COMMERCIAL.

LATEST DATES.

New-York	feb 15	Boston	feb. 13
Philadelphia	" 16	Baltimore	" 16
Charleston	" 20	Washington	" 17
Paris	jan. 7	Liverpool	jan. 8
Havre	" 8	London	" 7

NEW ORLEANS MARKETS, March 1st.

SALES OF STOCK.

No sales of Stocks.

COTTON.

750 bales Mississippi	14½
691 do do	14 7-8
253 do Louisiana	15¼

PRODUCE.

SUGAR—Per cwt	9 a 9¾
FLOUR—per bbl.	7 a 7
WHISKEY—per gal.	50 a 60
LARD—per lb.	14 a 14½
TOBACCO—per 100lb.	65 a 6 a 7
PORK—Mess	21 a 22
Prime	17 a 18
BEEF—Mess 12 prime	10

Butter very high and nominal.
Other articles remain as last quoted.

HAVANA, Feb. 20.

Exchange on London	5 per cent.	prem.	
do Paris	6 to 6½	"	disc.
do New Orleans	3	"	"
do other U S cities	3½	"	"
Silver in bars	3	"	prem.
Mexican Dollars	par.		
Doubloons	par.		

BROWN & Co.'s CIRCUS,

A FEW DOORS ABOVE THE AMERICAN THEATRE.

The managers most respectfully announce to the ladies and gentlemen of New Orleans and its vicinity, that their company of equestrians having arrived, they will open their

ESTABLISHMENT

EVERY EVENING THIS WEEK, WITH A VARIETY OF

Gymnastic, Equestrian and Athletic Feats. &c. &c.

Among the gentlemen attached to the company are the following, of well known talent:—

Messrs. North, Stickney, Rogers, Rockwell, Minnich, Shay, Mateer, — Messrs. Levi, Ricardo, Wills, Stone, Phillipo, Long, Master Lipman.

THE INFANT PRODIGY,
Miss Rosaline Stickney.
AND THE CELEBRATED CLOWN,
Mr. Blackburn.

Prices of admission—Boxes 75cts; Gallery 50cts. Doors open at 6 o'clock; and performance to commence at 7 o'clock precisely.

Proper officers are employed to enforce a rigid decorum.

Slaves not admitted without a pass from their masters.

Seats can be secured from 10 o'clock, A. M. until 3 P. M.

For particulars of performance see bills of the day.

jan —tf

Saint Charles Theatre.

WEDNESDAY EVENING, MARCH, 2, 1836.

Will be performed the popular Tragedy of

VIRGINIUS.

Virginius, - - Mr. Cooper.
Virginia, - - Miss Cooper.

In the course of the evening two Grand Overtures.

To conclude with the Operetta of

THE QUAKER.

AMERICAN THEATRE.

CAMP STREET.

WEDNESDAY EVENING, MARCH 2, 1836.

Will be performed the

BEGGAY'S OPERA!

Capt. Macheath,	Mr. Hodges.
Filch,	Reynoldson.
Peacham,	Thorne.
Lockit,	Farren.
Mat O' the Mint,	Williamson.
Polly,	Mrs. Knight.
Lucy,	Miss Nelson.

(For music see small bills.)

To conclude with the Ethiopian Opera of

VIRGINNY CUPIDS!

Gumbo Cuff, (With a variety of songs.) Mr. Rice.

LAST WEEK

EXTRAORDINARY EXHIBITION.

ALL PRIVILEGED ADMISSIONS, SUSPENDED.

Corner of Orleans and Royal sts

THIS DAY, Tuesday, March 1st, 1836, and every day till the 7th, at 7 o'clock precisely.

A beautiful exhibition embracing every thing curious in that line.

Mr. Adrien

Will divide the evening entertainment in three parts.

1st. Legerdemain and other feats of dexterity.

2d. The public will be surprised by astonishing tricks and the ladies, especially, will be much diverted by a great number of interesting exhibitions, and ultimately Mr. Adrien will make his own WIFE disappear with as much facility as he would a mutmeg.

The entertainments shall be terminated by the Fantoscope, in which new characters will be introduced. Mr Adrien is two well known to the public to give further accounts of his exhibitions, and he hopes the public will be satisfied with his incessant exertions to please them.

Price of entrance $1 00; children half price. m 1

For Boston—The brig EXPORT, can take 4 or 500 bbls or the bulk thereof in heavy freight if offered immediately. Apply on board Pas96, or to
feb 29 HARROD & QUARLES.

For Tampico, for passage only—The fine fast sailing schr WATER WITCH, capt Manson, will sail for the above port in a few days and admits passengers, for whom she has very fine accomodations. Apply to master on board or to
feb 27—6t JOHN A. MERLE.

For Matagorda—The superior fast sailing coppered and copper fastened schr William and Francis, Capt Watts, is now ready to receive cargo and will have immediate despatch. For freight or passage having good accommodations apply on board or to feb 27 WM. BRYAN, 30 Old levee

The subscription books to the capital stock of the bank of the improvements company of New Orleans are opened from the 25th inst.

Persons wishing to subscribe may get copies of the charter of said company at its office, 151 Chartres st or at Mr Gaston Brasle feb 26—tf

LOTTERY—Va. Monongalia, Class 4—Drawn at Alexandria 20.h, drawing expected on Saturday 5th March.

CAPITALS.
$25,000 $7,000 $4,000 $2,500 $2,000 $1,486
25 of $1000

Tickets 98—Halves $4. Orders promptly attended to, if addressed to YATES & McINTYRE.
New Orleans.

NOTICE—Neither the Consignees nor Captain of the British barque Venture, will be responsible for any debts contracted by the crew.

LANDING FROM BARQUE VENTURE, and for sale by the subscribers.

2 in Ditches slates; 18 do Countess slates; 6 do fire brick. m 1 R & J. CURELL, Bienville st

LINENS, LAWNS, PLATILLAS AND BRITTANNIAS—The subscribers have received and offer for sale at low prices.

50 Cases Irish linens, assorted qualities; 5 do Irish long linens; 4 do German platillas; 4 do French brittannias.

m 1 J & J. DARRAGH, 20 Chartres st

SELLING OFF AT COST—Hats, Boots Shoes, and Clothing, corner of Tchapitoulas and Gravier streets.

The undersigned will dispose of his extensive stock at cost until the 21st of March, after which the residue will be sold by auction at the corner of Tchapitoulas and Gravier streets without reserve. Citizens and country merchants will find it to their advantage to examine the above named goods.

m 1 10t JOHN HARLOW.

NOTICE TO THE PUBLIC—The undersigned informs the public, that the notice published in the newspapers under date of 8th Feb. 1836, by order of the 1st judicial district court of the State of Louisiana to call a meeting of his creditors, has become null and void; said notice is hereby given to all it may concern, that the undersigned, having paid off his debts and settled with all his creditors, is entirely free and discharged.

mar 1 JOSEPH THEAS.

Mr Lain and al. vs. sundry goods, J. Varnin & Co.

FOR the United States District Court—Eastern District of Louisiana—By virtue of a writ of venditione exponas, to me directed, will be sold on Wednesday 2d March next at half past four o'clock P M, at the Marshals office in the rear of the Custom house, a quantity of cotonade or domestics, crockery ware, &c. Terms cash.

J. H. HOLLAND,
feb 22 Marshal.

CITIZENS' BANK OF LOUISIANA—The appointment of a chief clerk of the office of deposites of this institution, and of an assistant clerk for said office, will be made by the Board on Thursday 3d of March next. Applications by letter will be received at the office of the Bank. By order of the Board.

feb 24—3t CHS. LESSEPS, Ass't Cashier.

EXCHANGE—Bills on London, New York and Philadelphia, for sale by
feb 24-tf MARTINEAU CRUGER & CO.

MR. RAVAGLIO—Primo tenor buffo from the present Italian opera has the honor to inform the ladies and gentlemen of this city that he intends giving lessons in singing with accompaynement of the Piano forte.

The terms will be moderate. Mr R will attend to any commands from 10 in the morning to 4 P M, at his residence Hotel des etrangers at des habitans Chartres street. feb 15—12t

Agency Bank United States,
New-Orleans 18th Jan 1836.

Bills purchased on London, Paris, Boston, Providence, New York, Philadelphia, Baltimore, Richmond, Savannah and Mobile.

jan 18—3d JAMES SAUL, Agent.

Wines and Spirits—300 quarter casks sweet Malaga; 100 do dry do; 100 do Marseilles Madeira; 12 do old Madeira wine; 20 pipes Madeira wine; 18 do Holland gin; 15 do Champaign brandy; 36 quarter casks "Grand Bugey" do; the whole entitled to debenture, 54 0 baskets champaign of fine qualities; 800 boxes Bordeaux wine; for sale by
feb 17 R. GROWING & Co.

THE BEE.

Official State and City Paper,
PRINTED BY J. BAYON.

NEW-ORLEANS:
WEDNESDAY MORNING, MARCH 2, 1836.

New Orleans, 1st March, 1836.

The following members did not answer to their names at the call of the house this morning—viz:

Mr W Debuys, Freret, Guillet, Labatut, Marigny, Milligan, Montegut Ory, Patin, and Patten.

FLORIAN ROUSSEL,
Cl'k H of R.

☞ We are authorized to announce that James W Zacharie is a candidate to represent the 1st Ward in the City Council and that he will be supported by
MANY VOTERS.

THE ELECTIONS ARE TO TAKE PLACE ON THE FIRST MONDAY OF APRIL NEXT

LIST OF CANDIDATES
TO THE NEXT ADMINISTRATION.

For Mayor
L. U. GAIENNIE.

Recorder
JOHN CULBERTSON.

Aldermen

1st District	J. W. ZACHARIE. GUSTAVE SCHMIDT. SALOMON HIGH.
2d District—	FELIX LABATUT.
3d District.	DR. THOMAS. A. GRAILHE. M. CRUZAT.
4th District—	G. PREVAL.
5th District—	P. PERCY. A. LARA. J. BERRY,
6th District—	
8th District—	F. BUISSON. LOUIS ALLARD.

The following Ticket will be supported at the coming election of the Directors of the Citizens' Bank.

J. A. Merle,	A. B. Roman,
J. E. Forstall,	E. L. Bernard,
P. T. Tricou,	L. J. Hellin Gorg.

The documents which accompanied the governor's message published to-day, sent in answer to a demand on him by the house of representatives, are unavoidably postponed till tomorrow. It must be evident that governor White has clearly and candidly exonerated himself from any blame on the subject—that he performed his duty, and no more.

No mail had arrived yesterday when the post office closed at the usual hour of 6 p m.

The last intelligence from Europe was, that the first instalment due by France would be paid; the next may be that it has actually been paid. "Tis a consummation devoutly to be wished.'

The bill to divide the corporate jurisdiction of New Orleans into three separate municipalities, passed the house of representatives by a majority of 6 to 1; and was yesterday made the special order for this day in the senate, where there appears to be a majority of 5 to 1. Its friends can therefore have no apprehension of its speedy passage; particularly as its advocates seem resolved to admit no amendments, and indulge in no idle discussion!

Its enactments may be enforced in April next, at the coming election; and by the 1st of May, we may expect to find regularly organized, the councils of the three municipalities. On the first Monday in that month, they will be convened in one general council, to deliberate on common specified subjects; and should the mayor veto their proceedings, two of them can have another called to have them persisted in—or otherwise do the best they can. But to prevent the evils of the veto power, it is indispensable that Mr Prieur shall not be elected mayor. The salary of the mayor is to be any sum not less than $5000; and a competent and energetic gentleman may be found willing to become mayor—such as Gaiennie, Peters or Christy. Then New Orleans will indeed 'go ahead.'

There is an article in the American Quarterly Review, entitled 'THE SIEGE OF NEW ORLEANS,' written by Secretary Cass, which elucidates all the transactions of that memorable event in an admirable manner. We may give a synopsis of it tomorrow.

These conversant with human nature in the abstract must often smile at the dependence usually placed on the force of associations as regards locality; particularly when they are not identified with honors and emolument. These figments of the poet's fancy are indeed excellently expressed by Scott—

Breathes there a man with heart so dead,
Who never to himself hath said,
This is my own—my native land?

Yet despite this enthusiasm of the Scottish poet, it is well known that the Scots are the greatest ramblers under heaven; and that they are spread in all quarters of the world—to their honor be it recorded. It is however equally well known that not one in 100,000 of those who so wander for the purposes of trade and subsistence, ever return to reside in their native land: so much so that the practice has degenerated into a proverb, and been the subject of many a satire on those worthy Scots—one of which is in the epigram following,

Had Cain been a Scot, God would have altered his doom,
Not condemn'd him to wander, but confined him at home.

EXTRAORDINARY DISPATCH.—Several New York and other eastern papers of December and January were yesterday duly received by the western mail, having travelled probably through the western states.

We earnestly entreat our editorial brethren of the east to send their papers by the eastern mail, and not by the western! But joking apart, it is distressing to find that all the papers east of Philadelphia are generally sent by the western mail, except those forwarned by the Charleston steamboats. The fault appears to be with the Philadelphia post-office. This we stated often before; yet no enquiry has been made.

LEECHES bring a good price in this city; and would afford a very handsome profit to any eastern merchants who shall forward about 40 or 50,000 hither in a few months. They are very much used during the summer; and last year they were a dollar each. They are still scarce.

THE SENATE.

Tuesday, March 1.

On motion of Mr Bossier, leave of absence was granted to Mr Hoa.

Mr Johnson moued to take up the bill to repeal the law allowing an extra term of the supreme court to be held at Baton Rouge.

Mr Reid opposed the bill; but it was warmly advocated by Mr Johnson, and passed.

Mr Bossier presented a report from the joint committee appointed to take into consideration that part of the governor's message relating to the public school lands in the State; and also a bill to countenance the settlement of floats under certain conditions. Read a first time.

Mr Labranche moved to consider the resolution sent from the house, granting mileage to the travelling committees of the Legislature.

This produced a desultory debate of nearly an hour, which eventuated in postponing the resolution till next day.

Mr Cuny presented the bill referred to a joint committee of conference, relative to the police jury of the parish of Rapides. The amendments reported were approved, and the bill sent to the house.

Mr Johnson presented a report from the joint committee that lately visited the penitentiary; it was ordered to be printed.

Mr Labauve presented a report from the committee appointed to visit the City Bank and report on its affairs.

Mr Landry introduced a bill to authorize Lawrence Rebre to dispose of his property by lottery.

This was opposed by Mr Moore, as the disposal was to be by lottery.

Mr Landry said that if it suited the member from St Helena, he would entitle the bill—'for the relief of L Rebre.'

It was adopted.

The bill for the relief of J B Lefebvre and J B Hardy, was discussed and passed; but it was afterwards ordered to be reconsidered on tomorrow.

The bill for the relief of the Medical College, was made the special order of the day.

The sections originally presented were approved unanimously.

Mr Reid proposed additional sections, requiring the trustees of the college to present vouchers for all expenses; to hold them personally responsible for mismanagement, or waste of funds; and to require he said gratis of the professor of the college for the Charity Hospital, under penalty of forfeiting the benefits of this act.

These sections were approved, and the bill was passed.

The bill for the relief of David Duvall, was read a second and third time, and passed—Mr Labauve showing the propriety of the appropriation.

Mr Cuny moved to take up the bill to incorporate the Rapides navigation company. It was read, amended and passed.

Mr Moore moved to take up the bill to amend the acts incorporating the city of New Orleans.

It was read once, and made the special order for tomorrow.

The senate adjourned.

TO THE HOUSE OF REPRESENTATIVES.

I avail myself of the earliest opportunity afforded by the multifarious demands on executive attention, to comply with the resolution of your body requesting the governor "to furnish the house, as soon as convenient, all correspondence with or communications from any of the major generals of the state, relative to the expedition to Florida, and also with any information as to the organization of the detachment, and the appointment of its commanding officer."

I hereewith transmit copies of the documents and publications on the subject, which it will be necessary to accompany with some explanatory observations.

1st. Document, No 1, is the first general order, issued on the 17th January, on the requisition of General Gaines, inviting the citizens, by voluntary enrollment, to form the required quota of eight companies to be held in readiness to assemble at a moment's warning, and directing the different brigades to be organized, in order that, if sufficient volunteers should not offer, the deficiency might be supplied by draft. The order distinctly specified that the whole companies would form a regiment, to which would be attached a colonel, with the usual complement of inferior officers, and that the services of those who should be soonest organized would be accepted in preference.

2d. Document, No 2, is the second general order, issued on the 21st of January, calling for the service of the troops directed to be held in readiness by the previous order of the 17th, and inviting the volunteer companies to rendezvous at New Orleans on the 3d of February to be mustered into the service of the United States.

3d. Document, No 3, is the account of a large public meeting held in New Orleans on the 23d of January, at which the governor officiated as chairman; a committee was appointed to collect subscriptions and procure volunteers, and general Smith was designated to command the detachment, and annouuced, by authority, in the journals.

4th Document No 4, is the letter of major general Debuys, dated 25th January, offering his services as major general of the first division under a bill (called by him a legion) which bill did not become a law until the 28th of January.

5th Document, No 5, is the promulgation of the act under which general Debuys offered, providing for a corps of volunteers to be raised and organized in conformity with our laws on militia to be commanded by one of the general officers of the state.

6th Document No 6, is the correction in the state paper of a typographical error which occurred in the publication of the aforesaid act, where it was printed as approved on the 26th of January, whereas in reality it was on the 28th.

7th Document No 7, is the governor's proclamation in obedience to the act for a corps of volunteers to be organized in conformity with our laws on militia, to be commanded by one of the general officers of the state.

8th Document, No 8, is the publication of the proclamation.

9th and 10th Documents, No 9 and 10, are two letters from major general Dawson, one dated 26th, the other 27th January, proposing to raise a regiment, provided he could retain his rank, also the officers under him, and receive the compensation due them as such.

11th Document, No 11, is the governor's reply to general Dawson, saying that the quota called for was a colonel's command, which had been raised in New Orleans, and was going to march in a few days under the command of colonel Smith.

12th and 13th Documents, No 12 and 13, are two communications under the signatures of major generals Dubuys and Dawson, in the True American of the 4th and 5th of February, stating, among other things, that colonel Smith had been appointed, through partiality and favoritism, while injustice had been done to them, and they deprived of their rights as major generals.

Having thus furnished the documents, the duty of conveying all the information called for, requires the addition of such explanations as may lead to proper understanding on the subject matter.

One branch of the resolution relates to the appointment of the commanding officer of the detachment; and indeed, that appointment naturally forms a prominent incident in the history of the organization of the corps. As already shown, (see document No 3) it was on the 23d of January that colonel Smith was announced to command it. The moment had then arrived when was all important the commander should be designated. The interests of the service imperiously required it. Affairs had reached a crisis. Men were subscribing for contributions and enrolling their names as volunteers. The aid of a practiced officer was indispensable. The general orders had been out since the 17th of January (see document No 1) calling for a regiment of volunteers to be commanded by a colonel, and no officer of sufficient rank, save colonel Smith, had offered. He was selected. The executive had no other choice.

Colonel Smith immediately entered upon very active duty. The service was very efficiently promoted by his exertions, seconded by the public spirited citizens on the committee. The recruiting went on rapidly: more than a hundred men were enrolled daily; these were regularly attended to and inspected by colonel Smith, and reported by him, until the 3d of February, the day fixed for their departure, when the full complement of seven hundred and sixty volunteers stepped forth in a manner creditable alike to themselves and to Louisiana. The quota was mustered into the service of the United States, and immediately took up its line of march, led by general Gaines in person.

So much for the organization of the detachment and the appointment of its commanding officer.

The next branch of the resolution calls for all correspondence with, or communications from the major generals of the state. On this head it will be proper to be borne in mind that colonel Smith had been announced on the 23d of January as the commander of the detachment. On the 25.h of January, the executive received a letter from major general Debuys (see document No 4) offering his services as major general of the first division to head a corps of volunteers contemplated by a measure then before the legislature, which general Dubuys described as having passed, and of which he handed to the governor a copy, though in reality it did not finally pass; that is, it did not reach the governor officially, until the 28th of January (see document No 6.) The measure alluded to was the act introduced by general Debuys himself on the 25 t January, entitled "an act for the relief of the citizens of Florida," inviting he governor to appeal to the citizens of the state for the purpose of raising a corps of volunteers, to be organized in conformity with our laws on militia, to be commanded by one of the general officers of the state, whom the governor should forthwith designate.

After approving the act, the governor immediately issued a proclamation in compliance with its provision (see document No 7), which proclamation was published in the Bee on the 29th (see document No 8).

On the 28th of January, the governor received from major general Dawson two letters, one dated 26th the other 27th January (see documents No 9 and 10), offering to raise a regiment, provided he could retain his rank, also the officers under him, and receive the compensation due them as such.

On the 29th of January, the governor returned an answer by one of general Dawson's aides-de-camp, (see document No 11) saying that the call made upon the state was for eight companies forming a colonel's command; that these eight companies had been raised in the city, and were to march in a few days under the command of colonel Smith.

On the 4th and 5th of February, two communications appeared in the True American, (see No 12 and No 13), under the names of general Dawson and general Dubuys, the substance of which was, that in the appointment of colonel Smith, they had been unjustly deprived of their rights as major generals, and that colonel Smith had been appointed through partiality and favoritism

These two publications, it is fairly presumable, have given rise to the call of the house for information; and indeed, when officers so high in rank, in this public manner, complain of partiality and favoritism, of injustice and deprivation of right, the allegation very properly claims the attention of the people and their representatives.

As to the partiality and favoritism, it is a matter wholly dependent on opinion, in all appointments, civil or military, the appointing power, whether governor or people, has to act on its judgment, the judgment may result from partiality and favoritism; yet it must be exercised, because it is so ordered by law. It is however confined to a very narrow range when, as was the case in the appointment of colonel Smith, it has no choice but the one.

For whatis perhaps, most remarkable in the conception by generals Dubuys and Dawson of injustice done to them is, that it never was in the power of the executive to appoint either of them colonel of the Florida regiment. Neither of them offered for that station as the documents show.

First as to General Debuys; his offer was made on the 25th of January. At that time Colonel Smith had been selected, and the organization of his Regiment was in a state of advancement. General Debuys did not apply to command the regiment called for by previous general orders. No, his offer was prospective, to command a prospective corps, contemplated by a bill which had been introduced on that day in the Legislature, and which did not become a law till the 28th of January, looking to a corps to be organized in conformity with our laws on militia, to be commanded by one of the General Officers of the state. Who, that has any acquaintance with militia affairs, does not know that such a corps as that, must be, not a Regiment, but a Division or a Brigade, comprising several Regiments, and consequently several Colonels? Accordingly, on the day on which the bill was signed, the proclamation was issued in obedience to it. If such a corps as the one described in the bill and proclamation had prevented itself, then perhaps, but not till then, might the executive have been called on to designate one of the General officers of the state to command it. No such corps, however, did present itself, and consequently, the condition of service for which General Debuys offered, never existed. The regiment under Colonel Smith, it is true, came forward as one component part of the corps described in the bill and proclamation: No other regiment appeared: That of Colonel Smith was accepted. The fact of its having been organized under previous general orders, was no reason in the world why it should not be received under the bill. The object of the orders and the bill was identical, only the bill went farther than the orders To put any other construction on the bill "for the relief of the citizens of Florida," would have been to transform it into a bill to withhold from the citizens of Florida the succour that had been prepared for them under the standing laws of the land; and our state, instead of having passed, as it did, a liberal appropriation for the expedition would have undergone the importation of passing a bill to defeat it But the bill itself admitted of no such sinister interpretation, nor could any such view have entered into the deliberation of the representatives of the people of Louisiana.

Yet this regiment of Colonel Smith, while it answered all the substantial ends of the service that was required, meeting at the same time, in part, the expressed object of the bill and proclamation, did not constitute such a corps as, either by our laws in militia, or by the laws of the United States, could be commanded by a general officer. The regulations of the war department—(order No 25, June 26th, 1832)—provide that whenever detachments of militia are called into the service of the United States, no general officers will be mustered into the service, except such as may be required to complete the organization of brigades and divisions, when the strength of the department renders such organization necessary.

And here I would invite any man who has bestowed even cursory attention on the subject, to point out when and where it ever was in the power of the executive to appoint General Debuys.

As to General Dawson: the time at which he offered, and the nature of his offer are shown in his two letters (No 9 and 10) viz: that he would raise a regiment provided he could retain his rank; also the officers under him, and receive the compensation due them as such, and requiring assurance to that effect from the state.—But the authority of the executive went no farther than was indicated in the general orders calling for the eight companies with a Colonel, those soonest organized to be accepted in preference.

There are persons who, when it suits their interest, ascribe to the governor the most autocratic, unlimited powers; and who at the next moment, when it coincides with their feelings, are ready to contest his right to do the simplest acts of duty assigned him by the law. The regular quota called for in the general order had been organized and accepted, and the day of its departure was at hand, when General Dawson, by a letter from a distance, makes an offer of service, requiring as a sine qua non, to be assured of the rank and pay of a major general, and also a similar assurance for the officers under him. The executive had no earthly power to accept the offer, or give the assurance: and yet General Dawson conceives that great injustice was done him, and that he was deprived of his just rights as the senior Major-general of the state!

On the question as to the right which any major-general might have had, to divest colonel Smith of the regiment he had so successfully organized, it is a legal question to be judged of by the laws of the land. The act of March 8th, 1834, 'for the organization and discipline of the militia,' provides that 'the commander of any quota furnished to the United States, or of any detachment called into the service of the U States, will be selected by the commander-in-chief, from among those officers of sufficient rank who volunteer their services; or he may order it to be determined by lot.'—The governor may thus select his favorite, or he may leave it to chance to choose here.

The 73d section provides that 'an officer may volunteer to serve in a rank below that of his commission, and in that case he will be considered as having the rank in which he offers to serve.'

Now when the executive was called on to appoint a commanding officer to the Florida regiment, Colonel Smith being a Colonel in the Legion, was an officer of sufficient rank. If a Major-general had been offered at the same time, (none however was offered) he also would have been of sufficient rank, and no more. The law does not want more than sufficient: On the contrary, by the terms of the law, he could only have been considered as having the rank in which he offered to serve, that is, as having the same rank with Colonel Smith; and between two officers of equal rank, which has a right to claim the preference? Neither. The law says it must be determined by the commander in chief, or by lot. It is true that Colonel Smith had the rank of a general officer, (that rank upon which so much stress is laid) the law creating his office of Adjutant and Inspector general assigning him the rank of Brigadier general: but that gave him no greater pretentions to the command for which he was selected. This rank of Colonel in the Legion was sufficient. If he had any higher rank, it was surplusage and he waved it. As far as rank was concerned, any Colonel would have been equally qualified with himself.

But it is affirmed that Colonel Smith, holding the office of Adjutant general, could not leave the State without leave of absence from the L gislature. This also is an asseveration on a point of law; and a very slight examination of the law creating his office would, it is thought, lead to a different conclusion.

By the very words of the act, the adjutant general is made the chief of the governors staff. It is therefore as optional with the governor to dispatch him on military duty, any where, within the State or beyond it, as it would be for him to send one or his aids As regards the adjutant general's office duties, it is perfectly competent to the commander in chief to perform them in person if he choose.

All orders issued by the Adjutant general are signed "by order of the commander in chief." The law contemplates his frequent absence, and authorizes him to appoint an assistant. Adjutant general Smith has left an assistant to do any thing that may be required in his absence. Instances are numerous in other States of the Union, where the Adjutant general has been sent out on similar service, and this is perhaps the first time the propriety of it was ever made a question.

General Dawson observes, among other extraneous matters, that the volunteer company from Feliciana were disposed to return in disgust, because they expected to be placed under the command of one of their own officers, but that they came to the Rendez-vous and found a Colonel placed over them, and the money spent by irresponsible men. To that it may be said, that by the terms of the orders under which that company volunteered, the detachment was to be commanded by a Colonel: it had been publicly announced since the 23d of January, that Colonel Smith was to command it on the 3d of February, the day fixed by the orders, they reported themselves at the Rendez-vous, and joined the detachment under Colonel Smith—What, after all this, may have been their disgust at finding a Colonel placed over them, and the money spent by irresponsible men, it is not, perhaps, very material to discuss: yet, there is one fact which it may not be improper to recall, tho' it is what the whole community witnesse and can attest, that the money was spent, under the sanction of the governor at whose disposal it was placed, by men of the most elevated character, men who were moved by the sole desire to aid the cause of the country and sustain the reputation of the State—men who, in disbursing the public funds with the strictest regard to economy, were at the same time, and for the same end, drawing with a free hand on their own private resources—and further, that the money thus spent by these irresponsible men, was expended for the benefit of the Feliciana company precisely in the same way that it was laid out for the rest of the volunteers, and that they, like the rest, were mustered into service, and started on the expedition with the learning of men determined to do what honor and duty might require at their hands.

Generals Debuys and Dawson appeal to the judgment of the public on the question of injustice. The resort seems to be a very appropriate one, for, with the facts and circumstances in view, what dispassionate man, of common understanding, can be at a moment's loss to perceive where the injustice lies?

The information called for by the House is cheerfully furnished, in the belief that, if the history of the Florida detachment should be recurred to these as comments will form a curious item in the annals of Louisiana.

E. D. WHITE

New Orleans, February 29 1836.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 1.

The bill amendatory to the charter of the Baton Rouge and Clinton Rail Road Company coming in its order a second time before the House, and the seventh (additional) section thereof being under consideration, directing the state engineer to survey the work and the Governor to subscribe on the part of the state for two hundred shares; on question from the chair, was there any objection to its passage? Mr Lawson objected, and—

Mr Ogden remarked, that he felt curious to know why gentlemen opposed the passage of this section? It asked nothing more than what was usually grant d to similar companies. That a fund had been established by the state for the purpose of furthering such internal improvements as were deemed auxiliary to her prosperity, and if this should prove to be one, on what pretence could the House withhold from them the provisions of the fund? The stock was a good and safe investment, and he thought the state bound by precedent, by policy and by justice, to give them the assistance asked f r in the section. There were neither bayous nor rivers whose facilities for transportation would supercede the use of this railroad, and the parish and its tributary country, thus left destitute in this important point, demanded the construction of the Baton Rouge and Clinton railroad, and to effect it, needed the provisions which the state had prepared for such works out of the internal improvement fund. This parish formed a component part of the state; she poured into the treasury, in a just proportion, her share of the state's wealth, and when the public spirit of her citizens urged them on to an undertaking of such extent and usefulness as this, useful to both, (for the improvement of a parish could never be separated from the general advantage of the state) and they come forward and ask at this desk her guaranteed assistance, assistance repeatedly yielded to other and similar companies, upon what ground could this House, Mr O asked, deny them their request? It would be partiality, it would be injustice, he thought, to refuse it. He was at a loss to conceive what objection could be urged against it; but more so to know how honorable men could secure to their arguments a hearing from the House, directing them against the very and identical provisions which they had heretofore asked and received from that very House on arguments coming from themselves in support of a favorable legislation on it.

Mr Davidson moved the insertion of the following proviso:

"Provided the same be extended to the Liberty and Springfield Rail Road Company."

Mr Lawson replied that he was influenced by reasons sufficiently cogent in opposing the adoption of this section. It asked the house to make a partial and unjust distribution of the funds allowed last year to the second congressional district, for the purposes of internal improvement; a fund appropriated for the special objects of improving the condition of the bayous and rivers, and to construct such works as would be deemed state improvements, within the precincts of that district; sixty-five thousand dollars of which fund was already been apportioned to the four eastern parishes, St Tammany, Washington, Livingston and St Helena, leaving a balance of only forty-five thousand dollars for the improvement of all the water courses lying on the Mississippi. The proposition of the gentleman from Baton Rouge (Mr O) is to give this remnant to the Clinton Rail Road, thereby depriving the remaining parishes of any benefit from the specific objects for which this fund was created. He would assure the gentleman that the state had not so liberally assisted the Clinton and Port Hudson Rail Road Company.—No: That the stockholders had given from their own pockets the sum of five hundred thousand dollars.—That there were bayous in those parishes which it was necessary to open. Now would it be right or just to take from them the forty-five thousand dollars given to East Baton Rouge, East and West Feliciana, Iberville and Point Coupee? Would it be called either correct or just? Would it be correct or just to deprive these four parishes of the small amount given them for the purpose of erecting works of immense importance and no small expense? To take away the whole fund, a portion of which had already been appropriated to the erection of a bridge over Thompson's creek, an improvement which had been sanctioned by the state, as one of moment and general advantage, to almost the mail and the inhabitants of those parishes from all communication during the winter season with the southern countries? Was this correct or just? The gentleman from East Baton Rouge, he thought, entertained singular ideas of justice, and if those he had expressed were component with his (Mr O's) they were hardly discordant with his own.

Mr Davidson, reading from the laws, said, it appeared that in 1833 the state had subscribed to the Clinton and Port Hudson Rail Road Company for two hundred shares of its stock.

Mr Ogden remarked, that the state had he stofore subscribed to the stock of the Covington Rail Road for a much larger amount.

Mr Davidson's proviso was accepted.

Mr Milligan moved to add a similar provision for the Lacquemine Rail Road Company.—Accepted.

Doctor Brashear moved a similar one for the Lafourche and Barataria Canal Company.—Accepted.

Mr Brashear remarked that, all joking aside (the number of provisos and the eagerness manifest by the members to attach them to the bill having created some diversion in the house) he saw no objection to the provisos that had been offered. They all referred to important improvements, and were all worthy the patronage of the state. He thought the member from East Baton Rouge (Mr O) entertained groundless apprehensions of the fate of his bill, from the provisos which had been attached to it. He thought them more likely to secure it a favorable action than to defeat it.

Mr Landry moved the previous question. Which the house rejected.

Mr Lewis remarked, that although he was opposed to the heavy disbursement of the public treasure, $100,000 which this bill proposed to make, yet, as he saw the house prepared to pass it, he would not object. He was fully sensible that each representative would be asked on his return home why he had not secured some of the pap while it was flowing so liberally. He proposed' to escape that enquiry by tacking his bridge bill on as another proviso:

Mr Ogden did not relish the bridge proviso, and thought the gentleman [illegible] had dipped largely enough into the state's pocket, in his college appropriation of $15,000 and other large grants, to secure to him the lasting gratitude of his constituents.

Mr Lewis' proviso was accepted; and the whole bill as amended passed, on a vote of—ayes 26, nays 8.

COMMUNICATED.

To the Editor of the Bee:

NACOGDOCHES, Feb. 7, 1836.

If the Editors in the United States would publish the following facts, relative to the land offices in Texas, it will prevent persons from being swindled out of their money, and do much good.

Three persons were commissioned to make deeds to settlers and colonists, all of whom kept their offices in this place, and nothing to prevent imposition was communicated to each other whatever.

Those settlers who have families are entitled to one citio of land, equal to 4428 acres and a fraction; a single man to one fourth of a citio, on their becoming citizens of Texas: but there is nothing to prevent their from obtaining deeds for six or more citios of land, when only the first can be of any value. 1st. They can each obtain a deed from George A. Nixon, who is commissioned to make deeds and put the colonists in possession of their lands, in Zavala's, Vehlein's and Burnet's grants. 2nd. If they have been in the country a few years, each can get a deed from Charles S Taylor, who is commissioned to make deeds and put the settlers in the possession of lands in the bounds of a certain district. 3rdly. They can each obtain a deed on the same sort of claim, from George W. Smyth, who is also authorised to make deeds, and put the settlers in the possession of lands within a district allotted to him. And then they can go to Austin's colony, Dewitt's colony, and Milam's colony, and get a deed for land in each, and by settling on the citio first obtained, they can send the titles of the other citios to different parts of the United States, and sell them to the highest bidder, and the purchasers get no value for their money whatever.

The alcaldes have been authorised to make deeds for large grants; and some men have special commissions to make deeds also, which the purchasers ought to investigate.

My knowledge of the above facts was obtained by attending to the duties of the Empre Sanoes, Zavala, Vehlein and Burnet, and examining the surveys made in their colonies for settlers during last year. And I have no hesitation, from what has taken place under my own observation, to advise all those who contribute to the aid of Texas, not to forward the amount by any persons who may show commissions or certificates—except commissioned by the Governor of Texas for that purpose, or by the friends of those who make the donations.

ARTHUR HENRIE.

OFFICIAL.

Twelfth Legislature—Second Session.

HOUSE OF REPRESENTATIVES.

Friday, Feb. 26, 1836.

The House met according to adjournment.

A call of the House having taken place, it appeared that Messrs Armand, Debuys, Dixon, Dosson, Freret, Haile, Lawson, Milligan, Ogden and Patin did not answer to their names.

Mr Penn presented to the House a petition of sundry citizens of the parish of St Tammany, in relation to a ferry in said parish.

On motion, ordered that said petition be referred to a select committee composed of three.

The Speaker appointed Messrs Penn, Bickham and Bread on said committee

Mr Delachaise on behalf of the committee of enrolment, reported that he had this day submitted for the approbation of the Governor, the following bill and resolutions, to wit:

An act to amend the act entitled an act to provide for the payment of the rent of the houses or apartments occupied by the several courts of this State in New Orleans, and for other purposes; approved March 6, 1819.

Resolution requesting our Senators and Representatives in Congress to obtain a final decision of the land claims in the northern parts of the State, known as the Bastrop grant, and an extension of the preemption law.

Resolution requesting our Senators and Representatives in Congress to settle the contest between the settlers under U. States titles and claimants under Spanish grants, in the county of Feliciana.

Resolution requesting our Senators and Representatives to obtain an appropriation of money to construct a canal from the Mississippi to the bayou Barataria. And

Resolution requesting the Board of Public Works to cause Boeuf river and Bayou Darbonne to be examined.

The same member on behalf of the same committee, having reported as duly enrolled the bills entitled

An act to change the time of appointing assessors of the State tax in and for the parish of St Landry; and

An act granting further powers to the board of police of the town of Opelousas; and also the

Resolution authorizing the Governor to pay the expenses of the volunteers under Col Leonard.

The Speaker signed said bills and resolution.

The clerk was directed to request the signature of the president of the senate thereto.

Mr Penn, on behalf of the committee of fin