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PROPOSALS FOR SUBSISTENCE STORES.

OFFICE PURCHASING AND DEPOT, C. S. }
OMAHA, Neb., November 10, 1882. }

Sealed proposals, in duplicate, subject to the usual conditions, will be received at this office until 12 o'clock noon on December 5th, 1882, at which time and place they will be opened in presence of bidders for furnishing and delivery at the subsistence storehouse, or on cars in Omaha, Neb., (if on cars after inspection and acceptance at place of packing,) as may be required by the subsistence department, 125 barrels pork, light mess, to be delivered by January 5th 1883; 50,000 pounds bacon, short clear sides, medium weight and thickness, packed in crates, strapped, of about 220 pounds bacon each. Each piece of bacon to be covered with cotton cloth; all to be delivered by January 5th 1883.

The government reserves the right to reject any or all proposals.

Blank proposals and full information as to the manner of bidding, and the terms of contract and payment will be furnished on application to this office.

No proposal will be considered unless accompanied by the printed "instructions to bidders," to be had at this office.

Envelopes containing proposals should be marked, "Proposals for subsistence stores," and addressed to the undersigned.

THOMAAS WILSON.
nov11-6t m C. S., U. S. A.

GRANT IN BEHALF OF PORTER.

The Ex-President's Urgent Appeal for the Restoration of Gen. Fitz John Porter's Rank.

General Grant has written an article for the December number of The North American Review entitled "An Undeserved Stigma," in which he reviews the charges made against General Fitz John Porter, and in which he expresses his full conviction in General Porter's innocence. In the first place, the ex-president refers specifically to the charges made against General Porter before the court martial that convened in Washington in November, 1862. The charges were:

First. Disobedience of orders under the 9th article of war.

Second. Misbehavior before the enemy under the 52d article of war.

Under the first charge there were three specifications of which the court found Porter guilty. These were, substantially:

First. Disobedience to the order of August 27, requiring him to march from Warrenton Junction at 1 o'clock on the morning of the 28th and be at Bristoe Station by daylight.

Second. Disobedience on August 29, while in front of the enemy, to the joint order to McDowell and Porter, directing them to march toward Gainesville and establish communication with the other corps.

Third. Disobedience on August 29, while in front of the enemy, to what is known as the "4:30 p. m. Order," requiring Porter to attack the enemy's flank and rear.

General Grant sums up these charges with more than legal brevity: "It will be seen from the foregoing," he writes, "that General Porter's alleged misconduct was embraced in three separate cases of disobedience to orders—one on the 27th of August, and two on the 29th of August; and in having retreated unnecessarily from the enemy, by that act endangering portions of the army with which he was co operating."

"It will be seen that, though these offenses were alleged to have been committed in August of 1862, he was continued in charge of an army corps until sometime in November following, taking an active part in the battles of the day following the date of the last charge, and in command of the defenses of Washington on the west bank of the Potomac, and also at the battle of Antietam, some weeks later. It would look at first very singular that an officer, so wantonly derelict in the performance of his duty as General Porter was alleged to have on the 27th and 29th of August, should have been continued in so important a place as the command of an army corps when so much was at stake as there was on the 30th of August, and in the defenses of Washington, and in the later battles in Maryland, when the invasion of the north was threatened. These facts would indicate to an unprejudiced mind that the charges against Porter were an afterthought, to shift the responsibilities of failure from other shoulders and to place them upon him.

"In regard to his disobedience of the order of the 27th of August, he is alleged to have, without justification, deferred his march from Warrenton Junction to Bristoe Station from 1 o'clock until 3 of the morning of the 28th."

THE TROOPS FATIGUED.

General Grant declares in regard to this charge that it was about 10 o'clock on the night of the 27th when General Porter received an order by command of Major-General Pope, directing him to start at 1 p. m. with his corps to meet General Banks at Warrenton Junction. If the latter was not there, General Porter is ordered to leave a regiment of infantry as guard until General Banks arrived. General Grant says, in this connection, Porter's troops had been marching all day; that they were very much fatigued when the order was received. The night, as shown in the testimony before the court which tried Porter, and as confirmed by the evidence given in what was known as the Schofield board, was extremely dark; the road very narrow, with numerous cuts and streams passing through it; bounded by woods on both sides in many places, with no place where the open country could be taken for the march of troops, and blocked up with about two thousand army wagons, many of them mired in the narrow road, so that the officer who conveyed this order to General Porter was over three hours, on horseback, in making the distance of ten miles. Porter was expected, with fatigued troops, worn with long marches, on scanty rations, to make a march on a very dark night, through a blockaded road, more rapidly than a single aid-de-camp, unincumbered, had been able to get through on horseback.

"When he received the order, he showed it to his leading generals, and, apparently with one accord, they decided that the movement at that hour was impossible; further, that no time could possibly be gained by so early a start, and that if they should start at that hour and get through to Bristoe Station at the time designated, the troops would not be fit for either fighting or marching on their arrival at that point. Porter replied, however, 'Here is the order, and it must be obeyed;' but, after further consultation, he decided, as did his generals, that a postponement of two hours in starting the march would enable them to get through as quick as if the men were kept on foot and under arms while the road was being cleared, and that the men would be in a much better condition for service on their arrival at their destination. He was entirely justified in exercising his own judgment in this matter, because the order shows that he was not to take part in any battle when he arrived there, but was wanted to pursue a fleeing enemy. He did not leave the commanding general in ignorance of his proposed delay, nor of the reasons for it, but at once sent a request that the general commanding should send back cavalry (he had none himself) and clear the road near him of incumbrances, so that the march might be unobstructed. * * *

"There is no doubt but that he would have arrived just as early and with his troops if he had started at early dawn instead of at the hour he did and the intervening time had been used in clearing the road for his troops when they did march.

"It was between 12 and 1 o'clock that, on arriving at advanced position, Porter was shown by McDowell a dispatch from General Buford, sent at 9:30 on the morning of the 29th, stating that from seventeen to eighteen regiments of the enemy had passed through Gainesville three-quarters of an hour before, or at a quarter before 9 o'clock, on their way to reinforce Jackson, so that the head of the column must have been not only in supporting distance of Jackson, but at the place of development by 10 o'clock in the morning. And now," continues General Porter's defender, "it is known by others, as it was known by Porter at the time, that Longstreet, with some 25,000 men, was in position confronting Porter by 12 o'clock on the 29th of August, four hours and a half before the 4.30 order was written."

McDowell withdrew his troops, leaving Porter with 10,000 men to confront Longstreet's 25,000.

"Thus left alone," continues General Grant, "facing superior numbers advantageously posted, and ignorant of the deeds of Pope, if indeed he had any, Porter had necessarily to bide McDowell's arrival on his right. In the meantime his duty was manifestly to engage Longstreet's attention and prevent him from moving against Pope, especially while McDowell was out of support of both Pope and Porter. Porter all that day did not hear of McDowell, or of what was taking place in front of Pope, though he kept the former well informed of affairs with him, and presumed that his dispatches were sent to the latter. He, however, engaged Longstreet's attention by demonstrations nearly harmless to himself, and so successfully as to cause Longstreet to take Wilcox's division from in front of Pope, in order to strengthen the line confronting Porter. * * * *

HE DID NOT RETREAT.

"Thus Porter, without a sacrifice men and without endangering any interests, did more for Pope's relief than if he had gone directly to that general's assistance. To have done so would probably have sacrificed his corps without any benefit and jeopardized the safety of Pope's army. So far as I have investigated the case—and I have studied it, I think, pretty thoroughly—I see no fact to base the charge of retreat upon.

"In my judgment," General Grant emphatically adds, "this disposes of the charges, and consequently of all specifications under them, except the alleged disobedience of the 4:30 p. m. order."

"In regard to the charge of disobedience of the 4:30 order, which is the principal one and the one that has most deeply impressed the mind of the general public, there are evidence which look to me important and conclusive, showing that the court martial which tried General Porter found him guilty under a mistaken idea of the actual facts, now accessible to any one in search of the the truth, and which Porter knew to be the facts at the time."

Diagrams in the article illustrate the position of Porter's and Pope's forces and the troops under Longstreet and Jackson, "and," writes General Grant, "that the commanding general believed the positions as given in the diagram to be the positions of the different commands, is shown from the fact that in his point order of that morning he stated that 'the indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day.' * * * * * Porter was not in a position to attack the right flank of Jackson, because he was at least three miles away. With Longstreet's presence, to have obeyed the order he would have been obliged with 10,000 men to have defeated 25,000 men in a chosen position before he could have moved upon the flank of the enemy, as the order directed.

GENERAL PORTER EXONERATED.

"But even if the position of Lee's army had been 36 or 48 hours distant, as asserted in the joint order to McDowell and Porter, it would have been impossible for Porter to have obeyed the 4:30 order, because it did not contemplate a night attack, and was not received by Porter until about dark.

"I consider that these facts, with many more that were brought to the knowledge of the Schofield board, fully exonerate General Porter of the charge of disobedience of what is known as the 4:30 order, and also of the imputation of lukewarmness in his support of the commanding general."

DEMANDING RESTITUTION.

General Grant makes a pathetic appeal in behalf of General Porter, who, he states, has "now for twenty years been laboring under the disabilities and penalties inflicted upon him by the court martial of 1862, all that time contending for a restoration to his position in the army and in society, and always, as stated in the beginning of this article, on the ground of his entire innocence. The investigation of the Schofield board has, in my judgment, established his innocence of all the offenses for which he was tried and convicted. The sufferings of twenty years, under such findings, for himself and family and friends, is something it is now impossible to set right. Twenty years of the best part of his life have been consumed in trying to have his name and his reputation restored before his countrymen. In his application now before congress, he is asking only that he may be restored to the rolls of the army, with the rank that he would have if the court-martial had never been held. This, in my judgment, is a very small part of what it is possible to do in this case and of what ought to be done. General Porter should, in the way of partial restitution, be declared by congress to have been convicted on mistaken testimony, and, therefore, to have never been out of the army."

After declaring that in writing as he has upon the subject, he means no criticism upon the court which tried General Porter, nor upon the officers under whom or with whom he served, General Grant concludes with the following paragraph.

"If a solemn and sincere expression of my thorough understanding of and belief in the entire innocence of General Porter will tend to draw the public mind the same conviction, I shall feel abundantly rewarded for my efforts. It will always be a pleasure to me, as well as a duty, to be the instrument, even in the smallest degree, of setting right any man who has been grossly wronged, especially if he has risked life and reputation in defense of his country. I feel as stated on a previous occasion, a double interest in this particular case, because, directly after the war, as general of the army, when I might have been instrumental in having justice done to General Porter, and later as president of the United States, when I certainly could have done so, I labored under the firm conviction that he was guilty; that the facts of the receipt of the 4.30 order were as found by the court, and that the position of the troops and numbers were different than they were in reality. Having become better informed, I at once voluntarily gave, as I have continued so to give, my earnest efforts to impress the minds of my countrymen with the justice of this case, and to secure from our government, as far as it could grant it, the restitution due to General Fitz John Porter."

Josh Billings Heard From.

NEWPORT, R. I., Aug. 11, 1880.
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Yours without a struggle.
JOSH BILLINGS.

A Railway Company's Liability for Delay.

New York Tribune.

A judgment against Hugh J. Jewett as Receiver of the Erie Railway in favor of Edward P. McKinney and others, involving the question whether a railroad company could relieve itself from the effects of its own negligence by the language of the shipping contract, was affirmed by one of the last decisions of the Court of Appeals. The firm of McKinney & Everets, of Binghamton, bought in Chicago a cargo of green hams, which were shipped to them over the Erie and North Shore Line. The car came through on regular time, but without any way-bill to indicate to the station agent to whom the car belonged. The next day a memorandum way-bill giving the name of the consignees arrived, but in some way was mislaid so that McKinney & Everts did not receive it until 5 o'clock on Saturday, the day following its receipt and two days after the car had arrived. It was then too late to remove the cargo that night, and it was left in the car until Monday morning When the goods were taken out on Monday they were found to be hardly injured by the delay. When the railroad company was sued for the damage to the goods it rested its defense chiefly on clauses in the bill of lading such as these: "The company will not be responsible for the delay to perishable articles, nor for the effects of heat and cold," and "The goods while at the depot awaiting delivery shall be held by the railroad only as warehousemen," etc. The court of appeals affirms the judgment of the general term and of the trial term. Judge Finch, in writing the opinion of the court, says that no language in the shipping contract short of a distinct mention of negligence will relieve a railroad company from the liability to make good any damige that may result through its negligence to the goods carried by it.

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