

TRIAL OF JOHN H. SURRETT.

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

*A resolution of the House of 27th January, relative to the trial of John H. Surratt.*

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FEBRUARY 5, 1868.—Referred to the Committee on the Judiciary and ordered to be printed.

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 27th ultimo, directing the Secretary of State to furnish information in regard to the trial of John H. Surratt, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

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DEPARTMENT OF STATE,

*Washington, February 1, 1868.*

The Secretary of State has the honor to report that he has received a resolution of the House of Representatives, which is in the following words:

*Resolved,* That the Secretary of State be directed to inform this house the cost of the arrest and trial of John H. Surratt. Whether the proceedings of said trial have been published in book form; if so, by what authority and at what expense.

In regard to so much of the resolution as relates to the publication of the proceedings on the trial of John H. Surratt, the Secretary of State reports that, on the application of the district attorney and counsel for the United States who were engaged in that trial, Francis H. Smith, official reporter of the House of Representatives, was employed to report the proceedings on the trial from day to day, and to lay the proceedings, as fast as perfected, before the court and the counsel; and a requisition was at the same time made upon the Congressional Printer to print the report as fast as prepared, in order to carry into effect that arrangement. The expense of reporting was stipulated, and although the reporter found it unreasonably low, and required increased compensation, his application was denied, and only the sum originally stipulated was paid.

It was all the time apprehended that after the conclusion of the trial there might be an ultimate need for reference to the printed reports; at the same time, the case being one of the highest political and judicial importance, it was

thought necessary and expedient that the report should be preserved in a shape convenient for reference and history. With this view direction was given to the Congressional Printer to print one thousand copies, and no more, for the use of the Department of State. A thousand copies were so printed and bound by the Congressional Printer, and were delivered to the Department of State. The expense of printing by the Congressional Printer was the same as that which is incurred for printing public documents of every sort under the direction of Congress of either house, or of the departments. One copy of the report of the trial was directed to be given to the President of the United States, one copy to the Attorney General of the United States, one copy was given to each of the counsel and the court, one copy to each member of the Judiciary Committee, and copies were furnished to diplomatic and consular agents abroad for themselves, and for the governments who had been in any way concerned in the arrest, surrender and delivery of John H. Surratt to the government of the United States. The residue of the edition now remains in the library of the Department of State, for such ultimate use as from time to time shall be required, subject to the control and disposition of Congress. The Judiciary Committee of the House of Representatives were duly informed of the publication and preservation of the report. The publication was made upon the authority of the Secretary of State, under the laws of the United States.

In regard to the other portions of the resolution of inquiry, the Secretary of State reports that the case of the United States against John H. Surratt for the assassination of Abraham Lincoln, and the attempted assassination of the Secretary of State and the Assistant Secretary of State, is again set down for trial on the 24th of February instant. It is believed the prosecution might be embarrassed and hindered by a premature publication of the cost of the arrest and trial of John H. Surratt, and, for this reason, the Secretary of State is of opinion that it would not be compatible with the public interest to make further answer at this time to the inquiries contained in the resolution.

Respectfully submitted.

WILLIAM H. SEWARD.

The PRESIDENT.