, one in particular, said to contain Gen. Marmaduke. The attempts were unsuccessful, and on the 16th day of December, 1864, he was returning to Canada by way of the Niagara suspension bridge. He had taken his seat in the train and was beyond danger, when he missed a youth, a mere boy, and escaped prisoner,

who had been intrusted to his care. Returning to the waiting room, he found the boy asleep, and while trying to arouse him both were arrested by two policemen. Capt. Beall tried to conceal his identity, but the frightened boy revealed who he was. The same youth was afterwards used as one of the chief witnesses against him.

Of course there was great rejoicing over his capture, the United States Secret Service claiming the credit of it. He was at once taken to New York City and confined in Police Headquarters until January 5, 1865, when he was taken to Fort Lafayette, a military prison in New York Harbor. There he was confined in a room with several Confederate prisoners, among them Gen. Roger A. Pryor, with whom he formed a warm friendship.

Maj. Gen. John A. Dix was in command of the Department, and at once oppointed a military commission to try the prisoner. Until the time of trial he was busy preparing his defense, a production said by his fellow-prisoners to be most able and complete, but which was never allowed to come before the public.

It was plain from the first that the court was organized to convict. He protested against being tried by a military commission, but his protest was overruled. He requested that he might be allowed counsel from the South, who would bring documentary evidence necessary to his defense, but this request was refused. A friend from Richmond, who was in no way officially connected with the Confederacy, came to Toronto, Canada, and made formal application to Gen. Dix for permission to assist in the defense. No notice was taken of his petition. Letters which the prisoner wrote to friends, asking for evidence which would have vindicated him, were intrusted to Gen. Dix to be sent, but were withheld to be used against him on his trial. Certificates which were sent by Confederate officers, showing the nature of the attack on railroad trains, and the evidence that the Confederate prisoners whom Capt. Beall sought to rescue were actually on the trains attacked, were not allowed in his behalf. It was

plain that those in authority did not desire a fair trial. He was arraigned on the 20th of January, 1865, at Fort Lafayette, before the military commission, composed of six United States officers. The only favor shown him was to grant a few days' further time for preparation, such preparation as a prisoner in irons in a dungeon could make. At this juncture, James T. Brady, Esq., a very eminent lawyer of New York, came forward and generously undertook his defense, although not permitted by law to receive any compensation for his services.

The account of the trial has been published, containing the charges, testimony; speeches of Mr. Brady and of the Judge Advocate, Maj. Jno. A. Bolles; the findings of the court, the sentence, and the approval of Gen. Dix.

The charges were: Violating the laws of war as a guerrilla and pirate, also being a spy. The defense was that the capture of the vessels on Lake Erie was legitimate warfare, undertaken by a regularly commissioned officer of the Confederate States Navy, as was also the attempt to capture the railroad train and release prisoners. He denied absolutely that he was a spy. All those who were engaged with him in his efforts indignantly reject the idea that he or they were spies.

As we read today the story of the trial, it is plain that he never had a chance for his life. It was determined from the first to sacrifice him to the thirst for vengeance by those in power. It was an injustice perpetrated with ostentatious reference to the forms of law.

He was pronounced guilty of all the charges, and sentenced to be hung by the neck until dead. The verdict was reached on the 8th day of February. The commanding General ordered the execution to be on the 18th of February. The victim was not notified until the 13th of February. He was removed to Fort Columbus, on Governor's Island, and was placed in a dungeon lighted by one gas jet. He was allowed a small pine table, writing materials, and such reading matter as his friends supplied. His health was feeble, his wound still giving him trouble.

Every effort was made by zealous friends to secure a pardon or a commutation of punishment. Many persons who were not acquainted with him were so moved by the reports of his character and bearing, and by a sense of injustice done him, that they interested themselves earnestly in his behalf; but both the President and Gen. Dix were inexorable. All that was granted was a respite until the 24th of February.

During the time of delay he busied himself in directing the disposal of his affairs after his death, and in those spiritual preparations which a good man makes in view of that solemn event. He had no shadow of hope that the efforts of his friends would avail to save his life. He knew that there was thirst for his blood.

It should be said that while he was in prison, although there were some instances of petty tyranny, these were the exceptions, and he received much kindness from Capt. Wright Rives, of Gen. Dix's staff; from Maj. Coggswell and Lieut. Tallman, who had charge of Fort Columbus; and from the soldiers who guarded him. These all did what they could for his comfort.

Capt. Beall received with gratitude the ministrations of the Rev. Dr. Weston, Chaplain of the Seventh New York Regiment, who was with him to the last. Rev. Dr. Van Dyke, of Brooklyn, and other clergymen visited him, and all were impressed with his high character and his religious faith, his composure in presence of death, his gentleness and kindly spirit.

His friends who were active in his behalf were Mr. D. B. Lucas, of Richmond, Va., an old classmate; Mr. James A. McClure and Mr. Albert Ritchie, of Baltimore. The last two were with him in his cell much of the last days, even almost to the last moment. The testimony they give in letters to his mother as to his bearing during the trying ordeal is a splendid witness to the calmness with which a brave man and a true Christian can meet death.

With perfect calmness he gave directions to his friends as to the disposal of his body and estate. It was

his wish that after the close of the war his body should be removed to Virginia to sleep among his own people, and that his epitaph should be: "Died in the service and defense of his country."

He sent tenderest tokens of love to his mother. There was one whom he had met in the South, in the winter after he was wounded, to whom he had plighted his troth and given his heart. She had been an inspiration to him through his difficulties and dangers, and she through all the years has been faithful to his memory. To her he sent his Prayer Book.

With unfailing courtesy he acknowledged every kindness shown him. His diary, while noting the progress of his trial and the events of his prison life, expresses no bitterness against his enemies.

He charged his friends to show no spirit of revenge against any Federal prisoners who might fall into their hands, saying: "Vengeance belongs to God."

He solemnly declared to those dearest to him that he in all his course had been animated by no thirst for lucre, and that he died for his country.

Passing the days of waiting in reading, writing, or cheerful conversation, he manifested no fear; and when the final hour came, he went to his doom as quietly and steadily as if going to meet a friend. Without bravado, without weakness, without stoicism, he met his fate with courage and resignation. His last words were: "I protest against the execution of this sentence. It is murder. I die in the service and defense of my country."

The only charge which he laid upon his people was that they vindicate his memory from aspersion. At this day, as we look at the history with eyes undimmed by passion or prejudice, it appears that his execution was unjust and cruel, and our indignation is only mitigated by the remembrance of the passion and prejudice which prevailed in those days of bitter strife.

This man stands before us now in memory as a patriot pure and true, who gave his life for his country.

No dishonorable deed ever stained his life, no vindictive passion ever polluted his heart. No breath of detraction should ever tarnish his name. The Confederate States acknowledged responsibility for his bold adventure; but—alas!—when Federal power was bent on his destruction, the Confederacy was so far reduced in strength that she could not make effective protest against the cruel injustice of his taking off. Had the attempt on Lake Erie been made a year earlier, as he wished to make it, his government would have been strong enough to secure his safety, if he had been unsuccessful, as it could have taken advantage of his exploit, if he had succeeded.

The South owes it to herself, as well as to him, to make known the story of his great sacrifice. Her pious reverence should raise some enduring monument to commemorate his virtues and deeds, to testify to posterity the character of the men who lived and fought and died for her.

It is our sacred duty, through the pages of our accredited organ, the Veteran, to guard his fame, to cherish his memory, and to commend his example to our children, that they may know the unsullied honor, the heroic faithfulness, the pure patriotism, the Christian character of John Yates Beall.