

The public are busy conjecturing whether or not Gov. Wise will demand from the Executives of Ohio and New York the bodies of Gerrit Smith, Giddings, and others, who may be implicated in the Harper's Ferry affair, and speculations are indulged as to what will be the course of those Governors, and as to the probable results of a refusal on their part to deliver up such citizens or their respective States as indictments may be found against by the Virginia authorities for aiding and abetting the recent act of invasion of that Commonwealth. A brief reference to the provisions of the Federal Constitution may assist in determining the matter — That instrument provides that "any person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." This clause evidently contemplates that the party charged must have fled out of the State making the demand, and if this construction is correct we are at a loss to discover what constitutional right Gov. Wise would have to demand, or the Governors of Ohio, New York, Massachusetts, and other States, to deliver up citizens of their respective Commonwealths against whom indictments might be found by the Virginia authorities as accessories before the fact, but who were not in Virginia, and consequently could not have fled from that State. We very much wish that all the parties directly or indirectly engaged in this murderous attempt against the peace of Virginia and the lives and property of her citizens, could be tried by a Virginia jury, so that the strictest justice might be dealt out to them; but then we cannot see how this can well be accomplished. And it really does seem to us that the South, nor any portion of the South, would be justified in becoming unreasonably excited because those Governors may possibly refuse to do what they manifestly have no constitutional warrant for doing.

It does not follow, however, that these men will necessarily escape trial if they shall not be surrendered to the tender mercies of Gov. Wise. It is a rule of the criminal law that a man shall be tried in the county where the act charged was done, and as Smith, Giddings, *et al.*, are only charged with having given aid, counsel, and encouragement to the invasion of Harper's Ferry, it appears to us that they may be tried by the State authorities of New York, Ohio, and other States where their crime was committed. Or the Federal Government may take the matter in hand, and arraign them for aiding, counselling and encouraging treason and destruction of the United States' property. We are worth to believe that any Northern jury, impartially selected, would find these men not guilty, if sufficient testimony could be adduced to establish their guilt. The mass of the anti-slavery men of the North detect the crime of Brown as heartily as Southern men do, and would not flinch in doing their duty. They may honestly believe that slavery not only retards the material advancement of a country, but is a great evil, but they certainly do not justify murder, arson, rape, and other necessary concomitants of such a general service asurrection as Brown and his confederates endeavored to excite, but in which the faithful slaves had no part, and of which they testified their abhorrence.

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We cannot but regard it as an error

The public are busy conjecturing whether or not Gov. Wise will demand from the Executives of Ohio and New York the bodies of Gerrit Smith, Giddings, and others, who may be implicated in the Harper's Ferry affair; and speculations are indulged as to what will be the course of those Governors, and as to the probable results of a refusal on their part to deliver up such citizens of their respective States as indictments may be found against by the Virginia authorities for aiding and abetting the recent act of invasion of that Commonwealth. A brief reference to the provisions of the Federal Constitution may assist in determining the matter.— That instrument provides that "any person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." This clause evidently contemplates that the party charged must have fled out of the State making the demand, and if this construction is correct we are at a loss to discover what course Gov. Wise would be likely to pursue. Governors Ohio, Kentucky, and Missouri, and other Northern States, are all anxious to recover their fugitives, whom they regard as traitors to the Union. It is not surprising that all these States wish that all such fugitives should be directly conveyed to their respective States, and put to trial by a Virginia jury. It is not surprising that justice might be done in Virginia, and we cannot see why it should be delayed. And it is not surprising that the South would be glad to see them put to trial, or to see them sent to any of the Southern States, for doing. It is not surprising that there should be a trial if they shall be sent to the Southern States. It is a rule of criminal law that a man shall be tried in the county where the act charged was committed, and as Smith, Giddings, and others are charged with having given aid, comfort, and encouragement to the late Harper's Ferry, it appears that they may be tried by the State where New York, Ohio, and other States where their crime was committed. Or the Federal Government may take the matter in hand, and arraign them for aiding, abetting, selling and encouraging treason and destruction of the United States property. We are loath to believe that any Northern jury, impartially selected, would find these men not guilty, if sufficient testimony can be adduced to establish their guilt. The mass of the anti-slavery men of the North detest the crime of Brown as heartily as Southern men do, and would not falter in doing their duty. They may honestly believe that slavery not only retards the material advancement of a country, but is a great social evil; but they certainly do not justify murder, arson, rape, and other necessary concomitants of such a general servile insurrection as Brown and his confederates endeavored to excite, but in which the faithful slaves had no part, and of which they testified their abhorrence.