

New-York Daily Tribune. SATURDAY, FEBRUARY 4, 1865. The Tribune is published daily, except on Sundays and public holidays. Terms of the Tribune: Daily Tribune, \$10.00 per annum; Weekly Tribune, \$2.50 per annum.

We have, at the moment of writing this paragraph, no further positive news in regard to the progress of the negotiations for Peace. Affairs, indeed, have reached that point when nothing further is to be looked for a day or two.

NEWS OF THE DAY.

THE WAR.

It appears from an official report of the War Department, that the amount of attorney's fees paid since June last is \$3,000, of which \$2,000 was paid from the habeas corpus appropriation, the remainder from the contingency appropriation of the army.

Fifty-three Rebel officers, who were captured by Gen. Sherman, have arrived at Washington from Savannah. Among them are Gen. G. P. Hamilton, a large number of Colonels, Majors, Captains, Lieutenants, and several naval officers, all of whom have been committed to the Old Capitol Prison.

Maj.-Gen. Burbridge and Col. Farleigh returned to Louisville on Thursday from the front, the former resuming his command, and the latter for the present his position as commandant of his post.

The crew of the Rebel steamer Florida, which was captured in the harbor of Bahia by the United States steamer Wachusett, have been liberated by order of the Government. They numbered about thirty.

James Devlin, a professional bounty jumper, was executed at Governor's Island yesterday afternoon for the crime of desertion. He was pierced by eight balls and died without a struggle.

Last Wednesday's Nashville Union says intelligence entirely trustworthy reports that Taylor's (late Hood's) army is rapidly disintegrating and that deserters by hundreds are coming into our lines.

Burling, the Lake Erie raider, was delivered to the United States Provost-Marshal, at Suspension Bridge, New York, yesterday morning at 4 o'clock.

GENERAL NEWS.

Dr. S. Parker, Jas. R. Wood, and Stephen Smith of New York appeared before the Senate Committee on Cities on Thursday evening in favor of the bill to reorganize the sanitary department of the city of New York. Dr. Smith made a most instructive and interesting address, setting forth the results of the very thorough sanitary inspection of the city made during the past few months by the medical department of the Citizens' Association.

The break in the New-York Canal near Rochester is being rapidly repaired, and teams being constantly at work. The cold weather of the last three weeks has proved a very serious obstacle from the immense quantities of accumulated snow and ice, and the depth to which the frost has penetrated the ground. It is expected, however, that navigation will be resumed by April 1, so far as the breach at Ox-bow Bend is concerned.

Thomas J. Hamel, residing at Port Huron, Mich., was yesterday committed by Justice Dodge in default of \$10,000 bail, on a charge of having, last Fall, by wholesale dealer in boots and shoes at No. 35 Courtland-st., goods to the amount of \$5,000.

In Weymouth, Mass., on Thursday, an explosion took place in the pyrotechnic manufactory of S. E. Hunt, by which three young women were killed and one badly injured. Two of the deceased were daughters of Isaac Binney, and the other a daughter of Samuel Phillips.

A prize fight came off on Thursday morning near Wilmington, Del., between Ward and Farrell. Ward was badly whipped. The military surrounded the party, arrested one hundred and fifty, marched them six miles, and handed them over to the civil authorities.

A fire at North Adams, Mass., yesterday morning, destroyed Smiths Block, the Arcade Block, and several wooden buildings adjoining. The News and Transcript newspaper office was totally destroyed. Several persons were injured by falling walls.

A fire occurred at Pittsburg, Pa., on Tuesday morning, destroying the patent leather factory of J. St. McLoughlin, the rolling mill of Keesport & Dulland, and the oil refinery of Wessenberg, Fisher & Co. The loss is about \$50,000, which is mostly insured.

It is announced that the five per cent legal tender notes will be received by the General Subscription Agent in payment of subscriptions to the new seven-thirty loan, with all accrued interest to date of receipt.

Notice of a motion has been given at Chiergo for an injunction and a receiver in the case of Julius Wadsworth and the majority of the shareholders in the Old Galena Railroad Company. The motion is for Monday next.

Mr. Samuel Noble, of Boston, who had attained the age of ninety-nine years, died on Friday last. He was a native of Durham, N. H., and born August 10, 1765. He was the oldest man in Boston.

The United States supply steamship Newbern, Capt. Washburn, arrived at this port yesterday morning from the North Atlantic Blockading Squadron, and 24 hours from Fortress Monroe.

The tobacco warehouse of Varetta Friedman & Co., of Chicago, was destroyed by fire on Wednesday night. Loss on stock, \$100,000; insurance, \$60,000. Loss on building, \$50,000, fully insured.

Gold has been excited to-day, opening at 206, falling to 205, followed by a steady rise to 208 at 3 p. m. The closing sale was 203, and the extreme of the day 202 1/2.

The advance seems to be the result of purchases to cover short contracts by third operators, in the absence of a prohibition of peace from Fortress Monroe by the President.

Gold is one of the objects attending a violent speculation, and there are no such buyers for a permanent rise. Government stocks are all strong and in demand. Money is abundant at 6 1/2 per cent on call, and large balances remain unemployed among stock holders. In commercial bills no change is abundant, and the speculative value in gold has not put up rates. As strong bills are made can be had at 5 per cent, though leading drawers continue to ask high rates.

THE CONSTITUTIONAL AMENDMENT.

In twenty of the twenty-five States which took part in the late Presidential election, the Legislatures are in session. All of these, with the exception of Delaware, Kentucky and New-Jersey, are under the control of the friends of universal freedom, who are responding to the great move of Congress with inspiring alacrity.

Major-General Gilmore and staff sailed on Thursday for Hilton Head. Gen. Gilmore is appointed to the command of the New Department of the South, which includes South Carolina, Georgia, Florida, and a part, if not the whole of North Carolina. He supersedes Gen. Foster, but Gen. Sherman, of course, still remains in command of the army in the field as heretofore.

A salute of 100 guns will be fired at noon to-day, in the Park, by the Union General Committee, in honor of the ratification, by the State of New-York, of the Constitutional Amendment putting an end to Slavery.

HOW THE MONEY GOES.

The current expenses of the Federal Government are not less than Three Millions of Dollars per day, or over One Thousand Millions per annum. About One Million per day is raised by taxation, in addition to the heavy cost of supporting our state and local authorities, Roads, Schools, Public Charities, &c., &c., leaving some Two Millions per day, or Seven Hundred Millions per annum to be added to our vast National debt.

Such are the circumstances under which—with a gigantic war for the National existence still in progress—the House of Representatives sees fit to pledge the National resources and credit to two new works of Internal Improvement—a Ship Canal around the Falls of Niagara, and another connecting the waters of Lake Michigan with those of the Mississippi.

But what use in running down the false pretenses under which these schemes are pushed? Every one knows who knows anything that they are not initiated with any view to National defense or Military operations—that they are simply raids on the Treasury for personal and local aggrandizement. They are intended to make the fortunes of individuals, some of whom are after money, others intent on office and political consequence. They are grabs, on the principle of each for himself and the evil one take the hindmost.

We are not denying, and will not now discuss, either the abstract utility or the ultimate feasibility of the works in question. Of course, they can be made, with money enough; and they will add somewhat to existing facilities for internal commerce. Their construction may at some future day be advisable, though we cannot readily admit that the Federal Treasury should ever be saddled with their total cost. But to compel it to shoulder the load now, when our overstrained Public Credit is where it is—when our heroes in the field are vainly asking for their hard earned pittances to feed and clothe their needy wives and children—when some brigades have had no dollar for their last six months' service, and are becoming mutinous and unserviceable because unpaid—when nobody deals with the Government who can find any other customer, because payment is withheld to the last moment, and then oftener made in certificates of indebtedness which must be sold at a heavy discount—when everything saggs and drags for want of money, and because the National credit is so dubious—did human infatuation and short-sighted greed ever before prompt such a compound of insanity and practical treason?

FEARFUL.

The following paragraph—which we clip from a recent issue of one of our contemporaries—is worth preserving as a specimen of a kind of argumentation about to be discarded: "THE FRUITS OF ABOLITIONISM."—Since Butler took New Orleans, 300,000 slaves were perished in Louisiana from starvation, sickness and want, according to Gen. Banks. In Washington, right under the dome of the Capitol, creasing, starving, dying in stables and being sold as 40,000 freed negroes. Disease and death are

playing and havoc with them. Fear-fits of the final hour have no end, and their destination is awful. Who are responsible for all this misery and death? Philanthropic Abolitionists."

The whole number of slaves in Louisiana, by the census of 1860, was 333,010, and many more have since run out or been carried out of the State than into it. If the above were correct, more than nine-tenths of the entire slave population of Louisiana have since "perished from sickness, starvation and want," when in fact there are to-day over 100,000 still left in Slavery, with an equal number living in freedom.

Never, since the war of independence, did so much depend on the votes of a few members of State Legislatures. Every friend of freedom and progress indulges the hope, that a few Democratic members in either Legislature will be found, to take part in and hasten the ratification of the act of Congress.

MR. FRY'S DRAFT.

Mr. Provost-Marshal General Fry has put forth a draft of his bill, which will be found in full in another column. At the late hour at which it is received we have no time to deal with it in detail, and fortunately little of detail is necessary, for the indefensible theory which underlies the whole scheme is broadly stated in a single sentence. Mr. Fry declares that "Under the call of December 19, [20th is the real date.] it is required that three hundred thousand (300,000) men, (and not credits alone) shall be obtained." On that declaration we discuss the whole question.

Who says "shall be obtained"? Not the law; not the President; only Mr. Fry. The President's call was for 300,000 men. Mr. Fry aggravates it into a call for 300,000 men plus all those which different localities have supplied in advance of the call. The "actual call," therefore, as is elsewhere stated, is for "four hundred or five hundred thousand men." It is upon that theory, if at all, that Mr. Fry's quotas are to be justified.

Unhappily for the theory, the law and the text of the President's call are still in existence and may be quoted. They directly contradict and utterly upset this theory. The call of the President, dated December 20, 1861, recites that on the call of July 18, 1861, for 500,000 men the number was reduced by previous credits to 250,000, and but 250,000 were actually obtained, and "in order to supply the aforesaid deficiency" the President issues his call of December 20—not for four or five hundred thousand, but for "Three Hundred Thousand." Both legs of Mr. Fry's theory are therefore knocked from under him.

Nor does the law tolerate this theory of a fixed number without regard to previous credits. The law provides for a call for volunteers; if that be not filled within fifty days then a draft for the deficiency. The President has no power to order a draft for the whole number expressed in the call, if any part of the call shall have been previously filled. The language is: "The President shall immediately order a draft for one year to fill such quota, or any part thereof which may be unfilled." If a district has supplied volunteers either before or after the call, they count in filling its quota, and otherwise. The written law stands. Under the law, it is wholly immaterial whether the district be entitled to credits. The men it has furnished the Government are to be accounted for by the Government, and we venture to say not by who drew the law, nor any legislator who voted for it, nor any same man who ever read it—except Mr. Fry—supposed credits for previous enlistments could be withheld. What the law contemplates is simply that each district shall furnish its ratable proportion of men for the defense of the Republic—its proportion, and no more than its proportion.

A correspondent who appears in yesterday's Evening Post as the officially inspired apologist of Mr. Fry, sums up the case in the following paragraph, which we beg the reader patiently to peruse: "A third cause of increase in the quota came from the following facts: New-York City, thanks to the energy of Mr. Bunt, has been prompt to claim all the credits she was entitled to. Other localities had not done so, and when the call was announced all parts of the country hastened to claim their credits. The result to be noticed. Under the system formerly prevailing, the allowances of these credits would not have affected other localities. It would merely have decreased the number of new men to be obtained by the call. But under the system already referred to of requiring the call to actually produce three hundred thousand men, the allowance of these credits of course required a new arrangement of quotas throughout the country. Credits which the enrollment necessarily allowed to other localities also involved further changes in the quotas. These were worked against New-York City, because she had previously claimed her credits, and had not yet got into a position to show specifically the credits in her enrollment."

We take that as an unintentional but decisive admission of the illegality of the system of computation adopted by Mr. Fry. We have shown above that no authority in law exists for requiring the call to actually produce three hundred thousand men." Yet it is here not only admitted but claimed that that illegal and arbitrary construction constitutes the sole basis of the present demand. Heretofore, says Mr. Fry, in substance, the law has been followed. Credits have been allowed, and the demand of the Government to that extent—which the Government, keeping all the accounts, must be presumed to have foreseen and allowed for in fixing the amount of its call—to that extent abated. But now, I, Provost-Marshal-General Fry, resolve to have my

300,000 men whether or no—the would a flesh because it is nominated in the bond; though it is not nominated in the bond, as we have shown. Therefore, when I am compelled to allow credits on one assigned quota, I add to quotas elsewhere enough to make up the difference. Carry the principle to its logical conclusion. Suppose the quotas of the rest of the State filled by credits—then Mr. Fry will demand the whole of its 61,000 from New-York City alone. Suppose the quotas of the other States also filled by credits; then from New-York City alone will be demanded the whole 300,000, for his "system" requires the call to "actually" produce 300,000 men, and if they cannot be had legally elsewhere, they must be had illegally here.

We deem it unnecessary to go into further details of Mr. Fry's explanation, for we show both that his theory is wrong, and that his application of it, carried to a perfectly possible extreme, would work such injustice as not even he would venture to defend, still less to execute. But if the Government means to adopt and endorse Mr. Fry's scheme, then we have to say that the time for enforcing it ought to be postponed. The law manifestly contemplates that each District shall be allowed fifty days in which to fill its quota by volunteering. Now, if a District does not know what its quota is till less than a fortnight before the draft is to be enforced, it is defrauded of the benefit of the law. It does not have an opportunity, which the law meant it should, to fill its quota by volunteers. Still more, if at the beginning of the fifty days it is officially informed that it has to raise 4,000 men, and a month afterward is astounded with the statement that it must furnish 21,000—still more in such a case is such a District entitled to claim the postponement of the draft till it shall have enjoyed the full term provided by law for volunteering.

If, therefore, New-York is to furnish 21,000, or 16,000 men, or any other number in excess of 4,000, it is entitled to time. No man yet knows what its quota will finally be. When it is fixed, let us have time to fill it. There is and will be a deep conviction that the city has been dealt with unjustly. No matter how well or ill-founded that conviction may be, the Government will do wisely to consider the fact of its existence. And it will do wisely, because it will do justly, to carry out the spirit and intent of the law by allowing, after the quota shall have been settled, the full term of fifty days to fill it by volunteers. Such a course will occasion delay, but for that delay the Government and its officials are solely responsible.

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Coston last evening, 1000 bales at 70c; good ordinary, 70c; Africa, 65c; choice, 60c; receipts of the week ending January 28, 3,277 bales—exports, 3,500 bales; stock on hand, including on shipboard, 4,574 bales. Sugar, 22 1/2 @ 23 1/2. Molasses, 81 @ 82 1/2. Cotton Receipts to New-York, 3c.

300,000 men whether or no—the would a flesh because it is nominated in the bond; though it is not nominated in the bond, as we have shown. Therefore, when I am compelled to allow credits on one assigned quota, I add to quotas elsewhere enough to make up the difference. Carry the principle to its logical conclusion. Suppose the quotas of the rest of the State filled by credits—then Mr. Fry will demand the whole of its 61,000 from New-York City alone. Suppose the quotas of the other States also filled by credits; then from New-York City alone will be demanded the whole 300,000, for his "system" requires the call to "actually" produce 300,000 men, and if they cannot be had legally elsewhere, they must be had illegally here.

We deem it unnecessary to go into further details of Mr. Fry's explanation, for we show both that his theory is wrong, and that his application of it, carried to a perfectly possible extreme, would work such injustice as not even he would venture to defend, still less to execute. But if the Government means to adopt and endorse Mr. Fry's scheme, then we have to say that the time for enforcing it ought to be postponed. The law manifestly contemplates that each District shall be allowed fifty days in which to fill its quota by volunteering. Now, if a District does not know what its quota is till less than a fortnight before the draft is to be enforced, it is defrauded of the benefit of the law. It does not have an opportunity, which the law meant it should, to fill its quota by volunteers. Still more, if at the beginning of the fifty days it is officially informed that it has to raise 4,000 men, and a month afterward is astounded with the statement that it must furnish 21,000—still more in such a case is such a District entitled to claim the postponement of the draft till it shall have enjoyed the full term provided by law for volunteering.

If, therefore, New-York is to furnish 21,000, or 16,000 men, or any other number in excess of 4,000, it is entitled to time. No man yet knows what its quota will finally be. When it is fixed, let us have time to fill it. There is and will be a deep conviction that the city has been dealt with unjustly. No matter how well or ill-founded that conviction may be, the Government will do wisely to consider the fact of its existence. And it will do wisely, because it will do justly, to carry out the spirit and intent of the law by allowing, after the quota shall have been settled, the full term of fifty days to fill it by volunteers. Such a course will occasion delay, but for that delay the Government and its officials are solely responsible.