

circumstances of the case... Mr. Wirt's argument on this point was conclusive. The law too was applicable to a prisoner only at the time of his arrest, and not of his indictment: in the last case the situation of the accused becomes still more precarious: the danger which he apprehends, comes nearer, and the temptation to violate his recognizance, becomes much greater than at the earlier steps of the prosecution.

No man will contend that the common law is in force in the courts of the U. States. As soon might you assert the validity of the laws of the Cape of Good Hope or of Turkey. It was therefore ridiculous to compare the organization of the court of King's Bench with that of the present court: As to the complaint of Mr. Wickham that by this doctrine an American citizen would stand on worse ground than a British subject, it was unavailing. Perhaps courts of justice would even be more disposed to bail for Treason under such a government as that of G. B. than in our own, where the power of the government falls so rarely and so lightly upon the people. Were even the common law in force in the U. States, it would have no relation to the organization of our courts.

The power of bailing is not then derived from the common law nor the act of Congress, nor is it deducible from the laws of Virginia. In cases affecting life, the prisoner is not entitled to bail by our laws. Mr. Wirt. I have stated that the powers of the Court of King's Bench are not applicable to this case, because that court is the creature of the common law, whose powers have been growing up from time to time; whereas this court is fixed and defined by law. There is another great difference. The powers of the C. of K. B. take their origin in a fiction. It is supposed to be held coram ipso rege. In its origin, the king himself sat there, and he is still supposed to sit. Treason was a crime against his dignity: he might bail for it; and the same power belongs to the judges who represent his person. But how is it with us? Treason is an offence against the people of this country. And have the people ever sat here for the administration of justice? and are the judges of this court invested with the powers of the people?—But on the supposition that this fiction does exist, is not the power of bailing removed by a positive law? Does not the act of Congress expressly take it from the court?

(To be Continued.)

To the President of the U. States. SIR—We the citizens of Richmond, Manchester, and their vicinities, and of many other persons, from distant places, who have assembled to take under consideration, the late hostile attack upon the frigate Chesapeake, by a British ship of war, and the murder of a number of American seamen in a time of peace, are impelled by the strongest motives to express those sentiments of indignation which the occasion must naturally inspire. When we reflect upon the uniform course of pacific conduct which has been observed by the government of the United States towards all foreign nations when we recollect, on the other hand, the considerable insults & aggressions which Great Britain has inflicted upon our just and lawful commerce; we can only discover in this recent act of violence, the consummation of a system which has for its object the prostration of neutral rights, at the feet of a haughty and ambitious power. The door of negotiation is finally closed; the first blow of war has been struck; and the people of America are called upon to decide, whether they will rally around the standard of the constitution, or resign at once that glorious independence which was purchased by the valor of their fathers, and cemented with their blood. At a period of such magnitude as the present, it is peculiarly necessary that the people of America should display to the world the devotion which they feel to the free, mild and beneficent government under which they live, and their invincible determination to resist to the utmost extremity, every outrage on their rights from whatever quarter it may proceed. The persons who now address you speak not only for themselves but for their country; they feel that they deliver the sentiments of the nation; and they are confident that they will find a corresponding emotion in the bosom of the chief magistracy of the union.

When an act of unequivocal hostilities has been perpetrated; when our armed vessels are not permitted to leave our own ports with impunity; when a British commander gives the signal from our very harbors, for the capture of our ships; it becomes a question not of reason, but of feeling. Whatever may be the grounds of the contest in which we are engaged, we are compelled to close in that appeal to arms which has been made by our adversary. It is impossible to pursue a temporizing conduct, without engraving an indelible stain on our national character. The reputation of our country is at stake; and it must now be decided whether we shall assume the dignified attitude of an independent state, or meanly crouch under the lash of an insolent foe.

No nation upon earth has so many cogent reasons for maintaining a friendly intercourse with the rest of the world, as the United States. Far removed from that bloody scene of ambition, which Europe has exhibited for centuries; pursuing the even tenor of honest industry; regardless of that illusive glory which is only to be obtained at the expense of happiness; anxious only for that solid renown which springs from an undeviating course of justice and virtue; too simple for the insidious arts of courtly intrigues, and too refined for the exertion of lawless power; they might have flattered themselves with the hope, that they should escape the ravages of those conflicts which have desolated the old continent. America has every thing to hope from peace, and every thing to deprecate from war. But her growing commerce and rising prosperity, cherished by the genial warmth of freedom, were objects too tempting to the rapacious eye of a power who arrogates to herself the exclusive dominion of the seas. From the moment our independence was established, Great Britain regarded with malignant jealousy, the progress of a nation whom she had once held in bondage. From that moment until the present, she has waged an open or concealed war against our indisputable rights. It would be superfluous to dwell on the various crimes which she has committed against the law of nations; but it may not be improper to enumerate, a few more prominent than the rest, which mark the spirit which has pervaded her whole conduct. She has occupied posts within our territory which ought to have been surrendered by treaty; she has enlarged the law of contraband, beyond the most liberal construction of the law of nations; she has seized our vessels laden with provisions; she has invented a new system of blockade, which extends not merely to single ports actually invested, but to whole countries with whom she might be at war; she has modified, restrained and enlarged the rights of neutrals according to her interest or caprice, while her courts of admiralty have carried her edicts into rigid execution; she has denied to neutral nations the incontestable right to re-export to a belligerent power, the commodities which they have fairly purchased from a colony of the same power; and she has blockaded our ports and impeded our commerce from our vessels within our jurisdiction. But atrocious as these acts may seem, they are insignificant when compared with the flagrant outrage lately committed on the frigate Chesapeake. The most humble sycophant of Great Britain has never yet asserted her right to search a ship of war belonging to a neutral nation.—A vessel of this description is as sacred as the territory itself—its flag is a passport throughout the world—and an insult offered to it is a direct attack upon the sovereignty of the state to which it belongs. A conduct like this can neither be defended nor palliated—and it is necessary to meet the approaching conflict with the decision becoming freemen. While we are sensible of the evils which must result from war, we are prepared to encounter them, in defence of our dearest rights. We are confident that but one sentiment pervades the American people—and that, however they may be divided as to points of domestic policy, they are actuated by one soul in repelling the aggressions of a foreign power. It remains for the wisdom of the constituted authorities, to direct with efficacy the energies of the nation. It is our part to declare to you and to the world, that we are prepared to support, with our lives and fortunes, the government of our choice against every power upon earth.

Major, Secretary, and all members of the Combined Council, Citizens by fours.

American AND Commercial Daily Advertiser. WEDNESDAY, JULY 2, 1867.

We cannot but remark with what avidity the printer of the Gazette seizes upon the least occasion that offers to gloss over the scandalous conduct of the British. Yesterday a letter was received in this city from Georgetown, dated on Monday last, stating that "The British commodore had arrived there." Upon this, the Gazette remarks that "The prospect brightens." What does the printer of that paper call "BRIGHTENING?" Does he mean to say that if a captain of a British ship of war, in cold blood and in a treacherous manner fires into an American frigate, murders three men and wounds about twenty more, and afterwards forcibly seizes on four American citizens and carries them off; yet notwithstanding, if the commodore, under whose orders he acted, should come and ask pardon, and say he was very sorry and so forth, that then "The prospect brightens," and the American people ought to be tickled and pleased at this wonderful condescension in a British officer? Surely that man must have strange notions of national dignity, who can so coolly discourse of the "BRIGHTENING offering atonement," when his countrymen have been murdered in a manner so perfidiously cruel that it challenges the annals of all times and all nations for a comparison. The arrival of the British commodore, then, in the opinion of the Gazette printer, is to settle the whole affair. He is to "change the tune." He is to cause those notes of terrible indignation which do now and shortly will more so, echo and re-echo from one end to the other of these States, to be converted to the softest strains! Our wounded national honor is to be saved over, and plastered, by the appearance of a British officer! But what atonement can he offer? What atonement can the British minister himself offer at this moment? Is our administration, does the printer of the Gazette suppose, to be trifled with on an occasion which calls for such exemplary, such tremendous vengeance? No. From the British government must come the awful atonement. Our citizens have been basely murdered. The perpetrators and authors of the detestable deed must expiate the offence with their lives, or the British government is equally guilty with her officers. After the face of the trial of Whitty, nothing can satisfy the American people that the English ministry is serious in its wishes to preserve peace with this country, but full and complete justice on the murderers of our fellow-citizens.

SPENCER ROANE, Chairman. THOMAS RITCHIE, Secretary.

PHILADELPHIA, June 16. NATIONAL FESTIVAL.

The thirty-second anniversary of American Independence, was celebrated in this city on Saturday, in a manner worthy of the great event, and of the country. It was observed with more than common respect by all classes of our citizens who appeared to have revived an enthusiasm and spirit capable of again encountering all hazards for the establishment of rights and the redress of wrongs. The citizen and the soldier vied with each other in displaying their joy at the freedom of their country and in paying a just tribute of veneration and regard to the men, who fought and bled for its establishment. The dawn was ushered in with a discharge of the usual number of guns, by the state artillery. About 8 o'clock, the Philadelphia militia legion, under the command of gen. John Shee, was formed in Arch street, its left on Fifth street, displaying to the westward. It consisted of— The 4th troop of cavalry—capt. Leiper. The 6th troop of cavalry—capt. Hill. Two companies of artillery, } captains Shaw, Worrell. Ten companies of infantry, forming 2 battalions, under the command of majors J. Simmonds and M. Bright. Captains, Ruff, Thompson, Lyle, Morris, Vogdes, Boyle, Meeker, Wharton, Fotherill, Dlane.

The line of march was taken up, about nine o'clock, from the right, proceeding up Seventh to Race, down Race to Fifth, down Fifth to Arch, down Arch to Second, down Second to Chestnut, and up Chestnut to Broad street, when a salute of seventeen rounds was fired by the artillery, & a triple feu de joie by the line. The companies composing the legion have seldom, if ever, done themselves more credit than on this occasion: their numbers were unusually great, and their appearance handsome and soldierly. Their marching and particularly their firing, were more like those of regular troops, than of volunteers, who associate for discipline but once every two months. In this tribute of just praise, we speak the language of an immense concourse of spectators, rather than our own. Such volunteers in a time of profound peace, evince what the national militia may be rendered capable of, should the nation be reduced to the necessity of requiring their services to maintain its rights and honor. We understand that the 1st, 2d, and 3d troop of city cavalry, under captains Wharton, Francis and Boggs, also honored the day; and that their numbers and appearance were just objects for public commendation. When the military arrangements for the day had closed, the citizen-soldiers retired to their respective places of entertainment to enjoy the fruits of the perils and toils of the sages and heroes of the revolution, and to express the sentiments of freemen, on the past dangers and glory of their country, and its condition at the present crisis. The citizens generally, in select parties, partook of the festivities of the day, retiring to the various places of entertainment in the environs, where abundance and good cheer awaited them. We shall lay before our readers, the toasts drunk on this day, by the several associations of citizens and soldiers, as a faithful expression and record of public feeling. It is but justice to the people of Philadelphia, to say, that on no former occasion, was there so general and conspicuous an observance of order and propriety. Notwithstanding the warmth of public feeling, at late transactions, there was not one instance of disorder, in any part of the city, which ended as it ought, in the most peaceable and joyous manner.

NORFOLK, June 29. DIED, on Saturday last, at the marine hospital, ROBERT MACDONALD, one of the seamen wounded on board the Chesapeake frigate. Yesterday his funeral was attended by nearly four thousand citizens—the body was brought over from the Hospital Point, attended by a procession of boats, to the market wharf. Minute guns from the artillery firing during the time, all the American shipping with colours half mast. Arrived at the county wharf, a procession was formed, which marched up market square, through Catharine street, to Freemason street, and from thence to Christ church, where an appropriate impressive, and patriotic discourse was delivered to a most numerous congregation, by the Rev. Mr. Davis. The following was the order of the procession: Detachment of the Junior Volunteers. Minister. Chairman of the Committee. Committee, in two files. Surgeons of the hospital. The corpse. Six masters of vessels, pull bearers. Captains, mates and seamen, by fours. Band—Drums muffled. United States officers, civil and military, by twos. Volunteer companies.

No. 3,054 was yesterday drawn against a prize of 5,000 dollars, in the St. Paul's Parish Lottery now drawing in this city. We have not learnt the name of the fortunate holder.

At a celebration of the 4th of July, by a number of citizens of Hartford, at a spring near Bell-Air, Doctor John Archer senior, President, and John Montgomery, Vice President, the following toasts were drank:—

- 1. The Charter of our Independence—The Eagle this day proclaims that the blot of the Leopard upon it, shall be expiated by the remorse or blood of the Lion.
2. Our Country—Her citizens patriotic and united, her executive energetic, her legislature faithful and firm, in a contest with a people distracted, a monarch mad, and a parliament corrupt, must be confident of a highly honorable result.
3. The memory of our departed hero, Washington.—We lament his body in the dust, but his spirit will animate his countrymen in the council and in the battle.
4. The memory of departed American worthies—The freedom and independence they achieved by their valor, and transmitted sealed with their blood, their survivors and sons will sacredly defend against dishonor and foul outrage.
5. A generous use of blood and treasure, rather than a tame submission to unprovoked wrongs and wanton murders.
6. Thomas Jefferson, author of the declaration of independence;—The repeated proofs of the energies of his enlightened mind indicated in his country's interests, give earnest that the confidence of his fellow citizens shall not be disappointed.
7. Congress.—Harmony, dignity and candor in their deliberations, strength firmness and magnanimity in their measures.
8. The heads of departments;—Their country respects their integrity, fidelity, honor and ability.
9. Wilkinson, Tiffin, Williams and Cowles Mead; patriots who by their firmness and exertions crushed a foul enterprise generated in corrupt ambition, and portending at its birth dismemberment, civil discord, and anarchy.
10. A virtuous and patient sufferance of privations, the necessary result of measures defensive of national honor and interests.
11. Commerce, and her hand-maids agriculture and manufactures—Connected in interests, united in their defence.
12. Americanism purified from foreign alloy; the genuine standard of sound principles and faithful citizens.
13. Rich in patriots, energies and resources, by calling them into immediate and vigorous action, our country may command peace, or win it.
14. Every citizen a soldier, and every soldier a citizen, and every citizen and soldier emulous who will be both the American.
15. Our murdered citizens.—Their blood cries for justice or vengeance.—Time's recorder has enrolled the foul deed with indelible ink, Nelson's indignant spirit read it, and wept over his country's dishonor, his tears could not blot it out, for fate had stamped it with the mark of eternal infamy.
16. The American fair.—May their smiles stimulate to generous actions and virtuous actions alone win their affections.
Immediately afterwards a proposition was made and agreed to that there be a meeting at Bell-Air on Tuesday next, for the purpose of raising a volunteer company of infantry and troop of horse, there is no doubt but the enrolments will be immediately completed.

In commemoration of the Fourth of July, the glorious era of American Independence, a number of Republicans assembled on Hamstead hill, where an excellent dinner was prepared for them by Mr. Laudenschlager, when Mr. Nicholas Norris was chosen president, and Mr. John Bouldin vice-president. The declaration of independence was read by Mr. Norris, in the following words:—

- 1. The day we celebrate. 3 guns and 3 cheers.
2. Thomas Jefferson, the president of the United States. May he be as firm as virtuous. 3 guns and 9 cheers.
3. George Clinton, the vice-president of the United States. The patriot and the soldier. 3 guns and 6 cheers.
4. May the heart never beat nor the soul never feel, who would not remember the murder of our citizens on board the Chesapeake. Roslin-Castle. 1 gun.
5. John Pierce, who fell by the enemies of the freedom to mankind.—A song on the death of Jonathan Robbins. 1 gun.
6. Unanimity in our countrymen to repel the repeated insults perpetrated by the British government. 3 guns and 9 cheers. A song, Erin go Bragh.
7. The American flag. The only protection for our seamen. 3 guns and 9 cheers.
8. The men who would attempt to separate the United States. May they meet their just punishment, their heads severed from their bodies. 3 guns and 9 cheers.
9. May we have war in preference to national degradation. 3 guns and 3 cheers.
10. Our infant navy. May its commanders never strike their colours without a manly resistance. 3 guns and 9 cheers.
11. Our fellow citizens of Hampton and Norfolk. May the nation revere their patriotic conduct. 3 guns and 3 cheers.
12. To the memory of our worthy heroes who fell in defence of our independence. 1 gun.
13. The army and navy of the United States. May honor guide and courage lead. 3 guns and 3 cheers.
14. Our impressed seamen. May the play of mankind be extended to the lot of those who are compelled to fight against their country. 3 guns and 3 cheers.
15. Our western brethren. May their prosperity equal their patriotism. 3 guns and 9 cheers.
16. The constitution of the United States. The bulwark of our rights. 3 guns and 3 cheers.
17. May no republican shot ever miss a tory. 3 guns and 9 cheers.
18. The American fair. May their virtue exceed their beauty. 3 guns and 3 cheers.
A number of volunteers were given. After the president retired a toast was given, applauding his conduct on the day.

Interments in the city of Baltimore last week.

Table with 2 columns: Disease, Number. Includes Pleurisy (2), Worms (1), Dropsy (2), Cholera (3), Fits (2), Sudden death (2), Lock jaw (1), Hooping-cough (1), Intermittent fevers (1), Debility (1), Accidental (1), Palsey (1), Still born (2), Cholic (2), Disease unknown (2), Consumption (5), Croup (1), Bowel complaint (1), Adults (14), Children (16-30).

The following article of News excited not a little anxiety in the minds of our citizens last evening. We apprehend, however, that the intelligence is very little, if at all, to be relied on, and this opinion is founded on the following considerations:

- 1. It comes by the way of the West-Indies, a route which has become proverbial for falsehoods with respect to events in Europe.
2. If it had been known at Barbados when capt. Wing was there, it is highly probable that a dispatch boat would have been sent off to the British vessels of war on the American station; and if so, that dispatch boat would have reached the American coast before capt. Wing could have got to Guadaloupe and capt. Burr have reached Baltimore. In which case the British squadron in Lynnhaven Bay and British vessels elsewhere would have commenced an indiscriminate capture of American vessels, which has not been the case.
3. Had a declaration of war been certainly received at Barbados, the probability is, that capt. Wing would have been detained.
4. The accounts of the rejection of the treaty by our president we know has excited considerable surprise in England. This may have given rise to conjectures that war would take place. These conjectures may have found their way into print; and the contents of the papers on board the English prize boat, carried into Guadaloupe may have been the cause of that stamp.
5. The very shortness of the passage (17 days) of the English brig, leads to a suspicion of the truth of the fact; as passages of that distance are very rarely performed in that period of time.
With these reflections, we lay the following before our readers:—
Capt. B. (vide Marine head) reports that a capt. Wing, of Charleston, who arrived at Guadaloupe from Barbados, reported that a packet had arrived there from England, which brought an account that war had been declared by England against the U. States; and also an English brig brought into Guadaloupe, direct from England in 17 days, gave the same account by her papers.

The British minister, we understand, went through this city yesterday morning, from the Eastward, on his way to the city of Washington. Mr. Erskine, we are informed, travelled in the public stage, and adopted the precaution of concealing his name and quality on the road.

The following volunteer toast, which was accidentally omitted yesterday, was given at the entertainment at Mr. Peck's by O. Adams, Esq. Missions.—May the current of that river, and the spirit of the American citizens teach Great Britain and all other nations combined with her intrigues and great guns, that the first would be truth and the latter to gain.