

SUBORNATION OF PERJURY.

THE CASE OF CONOVER.

WASHINGTON, August 9.—The following document has been obtained from official sources:

ATTORNEY GENERAL'S OFFICE, 5th August, 1867.—Mr. President: The application of Charles A. Dunham having been referred to this office, in the customary order of Executive business, for the examination and advisory action of the Attorney General, it has become my duty, during the indisposition and absence of the distinguished incumbent of the Law Department, carefully to consider the case. In respectfully declining, as I do, to offer at present any recommendation in the premises, I beg to submit for your consideration the reasons which constrain me to reserve advice and suspend judgment until I shall have been further instructed by your Excellency.

Dunham, the person applying for pardon, is the same who has become notorious under the name of Sanford Conover. He was recently convicted of perjury in the District of Columbia, and is, as I am informed, now incarcerated, in accordance with the sentence of the court. His application seems to be predicated, in part, upon a supposed technical irregularity in the constitution of the jury, and is supported mainly by the services which he is alleged to have rendered the cause of justice in aiding the prosecuting counsel in the collection of evidence and otherwise upon the trial of John H. Surratt for murder.

The papers upon which his application is grounded and by which it is sustained consist of four in a parcel, which, by indorsement, appear to have reached the Executive office on Saturday, the 27th of July, 1867. The first is dated the 22d of July, and is written upon the ordinary note paper used by members of the House of Representatives, with an engraved vignette caption. The following is a copy:

FORTIETH CONGRESS UNITED STATES, HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., July 22, 1867.—Gentlemen: I suggest that a petition something like the inclosed be prepared and signed by you for the pardon of Mr. Dunham. I think he is clearly entitled to it, and hope you will aid him all you can.

Respectfully, J. M. ASHLEY. Hon. J. Holt, Hon. A. G. Riddle.

It would seem from an expression used in this note that a draught of a petition was enclosed. It does not appear what petition was thus designated.

The next paper is the following from a late Representative in Congress from Ohio, now a member of the Washington Bar.

WASHINGTON, July 23, 1867.—To the President of the United States.—Sir: I was early in April last retained to aid the government in the prosecution of John H. Surratt, and took the general management of the preparation of the case.

The labor and difficulties of the case were great, and the government is under great obligation to Charles A. Dunham for much valuable information, both as to the facts and witnesses for the United States and for the history of and facts concerning the witnesses called for the defence. Although in jail, he managed to keep informed of the progress of the case, and from time to time communicated important facts and suggestions, and seemingly for the sole purpose of a fair investigation of the case, whether it would work for his benefit or not. It seems to me that for his services in this behalf the government should not to him.

On returning to Washington, Allen called on Booth and delivered the package, and Booth, after examining some of the letters, went out, as he said, in search of his messenger. The messenger could not be found, and Booth asked Allen if he was too tired to walk as far as the Kirkwood House. Allen replied in the negative, when Booth, drawing forth the package which had been brought from Richmond, selected a letter addressed to Andrew Johnson, Vice President elect of the United States, and asked Allen to deliver it. Allen promised to do so, and then accompanied Booth to the bar-room to first take a drink.

Here Allen met a friend, who was invited to join them in taking a drink, and afterwards accompanied him to the Kirkwood House, and heard him inquire if Mr. Johnson was in, and saw him go to his (Johnson's) room. This friend waited until Allen came down stairs, when he asked him, jocularly, what in the devil's business he had to do with Johnson: if he was already begging for an office.

Allen can be produced, as well as the friend who accompanied him to the Kirkwood House from Booth. Allen, before going to Richmond, had been led by Booth to believe that it was a confidential and secret agent of the government, and that the letters borne by him had reference to peace propositions which would speedily tend to a suspension of hostilities and the restoration of the Union. Add, also, that it can further be proved by two persons formerly rebel soldiers, that Booth, on the first or second day before his death, fell in with them near Garrett's, and asked their advice and assistance in his efforts to escape. He informed them that he had killed Lincoln, and thereby made a good southern man President.

One of the parties, whose name is Dawson, said to him that if he meant that he had made Andy Johnson President, he had done the worst possible thing for the south; as he was more extreme in his views, and a greater enemy to the south, than Lincoln. Booth replied that it was a mistake; that Johnson as a candidate, or office-seeker, had to say a great many things, but that as President he could do as he pleased; that he was bound to be a friend to the south, and that if he went back on him (Booth) he would have him hung higher than Haman. These men belong to good families and have excellent characters, and can be produced as witnesses.

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(B) THURSDAY MORNING, April 18, 1867.—Dear Sir: A telegram calls me to Philadelphia, and I go on the 11 o'clock A. M. train; I therefore send you an envelope in which you can send me by mail your statement.

I hope you will be able to put it in the office this evening, so that I can get it next Monday. Wishing you every success, I am yours truly,

J. M. ASHLEY. [At and after the word "statement" above, the words "incorporating the verbal" are stricken out.]

(C) TOLEDO, Ohio, April 28, 1867.—My Dear Sir: On my return home to-day I found your favor and the promised statement inclosed. I

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That it was entirely upon this testimony of said self-confessed perjurers that your petitioner was convicted, and that without the said testimony of said persons the jury before whom your petitioner was tried could not possibly have found a verdict of guilty.

Your petitioner further says that he was tried and convicted by a jury not qualified to try him; that the jurors before whom he was so tried and condemned were illegally selected and drawn, as decided by the Court in the case of John H. Surratt—the manner and form of selecting the jurors in the case of Surratt and your petitioner being identical—that in the discussion on the opening of the trial of Surratt, as to the legal qualification of the jurors who had been empanelled to try him, it was contended by the prosecution and decided by the Court that said jurors were informally and irregularly selected and drawn, and that any verdict they might render upon any trial would be absolutely void.

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The above are all the papers which have come to my knowledge in relation to the application for pardon. When considered in connection with other papers, adventitious to receive, they excite peculiar interest and command careful attention; and it is the extraordinary gravity of the import of these papers last mentioned, in connection with the source whence they came, which makes it my delicate duty to submit their contents for your studious consideration, and to suggest that some proper disposition ought to be made of them in consonance with the dignity of the government and in justice to all parties.

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Your petitioner further says that he was tried and convicted by a jury not qualified to try him; that the jurors before whom he was so tried and condemned were illegally selected and drawn, as decided by the Court in the case of John H. Surratt—the manner and form of selecting the jurors in the case of Surratt and your petitioner being identical—that in the discussion on the opening of the trial of Surratt, as to the legal qualification of the jurors who had been empanelled to try him, it was contended by the prosecution and decided by the Court that said jurors were informally and irregularly selected and drawn, and that any verdict they might render upon any trial would be absolutely void.

Your petitioner further says that under the rules and practice of the Supreme Court of this District the above information was in fact selected and drawing of a jury does not after sentence under a verdict found by such a jury, constitute a ground for a new trial or other relief by the Court, and that the only remedy for such an illegal conviction lies in an application to the Executive for pardon.

The above are all the papers which have come to my knowledge in relation to the application for pardon. When considered in connection with other papers, adventitious to receive, they excite peculiar interest and command careful attention; and it is the extraordinary gravity of the import of these papers last mentioned, in connection with the source whence they came, which makes it my delicate duty to submit their contents for your studious consideration, and to suggest that some proper disposition ought to be made of them in consonance with the dignity of the government and in justice to all parties.

The following are the several papers which accompany the above. The letters of reference inserted in the foregoing and annexed to the succeeding are not upon the original, but are introduced solely for your convenience in perusing the report.

The subjoined paper, headed memorandum by the hand that wrote it, bears internal evidence of having been furnished as a guide to some person or persons who were expected to fabricate corresponding testimony: (A.) Memorandum.—Shortly before the inauguration of Lincoln and Johnson, the latter, through or in connection with Booth, sent several letters to Jefferson Davis. These letters were borne by a messenger named Allen, who had been sent as a spy for one of the Union generals. Allen was provided with a safe conduct through our picket lines, and was supposed to have been sent on secret duty in connection with his command. He was also provided with papers from a rebel emissary at the north to insure his proper treatment when he should enter the confederate lines. After delivering his mail in Richmond, he returned, bearing several letters, which he received from J. P. Benjamin. These letters were inclosed to Booth.

On returning to Washington, Allen called on Booth and delivered the package, and Booth, after examining some of the letters, went out, as he said, in search of his messenger. The messenger could not be found, and Booth asked Allen if he was too tired to walk as far as the Kirkwood House. Allen replied in the negative, when Booth, drawing forth the package which had been brought from Richmond, selected a letter addressed to Andrew Johnson, Vice President elect of the United States, and asked Allen to deliver it. Allen promised to do so, and then accompanied Booth to the bar-room to first take a drink.

Here Allen met a friend, who was invited to join them in taking a drink, and afterwards accompanied him to the Kirkwood House, and heard him inquire if Mr. Johnson was in, and saw him go to his (Johnson's) room. This friend waited until Allen came down stairs, when he asked him, jocularly, what in the devil's business he had to do with Johnson: if he was already begging for an office.

Allen can be produced, as well as the friend who accompanied him to the Kirkwood House from Booth. Allen, before going to Richmond, had been led by Booth to believe that it was a confidential and secret agent of the government, and that the letters borne by him had reference to peace propositions which would speedily tend to a suspension of hostilities and the restoration of the Union. Add, also, that it can further be proved by two persons formerly rebel soldiers, that Booth, on the first or second day before his death, fell in with them near Garrett's, and asked their advice and assistance in his efforts to escape. He informed them that he had killed Lincoln, and thereby made a good southern man President.

One of the parties, whose name is Dawson, said to him that if he meant that he had made Andy Johnson President, he had done the worst possible thing for the south; as he was more extreme in his views, and a greater enemy to the south, than Lincoln. Booth replied that it was a mistake; that Johnson as a candidate, or office-seeker, had to say a great many things, but that as President he could do as he pleased; that he was bound to be a friend to the south, and that if he went back on him (Booth) he would have him hung higher than Haman. These men belong to good families and have excellent characters, and can be produced as witnesses.