

THE DESERET NEWS.

TRUTH AND LIBERTY.

NO. 14.

GREAT SALT LAKE CITY, WEDNESDAY, OCTOBER 1, 1862.

VOL. XII.

THE BATTLE OF ANTIETAM.

After the bloody conflicts of Sunday the 14th of September, from all the statements which have been published, it appears the Confederates fell back towards Boonesboro and Sharpsburg. The Federal forces under Gens. Hooker, Franklin, Banks, Porter, Sumner, Couch and other commanders, followed them by various routes, through the defiles of the hills and mountains, and considerable skirmishing and fighting is reported to have occurred during the 15th and 16th, and from the announcements that were made by the lightning, during those two days, the public were made to understand that General Lee, with his mighty army, equal, if not superior to that under General McClellan, was hurriedly re-crossing the Potomac, and proceeding up the valley of Virginia towards Winchester.

While the people of the North and West were rejoicing over the success which had attended the Federal arms in the battles of the 14th in Maryland, and the expulsion of the enemy from that State, sad tidings were flashed over the wires that evening, which caused a "lull" in the hilarity indulged in by the high and low throughout the length and breadth of the land, in every State where Secession was not in the ascendancy and the glad news had come that the enemy had retired across the Potomac, and was again encamped on "sacred soil." The announcement made which caused considerable surprise and no little sensation, was, that two divisions of the Confederate army had met on the north side of the river, the united force of which amounted to seventy-five thousand men, and that a battle had been going on all the afternoon without any favorable result.

On the morning of the 17th, it was announced that the battle had been re-commenced and was raging with great fury; that Gen. Jackson had reinforced Gen. Lee at Antietam creek with forty thousand men, and General McClellan had received an addition to his force of thirty thousand, and that the greatest fight that had been witnessed was in progress, the result of which would no doubt be favorable to the Federal army.

The subsequent reports of the sanguinary conflict, said to be the greatest ever fought on the continent, (?) set forth that the battle commenced on the afternoon of the 16th, and was renewed on the morning of the 17th, on the center and right wing by Generals Hooker and Sumner, and at the end of two hours the enemy had been forced back about one mile, which ground they soon after, by a desperate charge, regained. About that time, General Hooker was wounded and carried off the field, after which, the command devolved on Gen. Sumner, who rallied the Federal columns, and drove back the Confederates, retook the lost ground and gained a little more, and at five in the evening, all the enemy's positions had been carried but the right, and Gen. Burnside was ordered to drive them from that. He advanced with his infantry, after opening upon them with artillery, and carried the position at the point of the bayonet, but was forced to abandon it immediately and retire before a superior and overwhelming force, who faced death with a determination not to yield.

The battle is said to have raged from five in the morning till seven at night—fourteen hours without any cessation whatever. At that time darkness put an end to the shedding of blood, for when it came, both armies being exhausted, ceased fighting as if by mutual agreement. The first report of the casualties represented that they were about equal, the Federal loss being estimated at ten thousand, and that of the enemy not greater. General Mansfield was reported killed, and Generals Rodman, Richardson, Hartsuff, Sedwick, Dur-yea and Dana wounded. Gen. McClellan was on the field, and after General Hooker was wounded, he at once proceeded to the right of the line. His presence there is said to have inspired the Federal soldiers greatly, who, under his eye, rallied and forced back the advancing foe.

What transpired on the 18th, on, around and in the vicinity of the battle-field cannot well be determined, so conflicting and contradictory were the reports which found their way into the public journals; but that the main body of the Confederate army, soon after the battle, and before the 21st of September, re-crossed the Potomac there seems to be no doubt.

The result of the conflict was unquestionably a Federal victory—according to the various statements that have been made. From what was announced after the fighting ceased on the evening of the 17th, it would seem that although Gen. McClellan and his officers claimed the victory, they did not consider it a very decided one, and that the final result would probably depend on which of the contending armies should obtain reinforcements first. The presumption is, that both armies were so badly crippled and exhausted that neither of them were in condition to renew the battle, and report says, there was but little or no fighting done on the 18th, and at night the enemy retired towards the river, which they subsequently crossed, but where is not certainly known, so contradictory are the reports as to their retreat, which is said to have been conducted solely by "Stonewall" Jackson; the other generals having been wounded or were so fatigued that they were unfit for duty.

The loss of the Federal army is stated to have been unaccountably large in officers, and that of the enemy equally as great in proportion. Their entire loss, while in Maryland, is stated at thirty thousand.

The exact Federal loss will probably never be known, and great complaints are made by some of the eastern journals about the secrecy maintained by the War Department, in relation to the incidents and casualties which occurred during the late fight, as injustice is thereby done to many a brave man who fought, bled and died for his country.

There were many reports in circulation concerning the movements of the two armies, after the Confederates retired into Virginia, some, that McClellan's troops were following them across the river, others, that the forces of Gen. Lee occasionally made their appearance along the south bank, and on one or two occasions had re-crossed into Maryland, but were soon driven back. From all the statements thus made, it would puzzle a Jesuit to determine what transpired between the 19th and 24th of September, but the latest accounts received represent that the Federal army occupied the left and the Confederates the right bank of the Potomac, and that an arrangement had been made by which the pickets of both armies were to desist from shooting at each other across the river.

CHIEF JUSTICE KINNEY.

Hon. Chief Justice Kinney, who left this city in June last to return to his family in Nebraska, on a temporary visit, as then supposed, and so stated, has been nominated by the Democrats of that Territory, in convention assembled, for the office of Delegate to Congress, which nomination, although according to reports was not altogether acceptable to his party, he has accepted, and, as reported, has been, and is now canvassing that Territory, haranguing the people as a stump orator, to induce them to give him their votes for a seat in Congress, which he presers to the bench. His prospects of success, according to his showing, are decidedly favorable, and if he fails in obtaining what he is seeking after, it will be because a majority of the Nebraskians who attend the polls cast their votes for some other man for that office.

There seems to be quite a strong opposition to the Judge by the Republicans who aver that he is ineligible to a seat in Congress from Nebraska, as he holds the office of Chief Justice of Utah, and as such is drawing his salary of twenty-five hundred dollars a year, and that while he continues to receive

pay as a Federal officer in this Territory, he is required by the law to reside not only in the Territory but also in the District assigned to him by the Legislative Assembly, and consequently cannot be a citizen of Nebraska within the meaning of its statutes, nor eligible to hold the office for which he aspires should he be successful at the polls.

The Judge, in reply to the charge that he is not in any proper sense a citizen of Nebraska and ineligible to election as Delegate therefrom, in his speeches admits, as alleged, that he is Chief Justice of Utah, and as such is in receipt of his stipend; but contends that it is no more a legal necessity for him to reside in this Territory while holding the office of Judge of the Supreme Court for Utah, than it is for a Delegate to reside in Washington city while acting as Delegate, which argument is not conclusive to his opponents, and they are of the opinion that it will be impossible for him to convince them that his *ipse dixit* is not illogical, and that he has within the last year veritably been a citizen of Nebraska.

The *Nebraska Republican*, in alluding to the Judge's position, says, "it would be correct were it not for the fact that the law requires a Judge to reside in the District where he is called upon to act, while it just as clearly and pointedly requires that a Delegate in Congress shall reside in the Territory which he represents" and adds that, "there is this slight difference in the two cases, which the Judge will find it very difficult to explain away. The fact is patent to all men who have examined the question, that Judge Kinney is either drawing his salary as Judge of Utah Territory, unlawfully, or that he is ineligible to a seat as Delegate in Congress from Nebraska."

With the political wrangles and sectional feuds of the Nebraskians the people of Utah have nothing to do, and they care not whether an avowed, ultra-Republican or a Hard-shell Democrat shall be elected Delegate to Congress but if the prayer of the Utonians for the admission of Deseret into the family of States shall not be favorably answered, shortly, and the supposed political necessity for exporting Judges hither from other Territories, or States, shall not cease to exist, the dwellers in these mountain valleys, and particularly the citizens comprising the Third Judicial District, desire no change in the Judgeship, so far as we know, and would prefer the return of Judge Kinney from his "temporary visit" to Nebraska, and the resumption by him of the duties of his office as Chief Justice of the Supreme Court for Utah, to his election to Congress, which would of course cause a vacancy in the Federal Judicial department here, which would have to be filled under the rule, by the importation of some foreign aspirant, whose popularity at home precludes the possibility of obtaining even a nomination for Delegate or Representative to Congress; for although Judge Kinney has heretofore been exceedingly fortunate in being paid by government for services not performed, he can hardly expect to receive the salary of Chief Justice for Utah and the emoluments of the office of Delegate from Nebraska at the same time. To be sure there might be an arrangement made, as suggested by a contemporary, for the holding of Courts in his District in Utah during the recess of Congress, in the summer season, but it would be no easy matter for those not thoroughly learned in such matters to so construe the law of domicile as to make it plainly appear, to a sceptic, that he could legally hold both offices at the same time; and, therefore, as Judge Kinney is represented as being very sure of his election, he may not expect to be in receipt of his salary as Chief Justice after the first Monday in December, eighteen hundred and sixty-three. That he will be paid his regular salary as one of the Federal Judges for Utah, unless superseded, till he takes the oath of office as Delegate from Nebraska, in the event of his election to that office, there can be no doubt, whether he returns to his District or not, as Uncle Sam is extremely liberal in such cases.

The Judge will not be likely to render himself less popular with his friends in the mountains for seeking to obtain a more desirable office than the one of which he is now the incumbent, let the result be what it may, and should he return to serve out the residue of his term of office as Chief Justice, he may expect to be as cordially welcomed as he would have been if he had never aspired to Congressional honors.

ARRIVALS OF TRAINS DURING THE WEEK.

On Wednesday the 24th ult., Capt. Homer Duncan's company of immigrating Saints arrived, as expected, being the first church company, so called, the teams of which were sent from the mountains last spring, and have been to the Missouri river and back with oxen, accomplishing the entire journey in one hundred and thirty days, and the return trip in sixty-four days as per report, including all delays and hindrances, which certainly must have been few in number.

Kimball & Lawrence's freight train, so called, in which were about thirty wagons, including several loaded with merchandize for Mr. C. H. Bassett, R. C. Sharkey and others, came in on Thursday, and on Friday, Capt. Wareham's independent company arrived.

The second church train, Capt. J. R. Murdock, arrived on Saturday, the report of which, made by the clerk, Mr. Reid, is published in this number.

The teams in Captains Duncan's and Murdock's companies, which have been to Florence and back this season, have returned in excellent condition, and generally look better than those which were purchased on the frontiers, and have only been driven from there since the 1st of July.

There has been some sickness among the immigrants while crossing the plains, more than common, mostly mountain fever and diarrhoea, and about fourteen deaths occurred in each of the church trains after leaving the Missouri river before arriving in this valley, principally children, as we are informed, which is certainly a very small per cent., considering all the exposures to which the immigrants, mostly direct from European countries, have been subject while traveling by land and sea nearly half the circuit of the globe.

Capt. Horne's company is expected to arrive some time to-day, and Capt. Harmon's in the course of a week.

THE ANNUAL FAIR.

The annual Exhibition of the Deseret Agricultural and Manufacturing Society, which this season is to be held in the State House, will be open to the public at noon to-morrow, and continue open on the 3d and 4th inst. The arranging committee are busily engaged fitting up the building and tents adjoining thereto; and it is to be hoped that the public, especially of this city, will second their efforts, by bringing at an early hour to-day the various specimens of home manufactures, as well as the choice products of the field and the garden, not forgetting at an early hour on Thursday morning to have a faithful representation of fruits and flowers.

The Stock will be exhibited on Friday, the 3d inst., at the Tithing Office yard. Abraham Hoagland, Esq., has been appointed a committee to receive the same.

The awarding committees meet at 8 a.m., to-morrow morning.

FATAL ACCIDENT.—On Friday, the 4th ult., as Joseph C. F. Field, son of Joseph and Frances Field, of Grafton, a lad about nine years old, was leading a horse to water, the animal took fright and ran away, dragging the lad, who had become entangled in the lariat, with him, breaking his arm, dislocating his shoulder, and otherwise mutilating his body. He died almost instantly.—[Millennial Star, please copy.]