

Indictment of John Brown

First Count.--The Jurors of the Commonwealth of Virginia, in and for the body of the County of Jefferson, duly impaneled, and attending upon the Circuit Court of said county, upon their oaths do present that John Brown . . . , together with divers other evil-minded and traitorous persons . . . , not having the fear of God before their eyes, but being moved and seduced by the false and malignant counsel of other evil and traitorous persons and the instigations of the devil, did, severally, on the sixteenth, seventeenth, and eighteenth days of the month of October, in the year of our Lord eighteen hundred and fifty-nine, and on divers other days before and after that time, . . . feloniously and Traitorously make rebellion and levy war against the said Commonwealth of Virginia, and to effect, carry out, and fulfill their said wicked and treasonable ends and purposes did, then and there, as a band of organized soldiers, attack, seize, and hold a certain part and place within the county and State aforesaid, and within the jurisdiction aforesaid, known and called by the name of Harper's Ferry, and then and there did forcibly capture, make prisoners of, and detain divers good and loyal citizens of said Commonwealth, . . . and did then and there slay and murder, by shooting with firearms, called Sharpe's rifles, divers good and loyal citizens of said Commonwealth, . . . and did then and there, in manner aforesaid, wound divers other good and loyal citizens of said Commonwealth, and did then and there feloniously and traitorously establish and set up, without authority of the Legislature of the Commonwealth of Virginia, a Government, separate from, and hostile to, the existing Government of said Commonwealth; and did . . . and then there did hold and profess allegiance and fidelity to said usurped Government; and under color of the usurped authority aforesaid, did then and there resist forcibly and with warlike arms, the execution of the laws of the Commonwealth of Virginia, and with firearms did wound and maim divers other good and loyal citizens of said Commonwealth, . . . did then and there feloniously and traitorously, and in military array Join in open battle and deadly warfare with the civil officers and soldiers in the lawful service of the said Commonwealth of Virginia. and did then and there show and discharge divers guns and pistols, charged with gunpowder and leaden bullets, against and upon divers parties of the militia and volunteers. . . .

Second Count.--. . . that the said John Brown, . . . did . . . conspire with . . . others . . . to induce certain slaves . . . to rebel and make insurrection against their masters and owners, and against the Government and the Constitution and laws of the Commonwealth of Virginia

Third Count.--. . . that the said John Brown [and others] . . . feloniously, willfully, and of their malice aforethought, did make an assault, and with firearms called Sharpe's rifles, and other deadly weapons . . . charged with gunpowder and leaden bullets . . . did strike, penetrate and wound the said [victims] . . . of which said mortal wounds they . . . each died; and so the Jurors . . . do say that the said John Brown . . . willfully and with malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth.