

Notwithstanding these convincing facts, Hatheway was not released until Monday, March 23, 1885, at which time the Court-Martial having adjourned *sine die*, I was informed by Charles C. Compton, Post Commandant, that Captain Adams, President of the Court-Martial had notified him unofficially that the Court-Martial had no further use for my client, and that he was at liberty to go.

The special plea entered by me was substantially that my client was not Alfred Heath and that he was Arthur E. Hatheway and had never been an enlisted man in the United States Army. The proof was overwhelming and undenied that Alfred Heath was a deserter and a horse-thief. It was also clearly established that my client's special plea was true, and notwithstanding this, the Court-Martial as I learned with surprise when the verdict was made public, completely ignored the special plea and contrary to the evidence rendered a verdict that Alfred Heath was "Not Guilty."

I was present at the Court-Martial at the examination of the Saddler from Fort Niobrara, and heard and witnessed the whole proceeding narrated in the published statement of Arthur Ernest Hatheway on page two. The statements of that matter are true of my own knowledge. I immediately made written memoranda of the same. Lieutenant Paddock said he thought he had detected a scar, and at my request Hatheway again removed his boot and sock and Lieutenant Paddock looked closely but did not say whether he saw a scar or not. My client said to Lieutenant Paddock in an ordinary tone of voice, still holding his sock in his hand "Are you satisfied?" At which Lieutenant Paddock turned toward my client and shaking his fist in his face said in a rude, insulting and abusive manner, "Don't give me none of your lip," and immediately made a motion that the court be cleared and that Hatheway be confined in the Guard House.

No notice was taken of Lieutenant Paddock's motion, and the business then proceeded.

I have carefully read the published statement of Arthur Ernest Hatheway and the same I believe to be true. Many of the material facts stated therein are true, as I know from my own knowledge, and the rest were communicated to me during the trial, as they occurred, by my client and enlisted men in the garrison, and many of them by citizens.

It was no secret in the post that the trial of Hatheway was proceeded with for the express and only purpose of exonerating the officers who had been instrumental in causing the arrest. The man Trumpeter Warren, had been the most intimate associate of Alfred Heath, and was better able to determine the fact as to whether my client was or was not Heath than any other man obtainable, and Trumpeter Warren asserted in my presence and that of one of the officers of the court, that my client was not Heath. Lieutenant Bellinger not only knew this but also refused to call him as a witness. I am well acquainted with Big Horn, and its resident citizens, and know the reputation of the community for peace and good order. It is not "a resort for the hardest set of citizens of Johnson County," and does not nor has it had during my residence in Johnson County any such reputation, and all statements to the contrary are base and malicious falsehoods. The town is one of unusual good order, and the citizens are now and always have been since the county was organized, a peaceable, quiet, and law abiding community as the records of our courts will show.

The trial of Mr. Hatheway was a farce, and an imposition, and his treatment at Fort McKinney during the first part of his confinement, as I am told by enlisted men who served as guards, was cruel, abusive and outrageous, and I have every reason to believe and do believe that had we been located near to a Judge of the United States Courts the arrest would never have taken place, and that the arrest and trial of Mr. Hatheway by the United States Army Tribunals was uncalled for, and with the exercise of the most ordinary judgment could and would have been avoided. I assert as my fixed conviction from my knowledge of the case.

CHARLES H. BURRITT.

On this 9th day of September, 1885, before me, N. L. Andrews, a United States Commissioner in and for the Second Judicial District of Wyoming, personally came Charles H. Burritt, and subscribed the foregoing statement in my presence, and made solemn oath that the same is true as therein stated.

I further certify that I am well acquainted with Charles H. Burritt, the above subscriber, and that he is a person of respectability, and to whose statements full credence should be given.

Witness my hand and Official Seal the day and year last above written at Buffalo, Johnson County, Wyoming Territory.



N. L. ANDREWS, *United States Commissioner*,
2d Judicial District of Wyoming Territory.