

# BATTLE NEAR BEN HILL.

## DEATH OF BROWN, THE NOTORIOUS MOONSHINER.

**The Revenue Officers Kill Him Last Night and Wound Joe Overton, His Confederate—A Desperate Midnight Conflict—Details of the Killing and Capture.**

Special Revenue Agent Colquitt, Deputy Collector Chisolm and Deputy Marshal McDonald left the city last evening at five o'clock and drove out into the vicinity of Ben Hill postoffice, 8½ miles southwest of Atlanta, for the purpose of arresting John A. Brown and a confederate named Joe Overton, who were known to be engaged in running an illicit distillery, and seizing the same. The raid resulted in the killing of Brown and the wounding of Overton by the officers.

John A. Brown has been known to the revenue officers of this district for a number of years as one of the most desperate and chronic moonshiners in the business. Time and again he was arrested and punished for violations of the internal revenue laws, but as soon as he obtained his release he would return to the business. He was strongly suspected of having fired upon the revenue officers frequently, and it was well known by the latter that he would make a desperate resistance rather than suffer arrest. On the 17th of May, last year, Deputy Collector Chisolm, Deputy Marshal McDonald and revenue officer Morris arrested him in a distillery in the Red Oak settlement, Campbell county. After he was arrested, and while the officers were engaged in destroying the distillery, some of his confederates fired upon them, and Brown sought to escape, but was prevented. He was brought to Atlanta, and on the 22d of June, 1885, pleaded guilty on an information charging him with illicit distilling, and was sentenced by Judge Emory Speer to two years' imprisonment in the Albany penitentiary. In passing sentence Judge Speer said that there had not been a violation of the revenue laws in the Red Oak settlement for years that Brown had not had a hand in. He was sent to the penitentiary, but about three months ago secured his release upon a decision by the Supreme Court of the United States, to the effect that infamous crimes could not be tried upon an information, an indictment being necessary.

He returned to Georgia, and this time took up headquarters in Fulton county, near Ben Hill postoffice. A few days ago the revenue officers obtained information to the effect that he and a man named Overton had started a distillery at a point about two miles from Ben Hill post office. On last Friday night Revenue Agent Chapman, Deputy Collector Chisolm and Deputy Marshal McDonald drove to the place and found the distillery. They soon discovered that the still, cap and worm had been removed, but two large vats containing about 1,000 gallons of beer, ready for distillation, indicated that the distillery would soon be put into operation. They accordingly decided to leave the distillery just as they found it and tried to avoid leaving any evidence of their having been there, so that when they returned they would find the parties at work.

The residents of the vicinity had expressed to the officers a desire that the neighborhood be rid of Brown's presence, for the reason that he was a thoroughly bad man and was doing much which was calculated to ruin their young men. In view of these facts, and well knowing the character of the man they had to deal with, the officers decided upon this course as the very best one to pursue.

Last evening the officers first mentioned left the city and reached the vicinity of the distillery about 10 o'clock. The night was very dark, and the location of the distillery on a little branch, in a very inaccessible place, under a rocky, steep bluff, made their approach a slow and tedious operation.

When within two hundred and fifty yards of the distillery they saw the lights from it and knew by this that it was in operation. Knowing so well the character of the man they had to deal with, it was necessary, to avoid trouble, that they should approach the distillery very quietly in order that the occupants might be taken unawares. They even took the precaution to remove their boots. On getting pretty close to the distillery they could occasionally see the two men at work. The party separated finally so as to come upon the still from three different directions. Col. Colquitt had approached to within about three feet of the vats, with only a large oak tree between himself and the men, and in attempting to step around the tree, he stepped upon

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Overton stated to the officers that when he and Brown got to the distillery on Saturday morning they discovered footprints there, and also found a note, informing them that the revenue officers had discovered the distillery and advising them to get away. Upon reading the note, Brown declared with an oath that he would run it out. Overton further said that Brown was the most reckless and boldest man he had ever seen in the business, and admitted that he himself had become discouraged and wanted to give up the business, but Brown would not consent to it.

Messrs. Colquitt and Chisolm started for Atlanta about four o'clock this morning, leaving McDonald in charge of Overton, who was of course placed under arrest, and the distillery. They reached the city at 6:15 a. m. and as soon as possible laid the facts before Revenue Agent Chapman and District Attorney Hill. The former at once notified the Commissioner of Internal Revenue, at Washington, and asked for instructions.

While regretting the necessity of having to resort to such extreme measures, it must be admitted that the officers had no alternative but to do exactly as they did. The warm reception which they received as they were about to spring upon the distillery, and really expecting that the moonshiners would follow up their fusillade of stones with the use of fire arms, they either had to run great risk of being killed themselves or place the moonshiners *hors du combat*, which was promptly done.

Brown was personally known to almost every revenue officer and marshal in this district. Personally he was a very clever sort of fellow, but when engaged in his illicit work, fully appreciating its dangers, he was desperate, and would fight quick to escape if

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