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BALTIMORE, SATURDAY, DECEMBER 7, 1861.

VOL. I.

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gotiated. DANK OF COMMERCE STOCK WANTED I, J TORMEY 22 North Street DALTIMORE GAS LIGHT COMPY STOCK D WANTED by I, J TORMEY.

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CARRICAPITAL PAID UP ARREST NOVEMBER WIN, 1869. B. C. WORKIN, President THOS. LORD, Vice Prog. 202

SAMERI, H. MCHIRK, Sec. PLACE The quiteragned respectivity adjects apply attend to the conin this to trable office. HENRY W WARFIELD A. IL M WARFIELD & CO.

T HAVE NOW ON HAND, and will be constantly supplied with a full stock of the above celebrated COAL, which I offer to consumers at the very lowest market prices.

R. W. TYSON, Bole Agent, 58 Second street. po 2-6₩

The South.

THE POLICY OF THE EMANCI-

PATIONISTS. We think the Emancipationists are entitled to being heard, and we give their views as expressed

of Illinois:

Mr. Trumbull, introduced a bill confiscating the property and giving freedom to the slaves of rebels. him to perform the service. He said: In presenting this bill to the considerstion of the Senate, I desire to accompany it with of the insurrection, to seize, imprison, or shoot slaves of rebels would be equally clear with that the Senate. some remarks explanatory of its character and | the insurgents; to desolate the country they oc- | to confiscate their property generally, for it is as | the principles on which it is based. As its title cupy; to seize, appropriate for the time being their property that they profess to hold them; but as Home Missionary Society of the Methodist Proimports, it is a bill for confiscating the property property, and free the persons they hold in bond- one of the most efficient means for attaining the testant Church, which was read the first time. and giving freedom to the slaves of rebels. It | ege, is as ample and complete under the Constitu- | end for which the armies of the Union have been | forever to the United States of every species of imprison, try, and execute a murderer. That the given liberty of which they have been unjustly property, real and personal, and wheresoever judicial tribunals have no right or power to inter- deprived is doubly clear. It only remains to in- peaced in the House this morning and was qualisituated within the United States, belonging to | fere with the army in the exercise of its powers in | quire whether, in making use of lawful means to | fied. persons beyond the jurisdiction of the United suppressing an insurrection, either by issuing crush this wicked rebellion, it is policy to confis- Mr. Matthews asked that leave be granted to ordinary mode of judicial proceeding, in conse- from the fact that the only ground on which the the support of unrequited labor. Can there be a of code, known as the Baltimore Police bill. Reexistence, shall take up arms against the United | the judicial tribunal, being overborne, are incom- | treason has gained strength by the leniency with | Leave was granted to the Caroline and Somerclaims of his loyal creditors, to be held for the to suppress insurrection; and Congress, soon after they have fallen into our hands, have been suf- to repeal an act entitled "An act to amend the

sons they hold in slavery, declares the slaves thus judicial proceedings, and by an act passed at the twenty millions of people, now contributing of Leave was granted to the Worcester delegation forfeited, tree, and makes it the duty of the Presi- first session of the present Congress, the President | their means and their blood to its suppression; to report a bill amending the local laws of that dent to provide for the colonization of such of is authorized, in certain cases, to declare the in- more than half a million of men-as noble spirits | county in relation to oysters. them as may be willing to go, in some tropical habitants of a State, or part thereof, in a state of as ever trod the earth in martial array—now en- | On motion of Mr. Stockdale it was ordered that country, where they may have the protection of insurrection, and make use of the army to sup- camped in tents, and undergoing all the hardships when the House adjourns it adjourn till Monday the Government and be secured in all the rights | press it. and privileges of freemen. The property belong- The responsibility, therefore, of determining confined in prisons, and some in dungeons, by the A message was received from the Executive transing to traitors, or those giving them comfort, who | when and in what districts of the United States the | Rebels: the blood of the disinterested, the noble | mitting the returns of the election of members of may be convicted by the judicial tribunals, is to military power may be used to suppress rebellion hearted, the dauntless, and heroic Lyon; of the the House. Referred to the Committee on Eleche forseited on their conviction, the realty for is devolved by Congress on the Executive, and gisted, the elequent, the brave and patriotic Baker; tions. life and the personal property forever. These when the military power is called into requisition, and of the hundreds of other loyal citizens and Mr. Ensor asked leave to introduce a bill to proare the main features of the bill I have introduced, the judicial authority can no more interfere with true men, shed by Rebel hands, still uplifted for vide for the appointment of a commission to superaccompanied with the details necessary to accom- its action than can the military with the judicial the slaughter of thousands more, and the destructive time the recopying and transcribing of the records that a distinction is made in the mode of forfeit- stances, either may be called to the aid of the other considerations, all demand that the authors the Clerk of the Circuit Court for Baltimore coundistricts within the reach of the process of law in and the military would doubtless have like author- made to suffer, both in their persons and their bills of sale, and other trial and chancery papers, case to be enforced through the military, and in districts under insurrectionary control, should and are committing against private rights and records and original papers have been wholly the other, through the judicial power. This is a they be deemed a proper means by the military public liberty. Besides, Sir, not to confecate the burnt up and destroyed, and to anthorize a levy matter of necessity, for it would be impossible to power to aid in suppressing the rebellion. In property of rebels is to offer a premium to dis- for the expense thereof. Referred to the Baltimore enforce the forfeiture through the courts in dis- each case the power called to the aid of the other, loyalty, so long as they, wherever in power, con- county delegation. tricts where the judicial power was overborne by whether it be the military in time of peace to the fiscate the property of loyal citizens. CITOCKS AND SECURITIES of this and other the rebellion, and, if not impossible, it would, in assistance of the judicial in times | Under such a policy the rebell's property is safe, the Governor to have prepared a suitable number torce it in any other way in districts where the be subordinate to the power making the call. In allegiance, his country, and his flag, is, if within Committee on the Militia.

the property of the traitor within reach of the military may operate and that subject to judicial | der that under such a policy treason, which at FURTHER FROM EUROPE. Court can only be forfeited by the Court—the control, and clearly to confine the jurisdiction of first had but a partial footbold in such States as personalty forever, and the real estate, under the each, confining the seizure and forfeiture of prop- Missouri, Kentucky, Tennessee, North Carolina, gress to pass a bill of this character is, to my der insurrectionary control to the military power, now has complete possession. The loyal citizen | American arrived here to-night, with Liverpool thind, unquestionable, but 1 do not place it on and its condemnation and forfeiture in other por- in all the States where the rebels have sway knows dates to the 22d ult. The case of the steamer the ground which has been advanced in some tions of the United States to the judicial power. that the penalty for an avowal of his allegiance to Nashville and Harvey Birch attracted great attemsuch times what persons may choose to call neces- retain possession until its final disposition, upon protected by friend and foe. If we would bring Harvey Birch had gone to London to consult sity is higher and above the Constitution .- the same principle that of two Courts of concur- this war to a successful issue, it is high time it with the American Minister. The crew of the from admitting the superiority of the military sons captured by the military authorities in insur-struggling for the preservation of the Union and Birch declare that she was in soundings when the system are three, of which the military is not one. within districts where the judicial power is in full cute the war with vigor, and it will soon be ville made into a ship-of-war at Southampton, It is merely incident to the others, and subject to operation. one of these, the legislative, without whose per-

as Congress shall prescribe for its government. When, therefore, our armies, to raise and surthe Constitution, go forth to suppress insurreci tion, and in doing so shoot down rebels and des- i olate their abodes, as they constitutionally may, they are as much subordinate to the civil power process was not obstructed. I want no other authority for putting down even this gigantic rebellion than such as may be derived from the Constitution properly interpreted. It is equal even to) provisions, the more it is tried in troublous times. I the greater will be our admiration for the instrument and our veneration for its authors. As unpopular as the avowal may be for the moment emong the thoughtless, I here declare that I am for suppressing this monstrous rebellion accordling to law, and in no other way, and I believe h that Congress has only to discharge its duty, and bring the war to a speedy and successful issue.

and it especially becomes us, in appealing to the people to come to the rescue, not to violate it ourport armies; 'to provide and maintain a navy; of property. Wheaton holds this further lan-

make such use of it, consistent with the rules of war, or in retaliation for forteitures by the enemy. with an employment or duty is presumed to be United States the right to confiscate in turn. invested with all the power necessary to enable

Hence the power of the army in the suppression | against the Government. The right to free the and Cole, of Frederick, were appointed printers to provides for the absolute and complete forfeiture I tion as that of a court, in praceful times, to arrest, I called forth, the right to restore to them the God-States, or terond the reach of civil process in the write of habeas corpus, or otherwise, is apparent cate the property of rebels, and take from them report a bill repealing sections 697, 8, 9, 10, &c., quence of the present rebellion, who, during its military authority can be invoked at all is, that question on this point? Who does not know that ferred to the Baltimore delegation. States, or in any wise aid or abet the rebellion. petent to the task. The judicial authority crases which it has been treated? We have dallied with set delegations to introduce a bill regulating the This for feiture to be enforced against property in at the very point where the military begins. It it quite too long already. Instead of being look- catching of fish and ovsters. the relicitions districts through the military pow- may be, and often is, a delicate question to deter- ed as the worst of crimes, as it really is, it has Mr. Matthews asked leave for the Committee er, and against property in other portions of the mine this particular point, and decide in what lo- come to be regarded as a trivial offense, to be of the Judiciary to report a bill repealing cer-United States in which the judicial power is not calities the military, and in what judicial authori- atomed for by a promise to do so no more. The tain portions of an act relating to the Superior obstructed by the rebellion, through the courts, by should have sway. This the Constitution has despoilers of loyal citizens, the conspirators Court and Court of Common Pleas, which was and the proceeds of the property of each indi- left to be provided for by Congress, by declaring against the peace of a nation, the plunderers of granted. vidual seized and forfeited, subject to the past | that it shall have power to call forth the militia | the public property, the assassing of liberty, when Also, to the committee on corporations, leave Make collections on all accessible points in the benefit of loyal citizens despoiled of their proper- the adoption of the Constitution, passed an act fered to escape on taking an oath of allegiance, fourth article of the Code of Public Local Laws, to by the religition, and to defray the expenses in- authorizing the President to call forth the militia which many hove not accupied to violate the first by adding thereto the sections authorizing the for that purpose whenever the laws of the United | opportunity. The bill also forteits the claims of all rebels and States were obstructed by combinations too pow- Thousands of industrious and enterprising men the public debt," and to repeal section 871 of the those who give them aid and comfort, to the per- erful to be suppressed by the ordinary course of have been ruined by this rebellion. More than article passed at June session, 1861.

> plish the objects dictated. It will be observed tribunals in time of peace. Under certain circum- tion of free government; these, and a thousand partly burnt and destroyed by fire in the office of present the property in districts under insurrect other. The Courts sometimes made use of the of these calamities, and others yet to follow, if ty, and to prescribe the proceeding for the substitute of these calamities, and others yet to follow, if ty, and to prescribe the proceeding for the substitute of these calamities, and others yet to follow, if ty, and to prescribe the proceeding for the substitute of these calamities, and others yet to follow, if ty, and to prescribe the proceeding for the substitute of these calamities, and others yet to follow, if ty, and to prescribe the proceeding for the substitute of th tionary control, and that which may be found in military in aid of the execution of their powers, they have the power to inflict them, should be fution and record of other deeds, mortgages and its ordinary forms. The forfeiture in the one its to make use of the aid of judicial tribunals in property, for the enormous crimes they have been dockets, and evidence of debt, in cases where the my judgment, te clearly unconstitutional to en- of rebellion to the assistance of the inflitery would let who will triumph, while the man true to his of blank military commissions. Referred to the property seized was within the reach of legal pro- accordance Bith these principles, it has been my their power, despoiled of all be possesses. Under object in framing the bill under consideration to such a policy, the path of safety for property is members leaving in the boats and cars. So also in the case of a conviction for treason distinguish between the property on which the to place it on the road to treason. Is it any won-Constitution, for life only. The power of Con- erty situated in districts of the United States un- and Virginia, has apread till in some of them it quarters, that in times of war or rebellion the Whichever first takes hold of the property within his country is the forfeiture of all he has, while tion in England. The Nashville remained at military is superior to the civil power; or, that in its jurisdiction would, upon principles of comity, if he forswears his allegiance his property is alike Southampton for repairs. The captain of the Necessits is the plea of tyrants, and if our Con- rent jurisdiction, the one which first gets posses- was made as terrible to the enemies as to the Harrey Birch were vowing rengennee against the stitution cease to operate the moment a person | sion of a case affecting either persons or property, | friends of the Republic. | Mercy and security to | crew of the Nashville, because they were placed charged with its observance thinks there is a is entitled to retain jurisdiction until its final dis- conspirators and releas in arms against the Gov- in irons for refusing to take the oath of allegiance necessity to violate it, it is of little value. So far position. It is upon this principle also that per- ernment are cruelty and peril to loyal citizens to the Confederates. The officers of the Harvey over the civil power in time of war, or that there rectionary districts may still be retained as pris- maintenance of constitutional liberty. is any necessity that it should be so, I hold that oners by the military power, without interference | They who deny their allegiance to the Govern- was on board the Nashville, on a mission from under our Constitution the military is as much with the Courts, till their cases are finally dis- ment have no right to claim its protection. Let North Carolina, and, with Commander Pegram, subject to the control of the civil power in war as posed of, notwithstanding they may be for purt the Government cease to afford it; deal with them had gone to London. in peace. The powers of Government under our | poses of safety, or other reasons of State, brought |

mission it can have no existence, and when called under the Constitution to suppress an insurrection stitutional liberty, are to be overcome by less than tradity of the Queen's proclamation has not been into being by the action of Congress, it is by the may be rested with all the power necessary to the one-fourth their number fighting for the over- infracted by landing prisoners of war by the Nash-Constitution expressly made subject to such rules | end, consistent with the usages of civilized war- throw of free Government, the establishment of ville. The London Times alludes to the case and fare, it follows that if hostile armies may ever con- aristocracy, and the perpetuation and spread of points to the visit of the steamer Adger and says: fiscate an enemy's property, the rights of the Uni- human Slavery. But while fighting this battle It would be to the interest of England to keep them port which Congress has express authority under ted States to do it in the case of the Confederates in behalf of Constitutional liberty, it behooves us both out of our harbors, but if this cannot be done is unquestionable, for surely no war was ever especially to see to it that the Constitution receives they must both be let in alake. more atrocious than the one now being waged by no detriment at our hands. We will have gained The London Nor although wishing the comthe Confederates for the overthrow of this Govern- but little in suppressing the insurrection it it be mander of the Nashville to be punished, says if he ment. They surely cannot complain of treatment at the expense of the Constitution, for the chains can produce a commission from the Confederate peace, and contraband property seized and appropriated by the military in insurrectionary districts in suppression of the rebellion, is as legiti- question of international law, which has been mately taken as if condemned to forfeiture by the affirmed by our own Supreme Court. In the case) judicial authorities in districts in which judicial of Brown agt, the United States reported in the | eighth Cranch, the Court says: "Respecting the | power of Government, no doubt is entertained. That war gives to the sovereign full right to take the persons and confiscate the property of the ene-The Neptune Insurance Company, this great energency, and the more we study its my wherever found, is conceded. The mitigations of this rigid rule, which the humane and practice, will more or less affect the exercise of when this struggle is over, we will have an assu- board. this right, but cannot impair the right itself. That | remains undiminished, and when the sovereign before, and that Constitutional Liberty is estable on and Anglo Saxon now about due from Liverauthority shall choose to bring it into operation. Hished on a foundation which no human power pool. the judicial department must give effect to its will ever be able to subject. will. But until that will shall be expressed, no the army perform its with energy and activity, to power of condemnation can exist in the Court." to the Judiciary Committee. That case also decides "that the power of confis-| cating enemy's property is in the Legislature." We are fighting to mair tain the Constitution, Wheaton, in commenting on the case, says .

stitution declares that Congress shall have power tel only a right to confise ite, the assertion of efforts -N. 1. Jour. of Com. "to declare war" and ' make rules concerning which depended on the will of the sovereign powexplutes on land and water;" "to raise and sup- | er." In regard to the transfer of private rights i to make rules for the government of land and na- | guage: "It is competent for the National authorval forces; to provide for calling forth the militia ity to work a transmutation, total or partial, of | to execute the laws of the Union, suppress insur- the property belonging to the vanquished party. rections, and repel invasions," and "to make all and if actually confiscated, the fact must be taken laws which shall be necessary and proper for car-1 for right. But to work such a transfer of proprirying into execution the foregoing powers." etary rights, some positive and unequivocal act Acting under these grants of power, Congress has ' of confiscation is essential." Mest of the nations a | provided for bringing into service more than half | of Europe acquired title to territory they possess ; a million of men, who are now engaged in sup- by conquests, and private persons have derived pressing the insurrection, and has to some extent | their titles from that of the Government thus ob- | ed him a pension of 1,200f. a year.

made rules for the government of these forces, | tained. According to the modern usage of nawhich, as far as they go, are obligatory on them; | tions, private property of alien enemies, on land but, in the absence of any regulation as to how has not generally been forfeited; but the right of the army is to be used in suppressing the insur- forfeiture is unquestionable, and may be exerrection its commander would be at liberty to cised, if necessary, to secure the just ends of the civilized warfare, as he believed must be condu- The Rebels, wherever they have the power, have cive to the service of the State, and test calculated | seized and confiscated the property of loyal men, to secure the end for which it was called into he- and this, according even to modern usage, as bethrough their chosen spokesman, Mr. Trumbull, ling, upon the principle that every man intrusted [tween independent nations, would give to the

Much more would they possess that right as o'clock on Monday. against rebels who have causelessly taken up arms

of winter campaign; thousands of others, now morning of 11 o'clock.

and their property as their crimes deserve; prose- | Commander Pegram wants to have the Nashbrought to a successful issue. It cannot be that | but legal difficulties have been raised. Having shown that the military called forth twenty millions of people, armed in defense of con- The question has iden raised whether the neu-

our flag full and complete in all its proportions, not a stripe erased or a star obscured, so let us | Confederate States. preserve the Constitution, perfect in all its parts. and liberty unimpaired, and the instrument itself | the 29th ult. rendered doubly dear from the fact that it has been sacredly maintained and proven equal to ev-] rance that our Government is stronger than ever The bill was ordered to be printed and referred

_____ THE MISCHIEF BEGUN. -The clamor of the Abo-

lition press in favor of emancipation is already "The property cannot be seized and condemned | doing its work in the border States, particularly | Leavenworth. All communication with Indepenselves. How are we better than the Rebels if both as prize of war, without some legislative act ex- in Kentucky and Missouri, where the Union men alike set at neeght the Constitution? I warn my pressly authorizing its confiscation. The Court are unanimous in condemnation of this monstrous countrymen who stand ready to tolerate any act held that the law of Congress declaring war was proposition. We may reasonably suppose that done in good faith for the suppression of the re- not such an act. That declaration did not by in these States the attachment of thousands of bellion, not to sanction usurpations of power its own operation, so yest the property of the one- men to the Union cause is being gradually weakwhich may bereafter become precedents for the my in the Government as to support judicial pro- ened and broken down by the mere apprehension destruction of constitutional liberty. The Con- ceedings for its scizure and confiscation. It vests that this mischievous faction may succeed in their

There is now living in Paris a venerable centenarian, named M. Ignace Gallot, who was born at Villars St. Marcellin (Haute Marne) in assigned to the command of all the Kansas regi-1758. M. Gallot served twenty-two years in the ments. Trains are again running on the Platte army, took part in many battles, and was present | county road. at the disastrous retreat from Moscow, Having | Gen. Prentise Admonition to Secessionists invested money in an unfortunate enterprise for the navigation of the Saone, he made a journey to the Haute-Saone last, month to acquire the sad | "As, God is my judge, every Secessionist shall certainty that he had lost 40,000f. M. Gallot is still strong and hearty. The Emperor has grant- or I will send them to work on the trenches of

MARYLAND LEGISLATURE.

Annapolis, December 6, 1861. SENATE. Mr. Billingsley, Senator from St. Mary's, ap-

peared in the Senate, was qualified and took his

On motion of Mr. Goldsborough, the president was directed to appoint a committeee on Federal On motion of Mr. Everett, it was ordered that

when the Senate adjourn it adjourn to meet at 1 On motion of Mr. Eichelberger, Messra. Schley

Mr. Smith reported a bill incorporating the

The Senate then adjourned. HOUSE OF DELEGATES. Mr. B. G. Harris, of St. Mary's county, ap-

mayor and corporation of Baltimore to increase

Mr. Hammond offered a resolution requesting

The House at 1 o'clock adjourned, most of the

Arrival of the North American.

PORTLAND, December 6 .- The Meamer North Nashville bore down upon her. Colonel Peyton

we would have a right to extend to foreign armies. which the bondman wears are none the lighter be- States, the Government must let him go having It is reported that the steamer Adriatic has been As we expect to come out of this contest with | sold and is fitting out for the West Indies. There is a strong impression that she is destined for the

Commissioners Mason and Slidell were expected with all its guaranties for the protection of life at South impton in the steamer La Plata, due on Canton has been exacusted by the British.

It was reported that the United States steamer ery emergency, under circumstances the most try- James Adger was cruising to intercept the British wise policy of modern times has introduced to ing to which a nation was ever subjected. Then, steamer Capture, having contral and of war on

There are no tidings of the steamers North Brit-

FROM MISSOURL Rotta, Mo., Dec. 6.-Ben McCulloch is creet-

ting barracks at Bennenville, Ark msas, for winter KANSAS CITY, Mo., Dec. 6 -Col. Jennison's regiment has moved to a point between here and

The Confederate Haves has seized all the horses of the Pacific Stage Company at Independence, and there has been a general confiscation of Union

Separia, Dec. 6.—The Union citizens attacked a gang of returned Confederates at Dunksburg. killing seven and wounding ten. Three of the

wounded have since died. LEAVENWORTH, Dec. 6.-Gen. Denver has been

St. Josken, Mo., December 6.-General Pren-I tiss made a speech vesterday, in which he said:---I take the oath of allegiance to the Stars and Stripes, Fort Smith.