

JOHN BROWN'S INVASION.

JOHN BROWN'S LAST APPEAL TO A COURT.

On Saturday last, John Brown, by counsel, made his last appeal to a Virginia tribunal. Within a few hours' time, the five Judges of the Supreme Court of Appeals uttered their unanimous opinion that the judgment of the Jefferson County Court, under which the old man awaits death by hanging on the 2d day of December, was right; and therefore they denied his petition for a writ of error.

The indictment upon which Brown was tried contained four counts—for treason, for advising and conspiring with slaves and others to rebel, and for murder. Charged jointly with others, he was tried alone. One general judgment of death was entered upon the whole of it.

The grounds of his application for a writ of error were few. He claimed, first, that the judgment against him was erroneous, because it was not averred in the treason count, that at the time of the offense charged, he was a citizen of the State of Virginia or of the United States. The law is well settled, that reason is a breach of allegiance, and can be committed only by one who owes allegiance, either temporary or perpetual. Brown appealed to the Court, that if the judgment against him on all the counts, including this defective one, was to stand, he would be put out of all possible reach of the Executive clemency. That clemency could have reached him, on the contrary, if the judgment had only been on the other counts of the indictment.

Secondly, he claimed that the judgment under which he now awaits death was erroneous, in that the Court below denied his application that the prosecution be made to elect some one count upon which to try him, and abandon the rest. He was entitled to that election, *First*: Because the offense of treason is not pardonable by the Governor of Virginia, and therefore a count charging it should not have been united in an indictment with counts for offenses that are pardonable. *Second*: Because the punishment upon conviction upon each of the counts was not necessarily the same; that while it was inevitably capital upon one of them, upon the others he might have been found guilty only of a misdemeanor, or of a simple manslaughter.

Thirdly, he insisted that the Court below should have instructed the Jury that if they believed, from the evidence, that at the time of the committing of the acts charged in the count for treason, he was not a citizen of Virginia, but of another State, he could not be convicted under it.

Fourthly, he claimed that the finding by the Jury upon the counts for conspiring with slaves to rebel, and for killing "four white men and one free negro," "in manner and form as aforesaid," was too uncertain and inconsistent to warrant a judgment of death.

Briefly, and without any delay painful to the true expectation of the Virginia mind, did the five Judges of the Appeals Court say to John Brown, through his counsel, "The judgment under which you are to be hung by the neck until you are dead, is plainly right." His counsel were not allowed to be heard.

From this decision of the Virginia Judges an appeal of Brown's case has already been taken to the high court of Public Opinion in America. What the judgment of that august tribunal will be, time will show. It will, however, in all probability, not be finally rendered until after Brown is dead and buried.

THE VIRGINIA FRIGHT.

Correspondence of the Baltimore American.

The excitement of Saturday morning in reference to a battle in Clarke County has completely died off—messengers having been sent by Col. Davis, who returned, and reported a false alarm.

But the most exciting event of Saturday was the arrival, in the evening, of Mr. Smith Crane, a citizen of Kansas, but a native of this town. Mr. Crane is a Pro-Slavery man, and his arrival at once led our now suspecting citizens to conclude that all was not right, and that he had come with news of dreadful import. He was immediately besieged by an anxious crowd, and made to relieve himself of any and everything he knew in reference to Brown in Kansas, and also the news he had in reference to a contemplated rescue of the prisoners. Mr. Crane, who is, beyond doubt an entirely reliable man, stated that the excitement in regard to the affair was very great among the Anti-Slavery men in Kansas, and he knew for a certainty that they were arming in large numbers, and that they openly proclaimed their intention of making Brown's rescue. He states that at least five hundred can be raised in a few hours' notice, and that they are determined and desperate men, and have never failed to rescue Brown from the many narrow straits in which he had placed himself in the southern part of Kansas. He also states that Brown is the idol of the Anti-Slavery ruffians of Kansas, and that he had only to give the command and they would follow. Mr. Crane states that among the number who declare their intention to attempt a rescue are some Danites, who hold Brown in high esteem. After leaving Kansas, Mr. Crane traveled on until he reached Bellair, Ohio, where he was taken sick. One night, while lying awake in his bed, he says he heard a party of Abolitionists in the next room conversing in regard to Brown, and the means of his rescue. One of the men said that they could raise three thousand in less than twenty-four hours to go by way of Baltimore and Ohio Railroad, and that the rescue would be made at all hazards.

A few hours after the arrival of Mr. Crane in town the Hon. Andrew Hunter received a telegraphic dispatch from United States Marshal Johnson, of Ohio, stating that a large number of men, from 600 to 1,000, were arming, under the leadership of John Brown, jr., son of Old Brown, and would certainly make an attempt to rescue the prisoners; thus confirming all that was reported by Mr. Crane. As soon as the contents of the dispatch were made known, the greatest excitement was created, but it did not partake of fear. Col. Davis immediately dispatched to Gov. Wise for 500 men, who, it was announced to the excited population, would be here last evening. With these facts spread before them, and a thousand reports, which could not be traced to a reliable source, the good people of Charlestown retired to their beds, some placing their trust in Providence, others in the military, and others in their own stout arms.

It may be mentioned here that the Artillery Company from Alexandria, 50 men, arrived about daylight Saturday morning, causing much commotion. A large majority of the colored population, who rose earliest, thought the enemy "had come and they were there." Your correspondent also heard of numerous good jokes at the expense of some of our most benevolent and respectable old ladies, but the moral would not be sufficient to adorn the tale, so he forbears to mention them.

As stated above, yesterday morning dawned on us beautifully, and preparations were commenced early for the reception of the Richmond military. Large quantities of materials for bedticks were purchased, and the aid of the ladies, Sabbath as it was, solicited in making them up. Your correspondent happened to step in to see a friend about 2 o'clock in the afternoon. She is a lady of much piety, and usually attends church at least three times on Sabbath. Judge of my surprise, when I entered, to hear the busy hum of the sewing-machine, under the direction of one of our ladies, who was turning off the cotton at a rapid rate. Seated around her were a number of Charlestown's fairest daughters, busily plying their needles. One of them, a member of a church, assured me she did not think she should be held responsible for the sin she was committing, and thought that Col. Davis should respond to the question, guilty or not guilty in that upper Court when our actions will be passed on.

About 6 o'clock the shrill whistle of the iron horse was heard, and citizens flocked to the Court-house and vicinity, where the soldiers would have to pass. The companies which came to Charlestown were the Richmond Greys, 76; Company F, 65; Virginia Riflemen, 41; and Young Guard, 50—250. The companies remaining at Harper's Ferry, for the night, were Richmond Blues, 68; Montgomery Guard, 46; and Howitzer Company, 51. The latter companies will be brought up to-day.

This morning a company of 100 horse arrived from Warrenton, Va., and 200 troops will also arrive in the train from Fredericksburg and Petersburg. You will see by this that the town will have about 900 soldiers to guard it, which ought to be sufficient.

The prisoner Stephens is recovering from the effects of his wounds, and is able to walk about in his cell. He will soon be as well as ever. Capt. Brown has also recovered, and is getting quite active. He refuses to receive any ministers who countenance slavery, telling them to go home and read the Holy Bible. The Rev. Alfred Griffith had an interview with him a few days since, which lasted for nearly an hour, principally on the subject of Slavery. They quoted Scripture to sustain their views, and had quite a clash of tongue at it, but neither was able to convince the other of the correctness of his peculiar doctrine.

Yours, H. D. K.

permission to be armed and sent to fight against the Northern "niggers," who want to come "fooding" into the State. [Richmond Enquirer.]

A STANDING ARMY.—The Baltimore Exchange prints a communication recommending the levying of a standing army, or "State Guard," as he calls it, to be governed by the Articles of War, which shall take the place of the civil police in the cities, towns, villages and courtes, and proceed to preserve the public peace.

The *Columbian* (in origin) *Sea* mentions the arrest in that city of Wm. Scott, a member of the firm of Chas. Scott & Co., dealers in embroideries, linens, &c., New-York. An open expression of sympathy for "Old Brown," and the possession of Beecher's incendiary sermons were the occasion of the arrest. He received "notice to quit," and took his departure by the first train.

A MESSAGE.—The Philadelphia North American says that a dispatch was received, on Saturday, from U. S. Marshal Johnson, of Ohio, stating that from 600 to 1,000 men were arming for the rescue in that State, under John Brown, jr., Commander.

As a proof of how Abolition do not regard by our colored population, we may state that a large number of them sent to our city's Mayor, and asked