THE NEW ORLEANS DAILY BEE.
DUFOUR & LOMET, Publishers.
No. 77 Chartres street.
TERMS OF THE BEE:
DAILY, per annum, in advance, $10; six months, $5; three months, $3; one month, $1.
Single copies of the paper—Five cents.
THE SEMI-WEEKLY: published every Tuesday and Saturday. Subscription, $5 per annum, invariably in advance.
Rates of Advertising—Practical advertisements (including charges, first insertion $1.50 per square; each subsequent insertion, 75 cents per square.)
Fixed, or Editorial Page Transient Advertisements, each insertion, $2.50 per square.
Advertisements inserted at intervals, to be charged as first each insertion.
Fixed, or Editorial Page, Standing Advertisements, each square, $20 each per month.
Regular advertising, when convenient, shall be always issued with Commercial Intelligence instead of reference page Correspondence. In no case shall such documents exceed by per cent.
All Business Notices of Advertisements to be charged 10 cents cent per line, each insertion.
All Transient Advertisements must be paid for in advance.
All Advertisements not marked for any number of the will be published till ordered out, and charged accordingly.
All letters and papers addressed to the Editor must be post paid.
NEW ORLEANS:
THURSDAY MORNING, APRIL 29, 1869.
TRY GEORGE ALCES' CIGARS.
1195.....Rampart Street.....1195
THE METROPOLITAN POLICE LAW.
In our observations of yesterday on this subject we assumed, although we, by no means, admitted the right of the Legislature to organize a police force in the city of New Orleans with the object of superseding the police appointed under the charter of the city. We think the law enacted at the last session of the Legislature which undertakes to prohibit the citizens of New Orleans from governing themselves, was a cancelled for and revolutionary in its character, and that it is an insult to their intelligence. The Metropolitan Police system is only tolerated because they are powerless to prevent. The law was not imposed by our representatives. It was the act of the Congress of the United States working through their creatures—the present State authorities of Louisiana, and through our negro Legislature. Of course, every one knows that the present State government of Louisiana, in all its departments—Executive, Legislative and Judicial—is but the agent of the Radical leaders in Congress, and does not in any sense represent the people of Louisiana. Let us always bear that in mind.
But granting that the Legislature have the right under the State Constitution to govern the city of New Orleans and organize a police force therein, it does not follow that it has the right to make the people of New Orleans pay for that police. Add the Legislature itself felt the difficulty when it attempted, by a piece of legerdemain, to extract the money from the City Treasury. It first sought to accomplish its object by a direct command to the City Council to assess and collect a tax for police purposes, which was to be paid over by the City Treasurer to the State Treasurer. But the City Council, to their credit be it said, was not to be commanded by those negro tools of the Federal Congress, and so our black and white legislators were compelled to resort to an indirect method of levying a tax upon our people, in which we hope they will experience as signal a failure as in their recent open attempt. They authorized the issue to the employés of the police, of warrants or certificates of indebtedness, and then attempted by a law, affixing a penalty to its violation, to require the city to receive these warrants for its taxes, and those give these value. The city, however, refuses to receive these warrants in payment of taxes due to it, contending they are not money, and here the city is clearly right. She stands upon impregnable doctrine in resisting this impudent demand, and will compel the Legislature, if she remains firm, to violate palpably the organic law before this assessment can be collected from the tax-payers of the Metropolitan Police. We suppose there is no good lawyer who is not of the opinion that to attempt to give these warrants a money value, to make them legal tender is to do that which is prohibited by the Constitution of the United States. The Legislature has no right to do indirectly what it cannot do directly, any more than an individual, and we see no escape for it but by assessing a direct tax, and that it cannot do. If it assessed a direct tax upon all the people of the State to pay local police, the interior parishes would not be bound to pay for services not rendered to them.
But the law is violative of constitutional principles on other grounds. It delegates to the Police Commissioners appointed under the act the power to assess the tax-payers of the Metropolitan District any amount these Commissioners may please to name, and there is no redress. The Legislature is without authority to delegate any such power. If the well-attendant upon the exercise of this enormous power needed demonstration, we have it in the fact that the city of New Orleans has been assessed the sum of eight hundred thousand dollars, when her police system under the city charter never cost in any one year over the rate of four hundred thousand dollars, and that in 1868 in previous years it was about two hundred and fifty thousand dollars. And where does the Legislature derive power to compel the officers of the city, under a penalty, to receive for city taxes any and all warrants drawn by the officers of the Metropolitan Police? Such a law as this is perfectly inadmissible.
That the police is a State, and not a municipal, organization is shown by all the features of the law. It is created by the State, and is under State control. The Commissioners are appointed by the Governor, and removable at his pleasure. Reports as to the working of the system are to be made to the Governor, and the officers of the force are to be paid by the Treasurer of the State, who is to be put in funds by the City Treasurer. All that the city has to do with the force is to pay for its services—services the city is compelled to accept.
We have now shown the law to be unconstitutional, assuming the State has the right to organize a police force in the city of New Orleans, and to repeal the provisions of the City Charter and subsequent laws relating to the same subject. Unconstitutional because it is a *clog* effectual without that section of the law which provides the means of paying for the police and that section violates Art. 118 of the Constitution. This section is the heart—the life-blood—of the law. We shall now attempt to show the correctness of the decision of the Supreme Court.
The court says that because the present Constitution omitted Art. 133 of that of 1864, which gave to the Mayor of New Orleans the appointment of the police, therefore the whole subject of the city supervision and police was left under the power and discretion of the Legislature. If this means anything, it means that the Legislature had the power to do whatever the former law or to repeal them. This we admit, but we do not admit that it gave the Legislature the power to revolutionize the system. Are there no other fundamental principles binding upon the Legislature but those laid down in the Constitution? If the Legislature had repealed the City Charter and all laws in connection therewith, without enacting a new charter, the inhabitants of New Orleans, unless we are greatly mistaken, would still have had the right to regulate their own local affairs because this right is superior even to the Constitution. It is an axiomatic with republican principles and with those ancient customs and doctrines handed down to us by those who have gone before us, and we are questioned until now. We do not say that the Constitution might not have specifically provided for the government of the city, but as a matter of fact it did not and the inference that the intention of its framers was, that its citizens should, as they had always done, regulate their own affairs. Had the framers of the Constitution declared that the Governor should rule over the city, appoint and remove its Mayor, Police Commissioners and other officers, this would have been a long stride towards the centralization of power. The Governor did not take that stride and the doctrine is now asserted in high quarters that the power which was not granted specifically in the Constitution instead of being reserved to the people may be exercised by the Legislature. This is new doctrine. If sound, there is no use for any Constitution, but it is fallacious and inadmissible. Says Judge Thomas Cooley, of the Supreme Court of Michigan, in his new work, entitled "A Treatise on Constitutional Limitations:"
"The Indian system was in one of complete decentralization, the primary and vital idea of which is, that local affairs shall be managed by local authorities, and general affairs only by the central authority."
De Tocqueville, in his great work "De Democracy in America," speaking of the system of Government in the United States, says:
"The townships are only subordinate to the State in those less important affairs which I might term *social*, as they are common to all of the citizens. They are independent in all that concerns themselves, and among the inhabitants of New England, I believe that not a man is to be found who would acknowledge that the State has any right to interfere in their local interests."
Now, when it is undeniable that the State Government of this Union have never attempted to meddle with the local affairs of their cities and towns, when the government of New Orleans has always been controlled by its inhabitants, where, we beg leave to ask, does Judge Rufus K. Howell, the author of the opinion of the Supreme Court rendered last Monday, get his law when he says, that where the Constitution is silent as to New Orleans, the Legislature may do as it pleases in respect to the government of this city?

PIC NIC.—Magnolia Grove No. 1, U. A. O. D., will celebrate their 13th anniversary by a pic-nic, to be given at the Magnolia Garden, Bayou Sauvage, on the 12th of May, for the benefit of the widows and orphans. We are in receipt of tickets.

The steamship Cuba, Captain Babcock, sailed last evening for Matanzas, via Key West and Havana, with a full freight and the following list of passengers:
For Matanzas, per S. S. Cuba, Captain Babcock—Mrs. Lizzie H. Miller, Miss M. Long and child, Miss F. Fenelon, Miss Ellen Long, Miss Mary Long, Miss Mary Ann Long, Miss Mary Ann Long, Miss Mary Ann