

THE HARPER'S FERRY TROUBLES

TRIAL OF JOHN BROWN.

EVIDENCE FOR THE PRISONER.

Speech of John Brown.

THIRD DAYS' PROCEEDINGS.

CHARLESTOWN, Va., Oct. 23.—After identifying letters and other documents as being in Brown's handwriting or signed by him, Mr. Hunter for the prosecution, produced a list of members of the Convention. It is headed, "William Charles Morris, President of the Convention, and H. Kagi, Secretary of the Convention." On handing the list to Brown, he exclaimed, "That's my signature!" In reference to another paper, he said, "I have nothing to say about that."

Mr. Hunter read a letter from J. R. Giddings, acknowledging the receipt of a letter from Brown, and that he would be pleased to see him at his house during the Summer.

Mr. Hunter read the letter from Gerrit Smith, about the "Kansas work," which has already been published. It has June 13, 1839, endorsed on the back in Brown's writing.

Mr. Botts here insisted on the right of examining the letters before they being read.

Several witnesses were examined. Armistead Ball, master machinist of the armory, who was one of Brown's prisoners, testified among other things, as follows:—With regard to the killing of Beckham, one of Brown's party had fired in that direction several times; remonstrated with him when levelling his rifle at an old man named Gress, that he was not a combatant, and he desisted; afterward heard him fire, and heard him say "dropped him;" when we heard that Beckham was dead, the man who fired asked who it was; we told him he was an old and respectable citizen, and Mayor of the town, and the man who fired expressed himself very sorry; this man was afterwards killed at the charge of the marines.

John Allsteadt, also a prisoner of Brown, testified that he saw Colonel Washington there; Brown spoke to us about our getting two negroes to take our places, and then he would release us; nothing further was said about that; Brown's rifle was cocked all the time; the negroes were placed in the watch-house with spears in their hands; the slaves watched no disposition to use them; witness was afterwards transferred to the engine house; several negroes were there; saw Phil making portholes by Brown's order; the other negroes were doing nothing, and had dropped their spears; some of them were asleep nearly all the time. Several other witnesses were examined, and the prosecution rested.

The Testimony for the Defence.

The counsel for the defence called

Joseph A. Butler, who testified that he was one of the prisoners in the engine house with Washington and others; Brown remarked that the prisoners should share their danger; they were allowed to shelter themselves as they could; Cross went out with a flag of truce; another went out and came back wounded; Stevens and Kitzmiller went out, and Stevens was shot; was sent several times by Brown to request the citizens not to shoot, as the lives of the prisoners were endangered; negotiations were going on between Brown and the prisoners before the general firing commenced.

A. M. Kitzmiller sworn—Made repeated efforts to communicate matters with Brown; he said his object there was to free the slaves from bondage, and if necessary fight the pro-slavery men for that purpose; I was first surprised, then indignant, and finally disgusted with Brown.

James Beller sworn—Was at the Galt House with Chambers on Monday morning; Chambers fired, and I saw the man lying whom he shot; did not know the man; suppose it was Stevens; did not see any one with him when shot; Stevens was shot before Capt. Botts' company reached the Galt House.

Mr. Green testified to the Court that he desired to bring out testimony relative to the shooting of Thompson, one of the insurgents, on the bridge, but the State objected to it unless Brown had a knowledge of that shooting.

Mr. Hunter said there was a deal of testimony about Brown's forbearance, and not shooting citizens, that had no more to do with this case than the dead languages. If he understood the offer, it was to show that one of those men, named Thompson, a prisoner, was despatched after Beckham's death. The circumstances of the deed might be such as he himself might not at all approve. He did not know how that might be, but he desired to avoid any investigation that might be used. Not that it was so designed by the respectable counsel employed in the case, but because he thought the object of the prisoner in getting at it was for outdoor effect and influence. He therefore said if the defence could show that this prisoner was aware of these circumstances and the manner in which that party was killed, and still exerted forbearance, he would not object. But unless the knowledge of it could be brought home to the prisoner and his after conduct, he could not see its relevancy.

Mr. Botts observed that they had already proved that for hours after that communications were held between the parties.

The Court thought those facts admissible as evidence.

Mr. Hunter, the witness was called.—After Mr. Beckham, who was my grand uncle, was shot, I was much exasperated, and started with Mr. Chambers to the room where the second Thompson was confined, with the purpose of shooting him; we found several persons in the room, and had levelled our guns at him, when Mr. Foulkes' sister threw herself before him and begged us to leave him to the law; we then caught hold of him, and dragged him out by the throat, he saying, "Though you may take my life, eighty thousand millions will rise up to avenge me, and carry out my purpose of giving liberty to the slaves;" we carried him out to the bridge, and two of us levelling our guns in this moment of wild exasperation, fired, and before he fell a dozen or more balls were buried in him; we then threw his body off the trestle work, and returned to the bridge to bring out the prisoner Stevens and serve him in the same way; we found him suffering from his wounds, and probably dying, and concluded to spare him and start after others, and shoot all we could find; I had just seen my loved uncle and best friend I ever had, shot down by these villainous abolitionists, and felt justified in shooting any that I could find; I felt it my duty, and have no regrets.

W. M. Williams, the watchman on the bridge, stated the particulars of his arrest and confinement in the watch-house; Brown told the prisoners to hide themselves, or they would be shot by the people outside; he said he would not hurt any of them; Brown told Mr. Grist to tell the people to cease firing or he would burn the town, but if they did not molest him he would not molest them; heard two shots on the bridge about the time the express train arrived; did not see Heywood killed.

Brown—State what was said by myself, and not about his being shot.

Williams—I think you said that if he had taken care of himself he would not have suffered.

Reason Cross sworn—I prepared a proposition that Brown should retain possession of the Armory, that he should release us, and that the firing should stop.

Brown—Were there two written propositions drawn up while you were a prisoner?

Cross—Yes; there was another paper prepared by Kitzmiller and some others; I went out to stop the firing; a man went with me, and they took him prisoner and tied him; this was Thompson, who was afterwards taken out and shot; Brown's treatment of me was kind and respectful; heard him talk roughly to some men who were going into where the blacks were confined.

Several witnesses for the prisoners were here called, and did not answer the subpoenas. They had not been returned.

Brown arose from his mattress, evidently excited, and standing on his feet, addressed the Court as follows:

May it please the Court—I discover that notwithstanding all the assurances I have received of a fair trial, nothing like a fair trial is to be given me, as it would seem. I gave the names, as soon as I could get them, of the persons I wished to have called as witnesses, and was assured that they would be subpoenaed. I wrote down a memorandum to that effect saying where those parties were, but it appears that they have not been subpoenaed, so far as I can learn; and now I ask if I am to have anything at all deserving the name and shadow of a fair trial, that this proceeding be deferred until to-morrow morning, for I have no counsel, as I have before stated, in whom I feel that I can rely; but I am in hopes counsel may arrive who will attend to seeing that I get the witnesses who are necessary for my defence: I am myself unable to attend to it; I have given all the attention I possibly could to it, but am unable to see or know about them, and can't even find out their names; and I have nobody to do any errands for me; my money was all taken from me when I was sacked and stabbed, and I have not a dime; I had two hundred and fifty or sixty dollars in gold and silver in my pocket, and now I have no possible means of getting anybody to go my errands for me, and I have not had all the witnesses subpoenaed, and I have not a reach and are not here. I ask they are not with me to-morrow morning to have something at least until to-morrow; if not, I am ready for done, if anything is done.

Brown then lay down again, drew his blanket over him, and closed his eyes, and appeared to sink in tranquil slumber.

Mr. Hoyt, of Boston, who had been sitting quietly all day at the side of Mr. Botts, arose next, great sensation, and addressed the Court as follows:

May it please the Court—I would add my voice to the appeal of Mr. Brown, although I have had no consultation with him, that the further hearing of the case be postponed until morning. I would state the reason of this request. It was that I was informed, and had reason to believe, that Judge Tilden, of Ohio, was on his way to Charlestown, and would undoubtedly arrive at Harper's Ferry at seven o'clock to-night. I have taken measures to insure that gentleman's arrival in this place to-night if he reaches the Ferry. For myself I have come from Boston, travelling night and day, to volunteer my services in defence of Brown. I could not undertake the responsibility of the defence as I am now situated. The gentlemen who have defended Brown have acted in an honorable and dignified manner in all respects, so far as I know; but I cannot assume the responsibility of defending him myself for many reasons. First, it would be ridiculous in me to do it, because I have not read the indictment through—have not, except so far as I have listened to the case and heard counsel this morning; got any idea of the line of defence proposed, and have no knowledge of the criminal code of Virginia, and had no time to read it. I had no time to examine the questions arising in this defence, some of which are of considerable importance, especially that relative to the jurisdiction over armory grounds. For all these reasons I ask the continuance of the case till to-morrow morning.

Sheriff Campbell stated that the subpoenas were placed in the hands of an officer, with the request to serve them at once. He must have served them, as some of the witnesses are here. The process has not been returned, and may have been sent by private hands and failed to arrive.

Mr. Botts thought they had shown, and he was confident he spoke the public sentiment of the whole community, when he said that they wished Mr. Brown to have a fair trial.

Mr. Botts—In justice to myself I must state that on being first assigned as counsel to Mr. Brown I conferred with him, and at his instance took down a list of the witnesses he desired subpoenaed in his behalf. Though it was late at night, I called up the Sheriff and informed him that I wished subpoenas issued early in the morning. This was done, and there are here Messrs. Phelps, Williams and Grist, and they have been examined.

Mr. Hunter—I do not rise for the purpose of protracting the argument or interposing the slightest impediment in any way to a fair trial. This is fair. Whether it was promised to Brown or not, it is guaranteed by our laws to every prisoner, and so far as I am concerned I have studiously avoided suggesting anything to the Court which would in the slightest degree interfere with it. I beg leave to say in reference to this application that supposed the Court, even under these circumstances, will have to be satisfied in some way, through counsel or otherwise, that this testimony is material testimony. So far as any witnesses has been examined the evidence relates to the conduct of Captain Brown in treating his prisoners with lenity, respect and courtesy, and this additional matter, that his flags of truce—if you choose to regard them so—were not respected by the citizens, and that some of his men were shot.—If the defence choose to take that course we are perfectly willing to admit these facts in any form they desire. Unless the Court shall be satisfied that this testimony—which I have no doubt is, every particle

of it, here which could be got—is really material to the defence, I submit that the application for delay on that score should not be granted. Some of these witnesses have been here and might have been asked to remain. A host of witnesses have been here and gone away without being called on to testify. I simply suggest that it is due in justice to the Commonwealth, which has some right, as well as the prisoner, that information be given to the Court showing that additional testimony is relevant to the issue. The simple statement of counsel I do not think would be sufficient.

Mr. Green arose to say that Mr. Botts and himself would now both withdraw from the case, and could no longer act in behalf of the prisoner, he having got up now and declared here that he has no confidence in the counsel who have been assigned him. Feeling confident that I have done my whole duty so far as I have been able, after this statement of him, I should feel myself an intruder upon this case, were I to act for him from this time forward. I had not a disposition to undertake the defence, but accepted the duty imposed on me; and I do not think, under these circumstances, when I feel compelled to withdraw from the case, that the Court could insist that I should remain in such an unwelcome position.

Mr. Harding—We have been delayed from time to time by similar applications, in the expectation of the arrival of counsel, until we have now reached the point of time when we are ready to submit the case to the jury upon the evidence and law, when another application arises for a continuance. The very witness that they now consider material, Mr. Dangerfield, came here, summoned by ourselves, but, deeming that we had testimony enough, we did not examine him.

The Court—The idea of waiting for counsel to study our code through could not be admitted. As to the other ground, I do not know whether the process has been executed or not, as no return has been made.

Mr. Botts—I have endeavored to do my duty in this matter; but I cannot see how, consistently with my own feelings, I can remain any longer in this case, when the accused, whom I have been laboring to defend, declares in open Court that he has no confidence in his counsel. I make this suggestion, that as I now retire from this case—the more especially since there is now here a gentleman from Boston who has come on to volunteer his services for the prisoner—that the Court allow him this night for preparation. My notes, my office and my services shall be at his command. I will set up with him all night to put him in possession of all the law and the facts in relation to this case. I cannot do more; and in the meantime the Sheriff can be directed to have the other witnesses here to-morrow morning.

The Court would not compel the gentleman to remain on the case, and accordingly granted the desired postponement, and adjourned at six o'clock.

The town is greatly excited. The guard has been increased.

The conduct of Brown is generally regarded as a tick.

Special Despatch from Washington.

WASHINGTON, Oct. 23.—The President, up to this evening, has received no intelligence from Secretary Floyd, who left for Harper's Ferry yesterday evening. It is believed that the rumored attack upon Harper's Ferry and Charlestown which the citizens apprehended, was unforesawable. It is very probable, however, that the Secretary will deem it advisable to station a company of troops there until the excitement attending this affair is over.

The government have received information from the United States Marshal at Charlestown that Gerrit Smith is deeply implicated in the Harper's Ferry affair, by recent disclosures made by one of the prisoners. The despatch says that a large number of other gentlemen in high positions in New York are also implicated, also a number in Ohio, inciting Governor Chase.

It is understood that the officers of the federal government are engaged in a strict and thorough investigation with a view to discover how far certain leading Republicans, including Senators Seward, Wilson, Hale and Sumner, Messrs. Gerrit Smith, Greeley, Giddings and others, are implicated in the Harper's Ferry treason. It is understood that the documents in the hands of the authorities implicate several prominent members of the Republican party as accessories before the fact.

Arrival of Cook's Friends at Charlestown.

CHARLESTOWN, Oct. 23.—Evening.—Governor Willard, of Indiana, brother-in-law of Cook, accompanied by J. E. McDonald, Attorney-General of the same state, and D. W. Vorhees and M. M. Randolph, arrived here to-day, and have had a long interview with Cook.

Giddings and Brown.

In an address at Philadelphia, last evening, Mr. Giddings thus referred to his connection with Brown:

He said he invited Brown to Jefferson county Ohio where he delivered a lecture one Sunday, after church, telling his trials in Kansas. After the lecture Mr. Giddings prompted the audience to contribute relief to Brown. Afterwards Brown took tea at his residence, where they had a conversation. Though Brown never said he intended to visit the slave States to free slaves, Mr. Giddings inferred he would if opportunity offered, mainly from his having done so in Missouri. There were the only times Mr. Giddings saw Brown, and he asserts that neither in his lecture nor in conversation did Brown say he had assistants or associates. No mention was made of a Harper's Ferry or Virginia organization, or a provisional government. He acknowledges contributing three dollars to Brown's son, towards the necessities of his father, after the rescue of Doy from the kidnappers, a matter in which Mr. Giddings acknowledged taking strong interest. In bestowing this gratuity he had little idea that it was to be used in fitting out an expedition to capture Harper's Ferry; to effect the conquest of the Old Dominion, to strike terror to the Executive, or imperil the government.