

UNITED STATES OF AMERICA.

TERRITORY OF WYOMING, }
COUNTY OF JOHNSON. } ss.

Charles H. Burritt, of Buffalo, Johnson County, Wyoming Territory, of lawful age, being first duly sworn, upon his oath deposes and says as follows : —

I am an attorney-at-law, and have resided at Buffalo aforesaid, continuously since September, 1883, and have been there engaged in the practice of my profession. I was employed on February 23, 1885, by Arthur Ernest Hatheway, to conduct his defense before a general court-martial upon the charges contained in the exhibits hereto attached, marked "A" and "B." Said A. E. Hatheway came into my office in custody of a Soldier, and stated to me that he was under arrest charged with desertion, and desired me to visit him at Fort McKinney. I at once recognized him as a young man that I had seen in the winter of 1883-4 at the Thornburgh House in Laramie City, Wyoming, while I was a transient guest of said house, and in company with one Wetherbee, of the firm of Wetherbee & Billings, sheep ranchers, near said Laramie City. Mr. A. E. Hatheway informed me then that he was a British subject, had never been in the United States Army or any other. I advised him to make the same assertion at Fort McKinney on his arrival there, and I would take steps at once to have him released. My conversation at this time with my client was limited as the guard remained continuously in the room.

On Wednesday, February 25th, 1885, I went to Fort McKinney to have an interview with my client. I made application to the Sergeant of the Guard at the Guard House for such an interview and was informed by him that I was not to be permitted to see him, that my client was in close confinement and the orders were very strict not to allow any communication with him, and I was referred to Lieutenant Paddock, Officer of the Day. I at once went to Lieutenant Paddock's quarters and notified him that I was counsel for Hatheway and desired an interview with him. Lieutenant Paddock told me that Colonel Compton, the Post Commander had given him strict orders not to allow anyone to communicate with that man, and advised me to apply to Colonel Compton himself, when I would no doubt receive the required permission. Lieutenant Paddock then asked me, "do you think that this man is a deserter?" To which I replied, "I have had very little talk with him yet, but I am confident that I have seen this same man in company with Mr. Wetherbee of Laramie City, and at the Thornburgh House in company with men of such character as to preclude the idea that he is a deserter, and I know that Mr. Wetherbee lived near Boston, Mass., and is a man well connected there. I cannot think that Hatheway is a deserter."

I then went in search of Colonel Compton, calling at his office and his house. I met him near the garrison stables, and upon my representation that I was counsel for Hatheway, Colonel Compton accompanied me to the Guard House and gave verbal orders to the Sergeant of the Guard to allow me an interview with "that man Heath" in the office of the Sergeant of the Guard, and that I should not be interrupted or disturbed by anyone. He then requested me to call at his house when I was at liberty.

I was then admitted to the Sergeant's Office in the Guard House and the Sergeant retired to another part of the Guard House and returned with my client. Mr. Hatheway then stated to me who he was, and as near as he understood the charges against him. He complained to me that he was closely confined, had no bedding because he had refused to sign the name of Heath and had been grossly insulted by the Officer of the Day and others. I took the names and addresses of the relatives of Hatheway and the names of persons in whose employ he had been, and then went to the residence of Colonel Compton, where I had a long interview with him. I told him as I had told Lieut. Paddock that I did not believe he was a deserter and gave him the names and addresses of responsible parties in Missoula, Montana, Boston and Dedham, Mass., and St. John, New Brunswick. Colonel Compton promised to investigate the matter. I then requested that Hatheway be furnished with necessary bedding and be treated with the consideration due to a citizen until such time at least, as he should be proved to be an impostor. I returned to Buffalo and at once communicated with Eddy Hammond & Co., Missoula, Montana, in whose employ Hatheway had represented to me that he had been. I received in answer to my letter to Eddy Hammond & Co., a telegram from Eddy Hammond in which the assertion was made that Arthur Ernest Hatheway was no deserter. This telegram I at once showed to Colonel C. C. Compton, Lieut. E. Swift, Jr., Post Adjutant, Lieutenant Bellingier, Judge Advocate and others. I received early in March, 1885, and prior to the 10th, some affidavits from the family and others, clearly showing that there was a mistake in the arrest.