General Sherman's Department. the Senate of the United States:-In yer to the resolution of the Senate, of The United States: Courts in Rebellious States. The President has communicated the To the Senate of the United States:-In answer to the resolution of the Senate, of the 30th ult, requesting the President, if not States: incompatible with the public interests, to communicate to the Senate a copy of the late report of Major General Sherman upon the condition of the States in his Department, in which he has lately made a tour of inspection. I transmit herewith a copy of a

inspection. I transmit herewith a copy of a communication, dated December 22d, 1865, addressed to the headquarters of the army, by Major General Sherman, commanding the Military Division of the Mississippi. [Signed] ANDREW JOHNSON. HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI, ST. LOUIS, Mo., Dec. 22, 1865.—General J. A. Rawlins, Chief of Staff, Washington, D. C.—GENERAL:—I have just returned from a partial inspection of the returned from a partial inspection of the Department of Arkansas. It was my pur-pose to have extended my visit up to Fort Smith, but the Arkansas River was too low, and Limited it to Little Deal C., Oct. 2, 1865.—Dear Str:—It may become necessary that the Government prosecute some high crimes and misdemeanors com-mitted against the United States within the District of Virginia. Permit me to inquire whether the Circuit Court of the United States for that District is so far organized and I limited it to Little Rock. The route usually traveled remains substantially as it was during the war, by way of White River to Duval's Bluff, and hence forty-eight miles and in condition to exercise its functions, that yourself or eithar of the Associate Jusof railroad to Little Rock.

The Arkansas River is at all seasons too precarious to be relied on, but the White River, lying in the alluvion of the Missis-River, lying in the antivion of the missis-sippi, retains at all seasons of the year a depth of water of three and a half feet as far up as Duval's Bluff. The railroad hence to Little Rock is in good enough condition for all present purposes, and has been re-stored to the possession of the company who built it, and is operated to the satisfaction of Gen. Reynolds and his Chief Quartermaster, Col. Noble.

It would contribute much to our military conveniences, as well as to the general inte-rests of the State of Arkansas, if the railroad could be finished to Memphis. I saw Mr. N. C. Brinkley, of Memphis, President of the railroad company, who seemed very anxious to finish it, but said the company had lost so much by the war, that unless he could receive help from the Government, he feared he could not undertake it.

The road was once in operation from Memphis to Madison, on the St. Francis river, with a fine bridge completed over that stream, and at the time the Federal army occupied Memphis, in 1862, he had a thousand tons of railroad iron on hand ready to be applied on the unfinished sec-tion between Madison and Duval's Bluff, but this iron was taken by us and carried away to Columbus, Ky., and used in re-pairs on the Mobile and Ohio Railroad, then in our military possession from Columbus to Corinth. The costly bridge over the St. Francis was burned by the rebel General Hindman

Hindman. Mr. Brinkley agreed if we could help him to grade the road from Madison to Duval's Bluff, and to cut in the woods along the line the necessary number of ties; he would undertake to purchase on credit the necessary quantity of iron, and to construct the bridge necessary to make a con-tinuous railroad from Memphis to Little Rock.

General Reynolds has now at Helena three colored regiments, at Pine Bluff one, and at Little Rock another. He could and at Little Rock another. He could easily apply the labor of two or more of these regiments to the grading of the road and getting out the ties, and Mr. Brinkley agrees to pay for this labor in 'land, belong-ing to the Company, lying adjacent to the road. General Reynolds, commanding the Department and Sprane Commissioner of Total. General Reynolds, commanding the Department, and Sprague, Commissioner of Freedmen in Arkansas, approve heartily of this plan, and I think we are sufficiently interested in this road to encourage it by all means.

Accordingly I ask that, unless it be proposed to muster out the colored regiments, that the War Department will sanction the plan so far as to authorize General Rey-nolds to order the execution of the work during the present winter and spring months. I found all the troops in Arkansas in good condition and well commanded. General Reynolds being admirably qualified and adapted to his comof the verdict with the usual indifference he has manifested during the trial.

The Imperial Mexican Express Company Papers relative to the organization of the Imperial Mexican Express Company in this country, under authority of the so-called Emperor of Mexico, were transmitted to the House yesterday by the President. October 27th, 1865, Senor Bomero calls the attention of the Secretary of State to the ex-ercise of authority by the adventurer called Don Fernande Maximilian, of Hapsburg, and especially to the point that the Company engages to carry material of war of the in-vading army of Mexico, and that the agents of the Company are special agents of emi-gration. Under date of November 1st, Mr. Seward says that when such agents or citizens of the The Imperial Mexican Express Company following to the Senate of the United. The accompanying correspondence is transmitted to the Senate, in compliance with its resolution of January 16th, request-ing the President, if not incompatible with the public interest, to communicate to the Senate any correspondence which may have taken place between himself and any of the Judges of the Supreme Court, touching the holding of the civil courts of the United States in the insurrectionary States, for the trial of erimes against the United States. [Signed] ANDREW JOHNSON.
Washington, Feb. 2, 1866.
EXECUTIVE MANSION, WASHINGTON, D.
C., Oct. 2, 1865.—Dear Sir :—It may become process that the Construction of the construction.

says that when such agents or citizens of the United States, acting with them, shall in-fringe, in any way, the laws or treaties of the United States, or the law of nations, affecting the Republic of Mexico, proper measures of redress will be proper measures of redress will be promptly taken. On the same day Lieut.-General Grant

sent to the Secretary of State a notice of the organization of this express company, tices of the Supreme Court will hold a term of the Circuit Court there during the autumn and expressed the opinion that. it wa established for the undoubted purpose of aiding the Imperial Government of that Very respectfully, [Signed] ANDREW JOHNSON. To the Hon. S. P. Chase, Chief Justice of the country. Mr. Seward replies the same day that pro-

per measures have been adopted to prevent the violation of the laws of the United States and treaty stipulations with Mexico.

These measures are indicated in a note to the United States Attorney, D.S. Dickin-son, in which he is directed diligently to instant, directed to Cleveland and forwarded to Sandusky reached me there night before last. I left for Washington yesterday morn-ing and am just arrived. To your inquiry whether a term of the Circuit 'Court of the United Stotes for the District of Virginia will be held by myself or one of the Associate Justices of the Supreme watch the operations of the Mexican Express Company, and act in the premises as his sound judgment and discretion should dictate, to prevent any violation of the just obligations of the Government towards the Constitution and recognized Government of Mexico. Communications during the past month prove the pretense that Juarez had assented to the enterprise to be false.

term, authorized by Congress, would be held on the fourth Monday of November, which this year will be the 27th. Only a week will intervene belween that day and the commencement of the annual term of On Jan. 31st, Mr. Seward acknowledges the receipt of a communication with indo sures from the Mexican Government.

UNLOCKING THE ROCK .- The great cost of

the Supreme Court, when all the Judges are required to be in attendance at Washsilver and gold arises not so much from their scarcity in the earth, as the difficulty of extracting them from their stony com-binations. Dr. J. C. Ayer, the well-known chemist of Massachusetts, has cut this gorington. That time is too short for the transaction of any important business. Were this otherwise, I so much doubt the propriety of holding Circuit Courts of the United States in States which have been declared by the dian knot, After having merited and re-ceived the gratitude of half mankind, by executive and legislative departments of the National Government to be in rebellion, his remedies that cure their diseases, he is now winning the other half, by opening for and therefore subjected to martial law be-fore the ample restoration of their broken them an easy road to the exhaustless treasures of the hills. He has discovered and fore the ample restoration of their broken relations with the nation and the superse-dure of the military by the civil adminis-tration, that I am unwilling to hold such Courts in such States within my curcuit, which includes Virginia, until Congress shall have had an opportunity to consider and act on the whole subject. A civil court, in a district under martial law, can only act by thesanction and under published a chemical process, which renders at little cost, the hardest rocks and ores friable like chalk, so that the precious metals are loosed from their confinement, and easily gathered. Mines too poor to pay, may be worked at a profit now, and the yield of rich mines is largely in-creased, while the cost of extracting the law, can only act by thesanction and under the supervision of the military power, and metals from the ore is diminished. Eithe is a great achievement, to enrich mankind, I cannot think it becomes the Justices of the Supreme Court to exercise jurisdiction under such conditions. In this view it is proper to say that Mr. Justice Wayne, whose whole circuit is in the rebel States, concurs with me or cure their diseases. But we are informed our celebrated countryman adheres to the latter as his specialty and chief ambition. Buffalo Sentincl.



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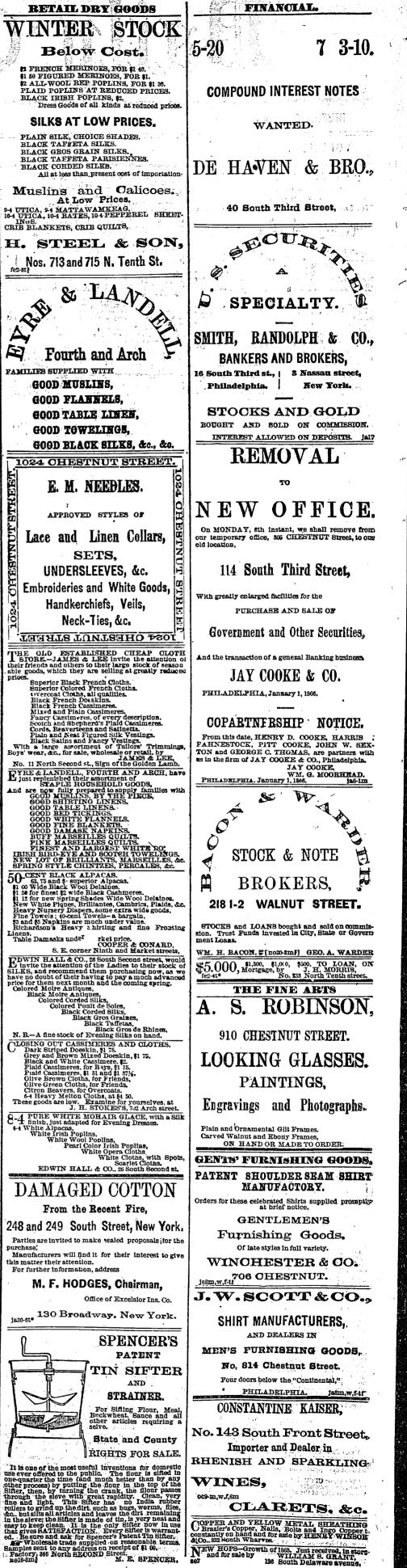
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Gen. Sprague also has the respect of the civil and military authorities.

The negroes in Arkansas can all find pro-fitable and lucrative employment, and are protected in all their rights and property by the civil authorities. I met no one, citizen or soldier, who questioned or doubted that their freedom was as well assured in Arkansas as in Ohio.

Governor Murphy told me that negroes could acquire title to real estate or any kind of property, and that the Courts, both Federal and State, could and would protect them. There was a universal expression of confidence in the present conditon of affairs, except on the part of some former rebels, who thought the present test oath prescribed for them too stringent and severe. A convention of them, convened I know

not how, was in session at Little Rock when I was there. A committee from it waited I was there. A committee from it waited on General Reynolds and myself, inviting us to attend. We agreed to go, provided no debate or proceedings were in progress during our visit. On our entrance to the hall the President addressed us in language as loyal and earnest as possible, and asked our advice. I responded and gave them the best advice I knew how, amounting sub-stantially as follows: stantially as follows:

That political matters, since the conclu-sion of hostilities, had progressed and were still progressing as fast as •they could expect. That I doubted if any action on their part, as a Convantion of the State, would be regarded as the act of Arkansas. but that any respectful representation of facts from them, in their individual capacities, in the nature of a petition to General Reynolds, to President Johnson, or the National Congress, would doubtless receive every possible consideration. At the same time I called their attention

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to the poverty of their country, and how much better it would be for them to give their personal attention each to their own affairs rather than bother themselves with general matters of politics. After leaving Little Rock, I learned that the Convention had adjourned, so that I hope things there will remain as quiet as before.

Indeed, so far as my observation goes, there is perfect satisfaction felt by all classes of the people, except on the part of a very few who are looking to future combinations involving the local and unimportant State

I found everywhere in the South a large number of our officers and soldlers looking out for land and employment, and I doubt not that during the year all the land which is cleared will be under cultivation, a large part of it under the direction of energetic young men, and that all branches of busi-ness in Arkansas will be stimulated by the presence of a class of men which has not heretofore resided in that State.

Single individuals now travel unarmed from one part of the State to another, and Gen. Reynolds is rarely called upon to afford military protection to any one, white or black.

I am, with respect, your obedient servant, W. T. SHERMAN, Major-General Commanding.

Recognition of the Dominican Republic.

The following message from the President was yesterday received by the House: To the Senate and House of Representa-tives: Believing that the commercial in-

terests of our country would be promoted by a formal recognition of the independence of the Dominican Republic, while such a recognition would be in entire conformity with the settled policy of the United States, I have with that view nominated to the Senate an officer of the same grade with the one now accredited to the Republic of Hayti, and I recommend that an appropriation be made by Congress towards providing for his compensation

ANDREW JOHNSON. [Signed] Washington, Jan. 30, 1866.

after the close of our report yesterday. John O'Byrne, Esq., summed up the evidence on the part of the defence. After reverting to the part of the delence. After revering to the public clamor against the prisoner, and the fact that everybody had deserted him, he referred to the alleged confession. He pointed out the unreliability of such admissions, as they had frequently been made by innocent parties. At the battle of Stone river it was noticed that animals and birds cowered for protection under the cannon which was had been and be backing and be backing and be backing and be backed by the back of the back which was belching out destruction all around them. They ran from one danger to that which was greater. The excitement had bewildered them, and they knew not whither to go. So with Berger. He sought protection and So with Berger. He sought protection and ease from the moral torture which was pressing upon him, by a quasi admis-sion that he was guilty. He wanted peace and rest. His soul was bursting with grief; his wife, a newly-made mother, dying from the shock of the arrest; his name clouded and blackened—bereft of friends. What wonder, then, that a mind, at no time very strong, should have given way, and he should admit his participation in the murder while subjected to such torture? murder while subjected to such torture? Mr. O'Byrne quoted from a number of au-thorities, to show that confessions were not reliable. Their narration before a jury might be affected by a change in emphasis, or inflection of the voice. In conclusion, the counsel urged, therefore, to weigh well the evidence, and give the prisoner the benefit of any circumstance tending to prove his innocence. prove his innocence. Charles W. Brooke, Esq., followed. He said there were five important and distinct ive points set out by the Commonwealth 1st. The prisoner was seen in the vicinity o the house of Miss Watt on the morning o the murder. 2d. The footprints in the snow 3. The possession of a sum of money, and his not accounting for it. 4th. The finding of the razor. 5th. What the Common wealth dignified with the name of the confession of the prisoner. The place where the prisoner was seen was a public highway, and he cared not how often he had been seen there. As to the second point, he referred to the conviction of Swift in this court, on evidence of his boots fitting tracks in the snow, and it was afterwards ascertained that he was innocen

far as it goes it favors the conclusion of my self and Mr. Justice Wayne.

With great respect, yours, very truly, [Signed] S. P. CHASE.

Conviction of the Germantown Murderer. In the case of Christian Berger, charged

with the murder of Miss Mary L. Watts,

or early winter for the trial of causes.

Supreme Court. WASHINGTON, Thursday evening, Oct. 12, 1865.—Dear Sir:—Your letter of the 2d instant, directed to Cleveland and forwarded

Court during the autumn or early winter

I respectfully reply in the negative. Un der ordinary circumstances, the regula

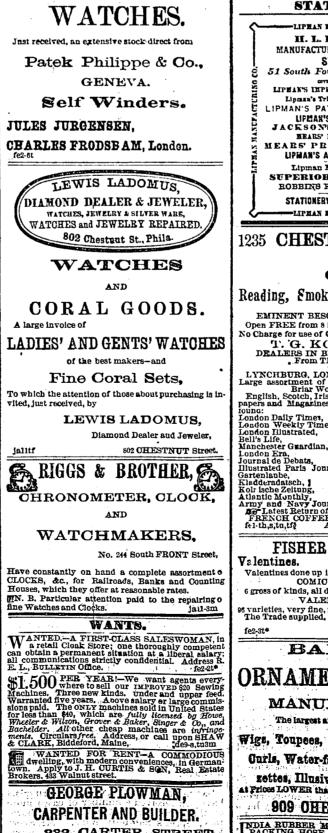
concurs with me.

[Signed]

afterwards ascertained that he was innocent. Also the case where a man was hung for murder, and his daughter, on her death-bed confessing she committed the murder, wear-ing her father's boots to the place. As to the possession of money by the prisoner, there was nothing to show that he was out of money, having had some a short time before at the German doctor's. It was shown by the Commonwealth that the prisoner had the Commonwealth that the prisoner had been distinctly informed that Miss Watts kept her money in bank, and not in her house. As to the razor, Mr. Brooke referred to the fact of no blood being found on the top of it, and argued that it would be im-possible to inflict such a wound without causing the entire blade to be spotted or covered with blood. In the great majority of cases tried the murderer had some blood on his clothing but this prisoner had not on his clothing, but this prisoner had some blood spot. He referred to various authorities, showing that confessions were not reliable, and to a number of cases where innocent persons had been convicted on circumstantial evidence. He concluded with a mas-terly appeal for mercy towards the prisoner. District Attorney Mann closed the case. Judge Allison charged the jury at great length, reviewing the evidence in a clear manner and explaining the law of homi-The bill of indictment was handed to the jury at fifteen minutes past seven, and at eight o'clock they returned with a verdict orisoner's

if guilty of murder in the first degree. The jury were polled at the request of prisoner's counsel, and each answered, "guilty of murder in the first degree." Counsel for prisoner asked that a motion

for a new trial and an arrest of judgment be entered on the records. The prisoner received the announcement



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