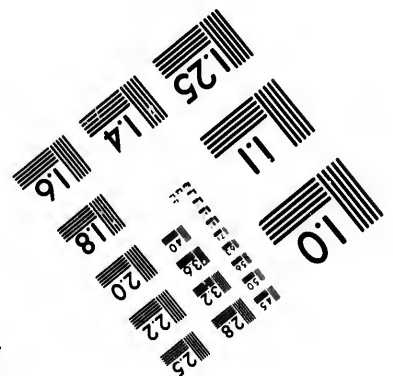
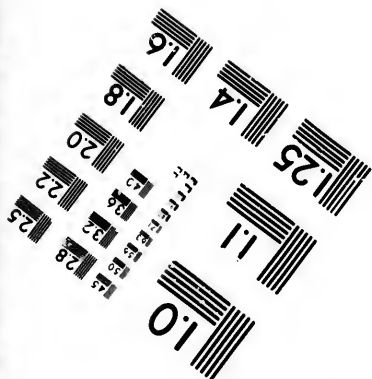
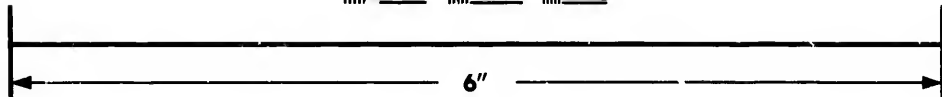
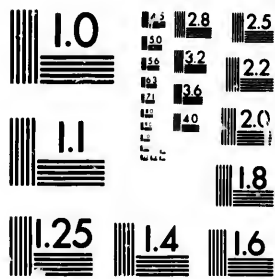


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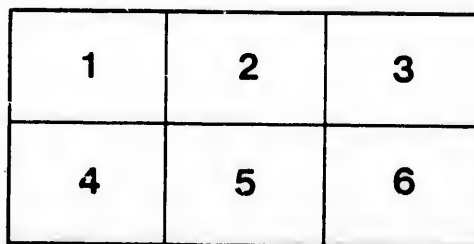
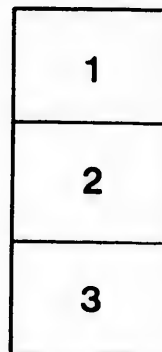
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A STRANGE STORY.

CANADA,
PROVINCE OF MANITOBA. }

I, WILLIAM J. MACAULEY, lumber dealer and manufacturer, of the Town of Winnipeg, County of Selkirk, in the Province of Manitoba, Dominion of Canada, make oath and say I recollect the evening of July the third ult. J. C. Burbank, of St. Paul, Minnesota, U.S., was with me in our saw mill; we saw a person in a white coat and straw hat coming towards the mill, and as Mr. Burbank was going towards the office, he met him, I saw him hand Mr. Burbank a letter, then Mr. Burbank and this man, whom I learnt next day was Capt. Hoy, walked towards town. As it was near our tea time I followed shortly after with my buggy; met Mr. Burbank on the street and he drove with me home to tea. Mr. Burbank is my partner in the lumber business here, and was stopping with me at the time. I don't know that Mr. Burbank saw Hoy after; did not know anything about the arrest of Gordon until the next day, when Mr. Burbank and I were driving home to dinner. Met Dr. Bown near Dr. Shultze's. He came up to our buggy and commenced talking; I could not get at what he meant and asked him. He (Bown) said: You know all about it. I said I do not. He laughed and walked away, and we drove on. Mr. Burbank then told me of the arrest of Gordon, and said I think that is what he, (Bown,) was trying to drive at; also told me that Capt. Hoy had brought him a letter from Mr. Roberts of New York, stating Hoy's business. Mr. Burbank then told me, he said to Hoy while walking from the mill to town: Now you are in another country and be sure you are right before you act. Hoy then said: I am sure I am right and handed his papers to Mr. Burbank to look at. Mr. Burbank then said: "There is no use of my looking at them, as I would not know any more about them than I now do." A friend drove to our office in the afternoon of the 4th, and told me that he had just heard that a warrant was about to issue for Mr. Fletcher; as it was reported that he had assisted in capturing Lord Gordon. Mr. Burbank and I were then settling and arranging with Messrs. Fletcher and Merriam, for a quantity of saw logs, we purchased from them. Messrs. Fletcher and Merriam had been anxious to leave for several days, but as I had some arrangements to make with Mr. Burbank, before I could arrange with Messrs. Fletcher and Merriam, which caused their detention, promising as soon as we got through, I would hire a carriage and send them off. Mr. Burbank and I thought we could go down and call on the Attorney General, and find out, if there were any cause for the report of Fletcher's arrest. We told the Attorney General how far Fletcher had anything to do with it. He gave us to understand that no arrest of Mr. Fletcher would be made. We then returned to the office and settled up our business with Messrs. Fletcher and Merriam, and I invited them to take tea with me, and I would have a carriage sent up that they might leave for home after tea. Mr. Fletcher thought I had better see the Attorney General again, and if there could be the least chance of his arrest, he said would not leave; I then called on the Attorney General again and told him what Mr. Fletcher said; also told the Attorney General I had detained Fletcher much longer than I should have done and knew he had important business to look after and said I was anxious he should now get off. The Attorney General then said, my horses and buggies are all at the gate and I will leave for Pembina within a half hour. After I leave, you can order a carriage and have it sent to your house; and at dusk let Fletcher and Merriam follow me, and if any attempt is made to arrest them at Pembina I will be there to release them. I then said; can I depend on this? He (the Attorney General) said: I now give you my word as a gentleman, they shall be released if arrested.—and according to his advice they left.

The next evening (I think) as Mr. Burbank and I were driving to tea we were met by a gentleman who said the Attorney General has returned and I heard he has Fletcher and Merriam with him. I then said: I don't believe it. Mr. Burbank thought I had better run down and see, which I did, and in going up stairs in the Government house, I was told the Attorney General was in Mr. Roman's room. I rushed in, and when he saw me he threw

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-

Kenzie's office, and he asked me: Who will bait Messrs. Fletcher and Merriam? I said I will for one. He then said: You would be refused as your property is considered perishable, but I can arrange so that you will be accepted, and will tell you in what way, and went on to say: you, no doubt, know that the Attorney General and his wife do not live happy together, and he, the (Attorney General,) wants to sell out all his property, and has placed it in my hands to sell. The Attorney General has not told me to make the offer, but if you accept I can make arrangements with him. He then said: The Attorney General owns 160 village lots across the Assiniboine. The property purchased from James Lemay, and we propose selling it to you for sixteen thousand dollars (\$16,000), and then if you are offered as bail they can't refuse you, as Clark will not oppose it. He then said: The bail can be forfeited. I told him I could not see it in the same light; that in case the bail might be forfeited, it might cost me \$32,000, less the cash value of the land, if it was forced to sale, which, in my opinion, would not bring three thousand dollars. I did not want any property that would not bring the full amount paid at any time I would be obliged to sell. He then proposed they would find a man of straw who would take the property and become bail. I then said: If this is arranged, are you sure the Attorney General can arrange so that bail will be taken? He then said I have no authority from the Attorney General to say so, although I know he will do it, and if I succeed I want you to pay me fifteen hundred dollars more for arranging this. I then said: You had better see the Attorney General, and if he agrees, I will talk to Brackett and Wilson about it, as they are the men that will have to make the purchase. The next time I saw him, he said he had it all arranged with the Attorney General, and that he, (the Attorney General,) proposed putting in another small piece of land with the Lemay property. I think he called it the Bruce property, and then said: I am making a good sale for Clark and he ought to be well pleased, and I have not one cent interest myself in it, but I must be paid the fifteen hundred dollars in gold. I then said: Supposing Clark does not succeed in getting bail, I suppose it will be considered no sale. He said certainly. But added, I think there is not the least danger, as Clark will arrange it, and the Judge will not oppose it. I went home and told Brackett all that had passed. He (Brackett) said the damned scoundrel, I ought to go down and tell him his services are no longer required and expose the whole thing. I then said to Brackett: You better not do that yet, you had better go and see him, as I told him you would, and see if he holds out the same inducements to you to buy. I saw Brackett after his interview with McKenzie, and he (Brackett) told me that McKenzie had made him the same offer, but came down in price \$1,000, making the price asked for said property \$15,000. I was well aware that no offers would be entertained for their lands any more than to draw them on, but was anxious for Brackett to know what they proposed.

Nothing further was mentioned about the lands. I fancy they began to think it would be no go; however, a few days after Mr. McKenzie called me into his office, and said: Here Cornish has been paid five thousand dollars by Gordon to prosecute, and he (McKenzie) had worked hard for the last two weeks, and if he continued the case he would insist on having two thousand dollars more, and wanted me to see about it. I asked him if he wanted me to mention it to Brackett. He said: Yes, tell him I must have two thousand dollars more. I mentioned it to Brackett, and he said: Not another dollar.

I learnt some few days after that McKenzie had stated in court he had never made a demand for two thousand dollars, and the man that told it was a slanderer and a liar. I called on McKenzie next day, and asked him if he denied making a demand on me for two thousand dollars in case he continued the case. He said he had not made the demand the way it was stated in the Minneapolis paper. I told him I did not know anything about the statement in the paper, as I did not see it.

He then read it. I told him the only difference there was is this: The paper states you refused to go on with the case unless you were paid two thousand dollars more; and your statement to me was that you must have the amount if you continued the case, which he acknowledged to be correct.

With respect to Messrs. Fletcher and Merriam.—During last winter they made a contract



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to deliver me a certain quantity of logs. That said logs were to be delivered at the Railroad Crossing of Red Lake River on the 14th of June. I received a telegram from Mr. Fletcher saying: "Meet me at Grand Fork on the 23rd; logs all in." I think I met him on the 25th or 26th. While there, we received a telegram from J. C. Burbank, stating he could not leave on the night he had previously stated in a telegram to Mr. Fletcher, as he was then sick in bed, but said he would leave on second or third evening after, if able. I then induced Mr. Fletcher and Mr. Merriam to come on to Fort Garry and await the arrival of J. C. Burbank, as I expected him to assist me through with the arrangements I made for said logs with Messrs. Fletcher and Merriam, and others who had interest in said logs. Mr. Fletcher did not want to come down; told me the loss of time from his business would be a damage to him; and said, "If I go down, you must not detain me any longer than you can possibly help." I promised I would not. Messrs. Fletcher, Merriam and I arrived here on Saturday morning, the 28th of June. Mr. Burbank arrived Tuesday morning, July 1st. We kept Messrs. Fletcher and Merriam, after Mr. Burbank arrived, until Thursday evening (3rd), as Mr. Burbank and I had some arrangements to make before we could settle with Messrs. Fletcher and Merriam, which was cause of their delay here. Otherwise, they would have been off before Capt. Hoy arrived here, and would have escaped the difficulty they have been put to.

W. J. MACAULEY.

Sworn before me, one of the Prov. Justices of Peace for the Province of Manitoba, this second day of August, in the year of our Lord one thousand eight hundred and seventy-three.

JOHN H. O'DONNELL, J. P.



