The New Orleans Bee.

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TERMS OF THE BEE

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NEW ORLEANS:
WEDNESDAY MORNING, AUG 6, 1867

"LA CAUSE PERDUE."—Our thanks are due the publishers for the 30th *livraison* of M. Jules Noblom's translation of "The Lost Cause." Subscribers can procure their copies at the office of *La Renaissance*.

WRITTEN LAWS VS. POPULAR WILL.

In former times the cobbler's dictum—"there's nothing like leather," found an apt and common parallel in the common cry of politicians and Fourth of July orators, that "there's nothing like a written Constitution." How often have we heard this remark repeated! So far as this aided political teachers in impressing the young American with the sacred character of the Constitution, it were well enough to keep it before them; but, on the principle that "familiarity breeds contempt," this very course seems to have failed in its purpose, and to have rather taught the young to despise than respect the written law of the land. Yet that written Constitution was a thing of which too much cannot be said. The immeasurable superiority of this government over that of England was declared to be owing to the fact that the benighted people of the latter country had no written Constitution. They were without that great bulwark of civil liberty to shield them in the hour of trial; they had no guide when danger menaced; no pilot when there came a storm. There may be something in this. It is not easy to say what would have been done at certain times, under certain circumstances, if there is no authority to deny the supposition that Cromwell would have hesitated to dissolve the Parliament had a written Constitution been the supreme law of the land. Perhaps the Commonwealth would have been known to day had such been the case, and England ruled by a Protector instead of a Queen. There is nothing like a written Constitution, we have been told, to secure the liberties of a people, and to check the aggressions of ambitious and designing men. Can any one doubt the truth of the statement that the people of Great Britain, having no written Constitution, were dependent for safety upon the loyalty and virtue of the people—a slender safeguard, indeed, when judged from a certain point of view? Theoretically nothing could be more plausible than these arguments—they were admirable and strong; but practically, on the contrary, the very reverse seems to be true. In our own time we have the best example that could be given of an unwritten Constitution which remains intact and respected, even during one of the greatest trials that has ever agitated the nation; while the written Constitution is flagrantly violated and trampled on boldly encouraged. In this we find one of those strange anomalies which are constantly occurring in the lives of individuals and of nations, and we must look for an explanation of it from those who once boasted of the vast superiority of their written supreme law. And, admitting their former arguments against the English Constitution—that its maintenance was dependent upon the virtue of the people—what then follows?

We leave the plain inference of our readers, and at the same time ask them where we are to look for a safeguard against oppression and wrong—against the unjust assumption of authority by a party, and the subordination of civil law—if it can be found neither in the virtue and loyalty of the people nor in the sanctity of the written law? Constitutions and laws are of little value unless generally respected and properly enforced. If openly violated by men in authority what respect can we look for from the people? If not respected the law can be of small use and the written law, the provisions of which are clear and unmistakable, soon becomes an object of contempt. To this we are rapidly coming, and we may already stop to inquire if the unwritten law, based upon equity and sustained by the virtue and loyalty of the people, is not immeasurably superior to the written law which has become an object of public scorn. For ten years the true states-men of this country have known and lamented the fact that the law could not be carried into execution contrary to the popular will. The people, who are the sovereign, and consequently the law-makers, cannot be forced to obey a law of their own creation, or to have the proper respect for it. Their representatives in Congress could make any law they pleased, and the single check upon them was the written Constitution. Congress has openly violated this written Constitution, and has taught the people to regard it as a useless document—a thing of the past—which should not longer be permitted to stand in their way now. Thus we find the written Constitution violated by the law-making power; the supreme law of the land held in contempt; laws which cannot be executed against the popular will, and the strongest check to aggression and chaos almost entirely removed. The prospect which this state of things opens to our view is not a pleasant one, surely; but there should be one hope left—the ballot. In this country as well as in England, the enforcement of the laws and their interpretation, depends upon the popular will expressed by the franchise. Who then shall hold this important power? We have seen that the last check upon disorder and lawlessness is to be found in the ballot, and we ask who shall exercise the ballot? The natural reply would be, the solid men of the country, 'men of character and intelligence, of education, men who have great interests at stake, and who have everything to lose unless law and order be preserved. Men of this stamp should hold the ballot in order to insure the safety of the country. But in this case? On the contrary Congress has taken the ballot from each men and placed it in the hands of the ignorant and irresponsible masses. The men who have a real interest in the country have been disfranchised, and the ballot given to those who regard law as a nuisance and an impediment to the license which is synonymous, to them, with freedom. The voters are the depositories of the political power of the State—a power that Congress has declared to be superior to the judicial, the executive, and to the provisions of the written Constitution. The voters are the ruling, the governing class—the trustees of the Government for the benefit of the governed—and Congress in its wisdom has seen fit to select these trustees from the lowest and least capable class of our citizens—those who least understand the theory of government, and have the least respect for the law. Popular will has erased its antagonist the written law, and we must confess that we believe the time has come when all else than those of popular will has been brought into disrepute. The state of affairs in Tennessee is one of the first fruits of this progressive Republicanism; and it looks very much as if we were being hurried into the same state of things everywhere. Can any one tell us what is to prevent it?

The Providence *Journal* relates an incident which recently occurred in that city. A negro and his lady were walking arm in arm, when an intoxicated Irishman called out, "How are you Sally?" The lady's name was'nt "Sally," but Mr. Gardner, her companion, made a sally upon the Irishman, Keegan, and killed him with a razor. The lady was very much frightened and begged the wounded man not to call the watch. The verdict of the Coroner's jury—"Justifiable homicide."

COLLEGE HONORS.—At the last commencement exercises of Georgetown College, the honorary degree of Master of Arts was conferred upon Messrs. C. P. A. and John B. S. Dimitry, sons of Prof. Alexander Dimitry, so well known in this city. Mr. C. P. A. Dimitry is now in New York. Mr. Jno. B. S. Dimitry, since the war, has resided in this city, and was for some time connected with the editorial staff of the *Bee*, as our theatrical critic.

The steamship Rosetery, Capt. Marshman, arrived yesterday from New York direct, bringing the following passengers:

John G Rhodes, Mrs. Rhodes, Geo. F. Denton, Mrs. Jno. Clark, Mr. Hill, Jno. B. Conrad, W. Bennett, lady and daughter, Fabian Wallace, Augusta J. B. Jones, and fifteen others.

The steamship General Grant, Capt. Holmes, arrived on Monday from New York direct. She brings the following passengers:

Miss C. Wheelwright, S. Kinney, S. Hastings, p. P. L. and children, Sarah Dunbrook, H. Chandler and wife, and children, Sarah Dunbrook, H. Chandler and wife, and children, Sarah Dunbrook, H. Chandler and wife,