EXCERPTS from: THE LIFE, TRIAL AND EXECUTION OF CAPTAIN JOHN BROWN KNOWN AS "OLD BROWN OF OSSAWATOMIE," WITH A FULL ACCOUNT OF THE ATTEMPTED INSURRECTION AT HARPER'S FERRY.
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FIFTH DAY: Page 91

Mr. Hunter closed the argument for the prosecution. He said he proposed to argue this case precisely like any other. . . .

Pages 92-3

. . . As to conspiracy with the slaves to rebel, the law says the prisoners are equally guilty, whether insurrection is made or not. Advice may be given by actions as well as words. When you put pikes in the hands of the slaves, and have their masters captive, that is advice to slaves to rebel, and punishable with death.

The law does not require positive evidence, but only enough to remove every reasonable doubt as to the guilt of the party. Sometimes circumstantial evidence is the strongest kind, for witnesses may perjure themselves or be mistaken.

The defense say we don't know who killed the negro Hayward; that Brown did not do it because there was no object, but that it was dark, and the supposition is that Haywood was killed by mistake.

They say Brown shot no unarmed men, but Beckham was killed when unarmed, and, therefore, he thought the whole case had been proved by the mass of argument.

With regard to malice, the law was, that if the party perpetrating a felony, undesignedly takes life, it is a conclusive proof of malice. If Brown was only intending to steal negroes, and in doing so took life, it was murder with malice prepense. So the law expressly lays down, that killing committed in resisting officers attempting to quell a riot, or arrest the perpetrator of a criminal offence, is murder in the first degree.

Then what need all this delay--the proof that Brown treated all his prisoners with lenity, and did not want to shed blood? Brown was not a madman to shed blood when he knew the penalty for so doing was his own life. In the opening he had sense enough to know better than that, but wanted the citizens of Virginia calmly to hold arms and let him usurp the government, manumit our slaves, confiscate the property of slaveholders, and without drawing a trigger or shedding blood, permit him to take possession of the Commonwealth and make it another Hayti. Such an idea is too abhorrent to pursue.

So too, the ides that Brown shed blood only in self-defence was too absurd to require argument. He glories in coming here to violate our laws, and says, he had counted the cost, knew what he was about, and was ready to abide the consequences, That proves malice.

Thus, admitting everything charged, he knew his life was forfeited if he failed. Then, is not the case made out beyond all reasonable doubt, even beyond any unreasonable doubt indulged in by the wildest fanatic? We therefore, ask his conviction to vindicate the majesty of the law. While we have patiently borne delays, as well here as outside in the community, in preservation of the character of Virginia, that plumes itself on its moral character, as well as physical, and on its loyalty, and its devotion to truth and right, we ask you to discard everything else, and render your verdict as you are sworn to do.

As the administrators of civil jurisdiction, we ask no more than it is your duty to do--no less. Justice is the centre upon which the Deity sits. There is another column which represents its mercy. You have nothing to do with that. It stands firmly on the column of justice. Administer it according to your law--acquit the prisoner if you can--but if justice requires you by your verdict to take his life, stand by that column uprightly, but strongly, and let retributive justice, if he is guilty, send him before that Maker who will settle the question forever and ever.