

up his hands, and said; go away, go away, I can't see you now. But I said I must see you, where is Fletcher and Merriam? He said: In my room: Come back at nine o'clock and I will see you. This I think was about seven o'clock, p. m. I returned at the time mentioned and had a long talk with him. He commenced by saying: Your friends are the greatest fools I ever met. They drove right up to the house where I was stopping at the Scratching River, and I gave them several hints to leave and even laid down and pretended to be asleep, in order that they might go, but found I could not drive them away. He then said to me: Where is Burbank? I said: At my house. He then said: For God sake get him out as fast as you can, get him where he wouldn't be seen until Tuesday. I will then have him clean. I still had confidence in the Attorney General and I said. Where will I take him to? I mentioned over two places and he made the selection. I accordingly drove Burbank to this friend's house. However before leaving the Attorney General, he said: I have enough against Burbank in my possession to send him to the penitentiary for seven years. I don't believe you have a scratch against him. He then said: I have his official seal to all the letters and documents I took from the prisoners. I asked him to show me the documents: but he did not. Mr. Burbank next morning left my friend's house (as we began to feel that he (Clark) was playing false with us) and remained in the woods on the south side of the Assineboine all day. In the evening when, I found the Attorney General meant to deceive me, I drove over and got him (Burbank) in my buggy and then drove up the river until I caught the Dakota. We hailed her until Mr. Burbank got on board.

On my way up I told Mr. Burbank what the Attorney General had said about his official seal &c., being on all the documents and letters written to parties here. Mr. Burbank then said: He (Clark) must be an ass or something to that effect to not know the difference between an official seal and a hotel keepers name. He (Mr. Burbank) then showed me the letter that was written him. It appears that all the letters sent were written at the Nicolet house, Minneapolis, on letter paper belonging to the Hotel; and lately the house has changed proprietors and across the letter heading in large red letters is the name of A. G. Burbank & Co., who is no relative of J. C. Burbank and is not personally known by him. The warrant was made out against, G. A. Burbank, but nevertheless they would have arrested J. C. Burbank had he not got away, and would have given him a great deal of trouble. J. C. Burbank got out of a sick bed to come here and was sick when he arrived, and has been ill for the last nine months; and had he been arrested and used as the other prisoners were at first, and have no doubt he would have been used as badly. I think he could not have lived through it.

While in the Attorney General's office on the night of the 4th, he said he wished to make me an offer and wanted it to be in strict confidence. He commenced by saying:—Macauley, you know I am a poor man, I want money and if your friends will guarantee me, say \$25,000 I will resign my position as Attorney General and agree to have Gordon in New York within twenty days, and then said Gordon is the damndest scoundrel in America. I have been in communication with the head officer of Scotland Yard and have kept a policeman on the lookout for Gordon all winter and expected an officer from Scotland Yard to arrest him. I told him I would communicate his offers to my friends, which I did.

On the 5th I tried to get counsel for my friends, but found they were all engaged for the prosecution, excepting Mr. Mackenzie. I called and asked him if he would take the defence. He at first hesitated and said he would not decide, as he would have to see the Attorney General. The next time he met me said, I have made up my mind to take the case, but must be paid well, as I will have to dissolve partnership with the Attorney General. I then said:—How much do you want to attend to the suit and defend the prisoners? He then said:—I must have five hundred dollars, and I agreed to give it and he took the case.

I forgot to say that during my conversation with Clark the night of the 4th I mean the night he returned from the Scratching River, he said: The prisoners will be bailed out as I understand, (meaning Fletcher and Merriam) but you must not appear in it. I will arrange the bail. A few days after the examination had commenced I called at Mr. Mc-