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The official record of a court of inquiry convened at Chicago, Illinois, January 13, 1879, by the President of the United States upon the request of Major Marcus A. Reno, 7th U.S. Cavalry, to investig...

Reno, Marcus A., 1835-1889, (Marcus Albert)
Pacific Palisades, Calif.: [s.n.], 1951

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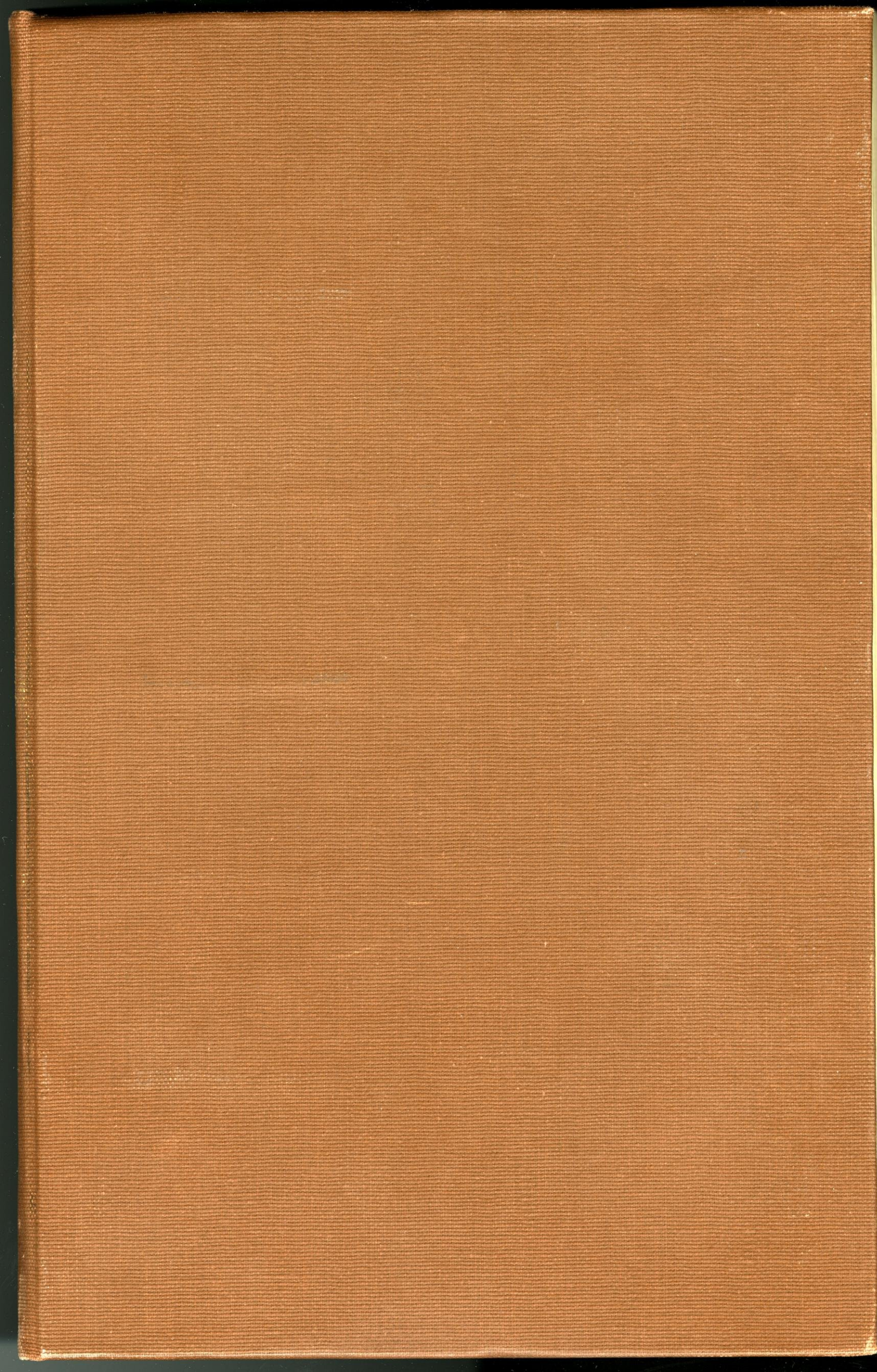
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THE
OFFICIAL RECORD
of a
COURT OF INQUIRY
convened at Chicago, Illinois, January 13, 1879, by
THE PRESIDENT OF THE UNITED STATES
upon the request of Major MARCUS A. RENO, 7th U. S. Cavalry
to investigate his conduct at
the battle of the LITTLE BIG HORN, June 25-26, 1876

With an
INTRODUCTORY CHAPTER

by
Col. W. A. Graham, U. S. A., Ret'd.
Author of "The Story of the Little Big Horn";
"Come on, Be quick, Bring Packs";
"The Lost is found", etc.

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INTRODUCTORY CHAPTER

The Sioux War of 1876 has ever been a subject of engrossing interest to students of our many conflicts with the Indians of the western plains. It reached its zenith on June 25 of the Centennial Year when at the battle of the Little Big Horn River in Southeastern Montana, Brevet Major General George A. Custer, then lieutenant colonel in command of the Seventh United States Cavalry, together with his entire detachment, comprising Companies C, E, F, I and L of that regiment, perished to a man in combat with the warrior horde that followed the Hunkpapa medicine man, Sitting Bull. The remaining seven companies, whose field of battle was located some four miles distant from the scene of the Custer disaster, also suffered heavy losses.

Because of the manner in which this greatest of all armed conflicts between the white trooper and the red warrior was waged, the battle of the Little Big Horn, despite its comparative unimportance, has provoked almost, if not quite as much controversial discussion throughout the intervening years as has any combat in which our troops have been engaged.

A principal reason (though by no means the only one), that has contributed most largely to this condition, has been the dearth of reliable source material: and it is the purpose of this volume to relieve that deficiency to the greatest extent possible, by making available to students and historical researchers, the most comprehensive and authentic source of information in existence; indeed, the only source composed of testimony under oath, taken by an authorized tribunal of the United States Government, from officers, enlisted men and civilians who participated in the engagement, or who surveyed both fields of battle shortly thereafter.

Custer and his dead were scarcely cold in their shallow graves when bitter controversy and dispute arose over the conduct of the battle; and in particular, as to the parts played in it by Major Marcus A. Reno and Captain Frederick W. Benteen, respectively second in command and senior company commander, to each of whom battalions had been assigned when the regiment was some fifteen miles distant from the locus of the conflict.

General Custer, who graduated from West Point in 1861, just in time to receive his baptism of fire at Bull Run, had been a shining figure ever since

the close of the Civil War. Brilliant, energetic and spectacular, he was utterly fearless. In popular esteem he was the embodiment of everything a cavalryman should be; an "up and at 'em" leader whose code began and ended with the time-honored slogan of the trooper: "Audacity - always audacity."

To the American public generally, Custer was a very demi-god; the dashing hero of a hundred battles; a "chevalier sans peur et sans reproche": and to that public the news of his tragic fate at the hands of a savage foe came as a sharp and profound shock. It's instant reaction to the gruesome tales of butchery and mutilation that filled the press for days and weeks on end, was an insistent demand that someone bear the stigma of culpability.

Major Reno, despite an excellent record during the Civil War, and his long experience as an officer of cavalry - for he was Custer's senior in service by four years, having graduated from West Point in 1857 - became the obvious target. An obscure figure by comparison with the popular Custer, he was vulnerable because of his position as regimental second in command throughout the Sioux campaign; and the heavy ordnance of both critics and detractors quickly centered upon him, though Benteen also came in for a goodly share of censure.

Benteen, a fighter both by instinct and by habit, soon routed and all but silenced his assailants.* But Reno was less fortunate, and despite all efforts to exonerate himself, he was pursued with relentless and ever-increasing charges of misconduct in the face of the enemy; of cowardice and drunkenness during the battle, and with recreant desertion of his Chief, who it was persistently asserted, might still be in the land of the living had not Reno shirked his duty as officer and soldier.

Reno tried, but vainly, to counter his defamers. He sent letters to the press; he submitted to interviews; he answered critics right and left to no avail. His chief detractor, the head and front of a veritable legion of accusers, was one Frederick Whittaker, who late in 1876 had published a "Life of General Custer", in which he placed responsibility for the disaster squarely upon Reno's shoulders.

* See infra. pp. X-XI

On the 18th day of May, 1878, Whittaker, having failed to induce adverse official action by the War Department, addressed an open letter to Hon. W. W. Corlett, Delegate to Congress from Wyoming, in which he renewed his charges in an all-out attack upon Major Reno, and vigorously demanded a Congressional investigation of the latter's conduct at the Little Big Horn.

The Whittaker letter, copies of which he furnished to the newspapers, was broadcast by them on June 13, 1878. The press release read as follows:

THE CUSTER MASSACRE

Major Reno accused of cowardice. An Investigation probable.

Washington, June 12. The House Committee on Military Affairs decided today to report favorably to the House a resolution directing an investigation into the Custer Massacre. Mr. Bragg will present a resolution for a sub-committee to sit in recess and send for persons and papers. The basis of this action is embraced in a letter addressed by Frederick Whittaker of Mount Vernon, N. Y., to Mr. Corlett, representing Wyoming Territory, and by him turned over to the Committee on Military Affairs, on whom it seems to have made a very decided impression. Whittaker's letter is as follows:

Mount Vernon, N.Y., May 18, 1878

Hon. W. W. Corlett, M. C.

Dear Sir:

Having been called upon to prepare the biography of the late Brevet Major General George A. Custer, U.S.A., a great amount of evidence, oral and written, came into my hands tending to prove that the sacrifice of his life and the lives of his immediate command at the battle of the Little Big Horn was useless, and owing to the cowardice of his subordinates. I desire, therefore, to call your attention, and that of Congress, through you, to the necessity of ordering an official investigation by a committee of your honorable body into the conduct of the United States troops engaged in the battle of the Little Big Horn, fought June 25, 1876, otherwise known as the Custer Massacre, in which Lieut. Col. Custer, Seventh United States Cavalry, perished, with five companies of the Seventh Cavalry, at the hands of the Indians. The reasons on which I found my request are as follows:

First: Information coming to me from participants in the battle, written and oral, is to the effect that gross cowardice was displayed therein by Major Marcus A. Reno, Seventh United States Cavalry, second in command that day: and that owing to such cowardice, the orders of Lieut. Col. Custer, commanding officer, to said Reno, to execute a certain attack, were not made.

That the failure of this movement, owing to his cowardice and disobedience, caused the defeat of the United States forces on the day in question; and that had Custer's orders been obeyed, the troops would probably have defeated the Indians.

That after Major Reno's cowardly flight, he was joined by Captain F.W. Benteen, Seventh United States Cavalry, with reinforcements, which were placed under his orders, and that he remained idle with this force while his superior officer was

fighting against the whole force of the Indians, the battle being within his knowledge, the sound of firing audible from his position, and his forces out of immediate danger from the enemy.

That the consequences of this second exhibition of cowardice and incompetency was the massacre of Lieut. Col. Custer and five companies of the Seventh United States Cavalry.

Second: The proof of these facts lies in the evidence of persons in the service of the United States Government, chiefly in the Army, and no power short of Congress can compel their attendance and protect them from annoyance and persecution if they openly testify to the cowardice exhibited on the above occasion.

Third: The only official record of the battle now extant is the report written by Major Reno, above named, and is, in the main, false and libelous to the memory of the late Lieut. Col. Custer, in that it represents the defeat of the United States forces on that occasion as owing to the division by Custer of his forces into three detachments, to overmanning his forces, and to ignorance of the enemy's force, - all serious charges against the capacity of said Custer as an officer; whereas the defeat was really owing to the cowardice and disobedience of said Reno and to the wilful neglect of said Reno and Capt. Benteen to join battle with the Indians in support of their commanding officer when they might have done it, and it was their plain duty to do so.

Fourth: The welfare of the United States Army demands that in case of a massacre of a large party of troops, under circumstances covered with suspicion, it should be officially established where the blame belongs, to the end that the service may not deteriorate by the retention of cowards.

Fifth: Justice to an officer of the previously unstained record of Lieut. Col. Custer, demands that the accusation under which his memory now rests, in the only official account of the battle of the Little Big Horn now extant, should be proved or disproved.

I have thus given you, as briefly as I can, my reasons for asking this investigation, and the facts I am confident of being able to prove. My witnesses will be all the living officers of the Seventh United States Cavalry who were present at the battle of June 25, including Major Reno and Capt. Benteen; - myself to prove statements of an officer since deceased, made to me a few days before his death; F. T. Girard, Indian Interpreter to the United States forces; Dr. Porter of Bismarck, D. T., contract surgeon at the battle in question; Lieut. Carland, Sixth Infantry; Sergeant Godman, now of the Signal Service, and others whose names I can find in time for the committee's session, should the same be ordered.

Trusting, dear Sir, that this letter may result in an investigation which shall decide the whole truth about the battle of the 25th June 1876, and the purgation of the Service,

I am your obedient servant,

Frederick Whittaker.

But the Congressional investigation thus demanded by Mr. Whittaker, notwithstanding Major Reno added his own demand that it proceed, failed to materialize; and Reno, stung to the quick by this latest reiteration of the accusations against him, none of which, be it said, had received official sanction, immediately after the adjournment of the Congress, addressed an appeal to the President asking that a Court of Inquiry be convened to the end that the truth or falsity of Whittaker's charges be established. This he did under the provisions of the old 115th Article of War, which authorized such courts "to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier * * * upon a demand by the officer or soldier whose conduct is to be inquired of." His application to the President, dated nine days after publication of the Whittaker letter, read as follows:

Harrisburg, Pa., June 22, 1878.

His Excellency,
The President.

A letter addressed to Hon. W. W. Corlett, Delegate to Congress from Wyoming Terr'y., and by him referred to the House Committee on Mil. Affairs, and thus made semi-official, appeared in the press of the 13th inst. As the object of this letter was to request an investigation of my conduct at the battle of the Little Big Horn river, and was also the first time various reports and rumors had been put into definite shape, I addressed a communication to the same Committee, through its chairman, urging that the investigation be resolved upon. The Congress adjourned without taking any action, and I now respectfully appeal to the Executive for a "Court of Inquiry" to investigate the affair, that the many rumors started by camp gossip may be set at rest and the truth made fully known.

The letter to Mr. Corlett which is referred to, is hereto attached.

I am, Sir
Very respectfully,
Your Obed't. Serv't.
M. A. Reno
Maj. 7th Cavalry.

Five months later, on 15 November 1878, Reno's application having been approved, the War Department published its Special Order No. 255 which, by direction of the President of the United States, directed a Court of Inquiry to convene at Chicago on Monday, January 13, 1879, and designated as members, Col. John H. King, 9th Infantry, Col. Wesley Merritt, 5th Cavalry and Lt. Col. W. B. Royall, 3d Cavalry. 1st Lt. Jesse M. Lee, Adjutant of the 9th Infantry,

was named as Recorder. The convening order required the Court to "report the facts and its opinion whether from all the circumstances in the case, any further proceedings are necessary."

The formal preliminaries looking to a thorough investigation being thus completed, it remained only for the Court to convene and proceed to hear the evidence, which it promptly did; and Monday, the 13th day of January 1879 found the old Palmer House, then and for many years thereafter, the elite hotel of Chicago, host to more persons in the uniform of the Army than had been seen there for many a day. The Court sat continuously, in daily sessions excluding Sundays only, from 13 January to 11 February, 1879. During the first day little beyond organization was accomplished, no testimony being taken until the following day, when Major Reno introduced Mr. Lyman D. Gilbert of Harrisburg, Pennsylvania, a distinguished lawyer and personal friend, as Counsel, who attended throughout the hearing and conducted the case for the defense.

With one exception, hereinafter noted, the pages following this chapter contain an exact replica of an official copy of the original record of the proceedings of the Court of Inquiry. The testimony given by the various witnesses, of which, upon Major Reno's suggestion made while the second witness was on the stand, "that it would be in the interest of truth and justice", representatives of the Press were permitted to make full notes, is faithfully and fully set out.

The official record of these proceedings is contained in two bulky volumes composed of legal cap, bound together with the traditional red tape. It comprises some 1300 pages, of which somewhat more than half are transcribed in longhand, the rest being composed of printed columns cut from daily issues of the Chicago "Times", which reported the proceedings in full. During the winter of 1919-20 the compiler of this volume was permitted by Secretary of War Newton D. Baker, and the then Acting Judge Advocate General, to make a complete manuscript copy of this record, which he later condensed into an abstract of some 125 pages. Several copies of this abstract are extant, and it has been quoted extensively by numerous authors, including the compiler himself in his various writings anent the Sioux War of 1876.

In particular, the voluminous notes appended to his work "The Story of the Little Big Horn", are largely composed of quotations from this abstract.

In 1933, the original record, due to over-use and handling, was found to be in bad condition, and in many places was becoming illegible. To preserve it, four typed copies were made, in order that the original might be retired to the files and immunized from further handling. This work was done by authority of the Judge Advocate General, and under the supervision of the compiler of this volume, then Chief of the Military Affairs Section of the Judge Advocate General's Office. The typed copies were compared with the original record by Messrs. Mould and Hinkle, civilian employees of that office.

One of these typed copies, which (excepting the manuscript copy above referred to) are the only copies ever made and compared with the original record, was, by arrangement with the Judge Advocate General, made for the compiler, and has been in his possession since 1933. This copy, in addition to the Mould and Hinkle check, was double checked with the manuscript copy made by him in 1919-20.

In 1941, the original record, with one of the typed copies above referred to, was turned over by the Judge Advocate General to the National Archivist, and since that year has been in his custody, classified as a restricted document. This publication of the text of the official record is made pursuant to the permissive authority of the Archivist of the United States and The Judge Advocate General of the Army, speaking through The Adjutant General.

Before the non-military student or researcher begins his study of this record, it is desirable that he understand clearly the nature of the proceedings. Civilian writers are prone to confuse Courts of Inquiry with Courts-Martial, and ~~may~~ have done so as to this case. Such a conception of a Court of Inquiry is wholly erroneous, and is as misleading as it is unnecessary.

A Court-Martial is a criminal trial, in which a person subject to military law is held to answer and defend against formal charges officially preferred against him; in which a finding of "Guilty" or "Not Guilty" is made, and which places the accused person in jeopardy of a penal sentence.

It is, in short, a prosecution upon a formal and official accusation.

A Court of Inquiry, on the other hand, is a purely investigatory tribunal, convened by a military superior upon his own motion or pursuant to the request of a person subject to military law, against whom imputations or accusations have been unofficially made, and as to which no relevant official charge is pending. Its purpose is to inquire into and to discover the facts, and if so directed, to express opinions or to make recommendations. Its proceedings are in no sense a prosecution. It imposes no penalties, nor is any official accusation or formal charge involved. Such a case was that of Major Reno.

The record of this Court of Inquiry, never heretofore published, is unique in its composition, being the one and only military record among the thousands the compiler has seen or examined, that utilized newspaper reports of testimony.

This extraordinary procedure came about in the following manner, according to the compiler's recollection of an explanatory letter written by the official reporter H. C. Hollister, which he saw and noted during the 20's. The substance of Mr. Hollister's letter, of which, unfortunately, the compiler made no copy, was that he had found it impossible to complete the transcription of his daily shorthand notes between the sessions of the Court, so as to have the proceedings of the day ready for reading and approval or correction at the beginning of the next session.

Early in the hearing, therefore, with the Court's permission, he resorted to the expedient of reading the record of the preceding day's testimony as reported by question and answer by the Chicago "Times", making such alterations or corrections thereof as were necessary to conform the "Times" report to his own shorthand notes. He then wrote up the record in longhand as speedily as possible. This use of the "Times" columns is several times adverted to in comments made by that paper during the progress of the case.

The proceedings ended, however, long before the reporter was able to catch up with his longhand transcription, and as it was imperative that the members of the Court return to their several commands without delay, he was permitted to make up the untranscribed portion of the record by using the

"Times" columns, which were pasted on sheets of legal cap. Approximately half the record is made up in this manner. Many of the printed columns contain no alterations or corrections: on the other hand, quite as many do; and to others are added verbatim reports of testimony that the "Times" had omitted or condensed. Taken as a whole, the "Times" record of the testimony itself is more nearly correct than the usual newspaper report of a popular trial; but it is noteworthy that the "Times" headlines and contemporary editorials show an anti-Reno bias until the last few days of the hearing.

The Reporter's transcription evidences haste in its preparation, as shown by occasional omission, misuse or transposition of words which seems to leave a few sentences jumbled or incomplete. Such instances, fortunately, are rare. His haste is more apparent in the omission of punctuation and capitalization, which have been supplied throughout this compilation where necessary to make sense. Wherever possible without altering the text, omitted words have also been added in parentheses, sometimes accompanied by explanatory notes. Other than this, the following pages present the official record verbatim, with the single exception that the formal statements of those present at the beginning of each session, which in the original are invariably set out in extenso, have here been condensed into single sentences which convey the identical information. .

APPENDIX

The Chicago "Times" issue of January 23, 1879, published the following interview with Frederick Whittaker, then present in Chicago in anticipation of his being permitted to assist Recorder Lee in the presentation of the case against Major Reno. The interview is captioned: "COL. RENO'S PROSECUTOR"; and reads as follows:

A Times reporter met Mr. Frederick Whittaker, the gentleman who has been so well advertised of late as the official accuser of Maj. Reno, at the Palmer House last night, and entered into a conversation with him in regard to the circumstances that led to the trial. Mr. Whittaker served as an officer in General Merritt's division, under Sheridan, in the valley, and is, therefore, thoroughly competent to speak on matters pertaining to the cavalry branch of the service. He did not, however, go into any criticism of the manner in which the troops were maneuvered on the day of the battle, but confined himself to a brief statement of the circumstances which led to the present investigation, and a few facts which render his action plainer than has yet appeared. He also stated that this trial will not end the matter, and cleared Col. Benteen of the charge of disobedience of orders. Mr. Whittaker's statement, as drawn forth by the reportorial questions, was as follows:

"While I was preparing material for the biography of Gen. Custer, in 1876, I became acquainted with the facts attending the Custer Massacre, and I entered into correspondence with various parties present at the battle, with a view to elicit anything which might throw light on the causes of the disaster. When I commenced to work my only materials were the official report of Maj. Reno and such newspaper accounts as had been published, mostly founded on hearsay evidence. My first suspicions that all the circumstances of the battle had not been correctly stated arose from a letter in a New York paper written from the frontier by a gentleman with whom I am personally acquainted. The statements in that letter led me to doubt whether Gen. Custer had been properly supported, and whether his orders had been obeyed by his officers so fully as to insure success. With that letter as a clue, I addressed a series of inquiries to the officers whom I knew to have been prominent in the battle, asking certain specific and detailed questions. My first answer to these letters came from Maj. Reno, stating that he had been shown one of these communications by an officer of his command, and offering me an explanation of his conduct, substantially the same as the present theory of his defense. Only one of the officers to whom I wrote replied, and his letter, while in its expressions of opinion it supported Maj. Reno, agreed in its statements of fact with the newspaper letter to which I have referred as first EXCITING MY SUSPICIONS. Since that time I have had considerable correspondence with a great many people who were present at the fight, and on the information so obtained I wrote the account of the battle which appeared in my 'Life of Custer,' published in December, 1876.

At that time my knowledge was not exact to justify me in a formal official accusation of any person, but in the book itself and in several letters published in the New York and other eastern papers, in every case over my own signature, I declared the necessity of investigation and challenged Maj. Reno thereto. The major was in New York City on the day the book was published, knew my address, and was fully aware of the nature of my accusations, but he took no notice thereof.

"Ever since then I have been receiving new information, until, in 1878, I thought that my case was about complete. I then addressed my letter to Mr. Corlett, much the same as already published. That letter was referred to the House Military Committee, and a favorable report was prepared thereon; but, owing to the press of business at the close of the last session of Congress, no opportunity occurred to offer it in the House, and it went over to the present session as unfinished business. Since that time the Military authorities have taken the matter out of the hands of the House and ordered the present court, and in deference to the wishes of others I have made no effort to push the matter further in the present House. I came to Chicago at the request of the court, at a considerable sacrifice of time and money, leaving much important business unattended to, solely in the hope of securing justice for the memory of Gen. Custer, by bringing to light THE WHOLE TRUTH ABOUT THE BATTLE OF THE LITTLE BIG HORN and the campaign in which the general met his death. Since I have been here I have become satisfied that the scope of the present inquiry and the orders by which the court is limited are too narrow to insure the revelation of all the facts bearing on the question of who is responsible for the Custer disaster. I have, therefore, made application for a further and fuller investigation in the highest tribunal of the country, - the Senate of the United States, - and private letters from Washington assure me that this application will in all probability soon be granted. As regards the question of Maj. Reno's guilt or innocence, I am satisfied that the present court is doing all in its power to probe the truth to the bottom, and I came here to aid them as far as lay in my power. I must, of course, decline to express an opinion on the merits of the controversy between myself and Maj. Reno while the cause is still pending.

"With regard, however, to COL. BENTEN, the case is different. I have heretofore publicly charged Col. Benteen with disobedience of an order sent by Gen. Custer to move up to his support "quickly." For two years my impression, derived from the testimony of an officer now dead, was that Col. Benteen advanced slowly to the field of action. That impression was strengthened from various causes from month to month and still further strengthened by the statement of another officer, only a few days since, who, however, I now think misapprehended the exact drift of my question. Only two days ago I saw for the first time the man who carried the order to Benteen, and who remained with his command in its advance to the field of action. I learned from this man for the first time that Col. Benteen took the trot on his advance. From the moment that he reached the hill and reported to Maj. Reno his responsibility ceased. I therefore desire to state, as publicly as I made the accusation, that I consider Col. Benteen wholly blameless for the disaster of the Little Big Horn; and I have already so stated in my application to the Senate. I make this correction in justice both to the living and the dead. That is all I care about saying at present."

PROCEEDINGS OF
A
COURT OF INQUIRY
IN THE CASE OF
MAJOR MARCUS A. RENO

- - - - -

CONCERNING HIS CONDUCT
At the
BATTLE OF THE LITTLE BIG HORN RIVER
JUNE 25-26, 1876.

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EXPLANATORY NOTE

Designations of page numbers made when witnesses modified or corrected testimony, as found at pages 81, 92, 113 etc., herein, do not refer to the paging of this volume, but to that of the original official record.

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ERRATA

P. 157. A. #4, line 2	- Read "started" for "stated"
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FIRST DAY

Proceedings of a Court of Inquiry convened at Chicago, Ill. by
virtue of the following Special Orders:

Headquarters of the Army
Adjutant General's Office
Washington, November 25, 1878.

Special Orders)
No. 255)

Extract

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2. By direction of the President, and on the application of
Major Marcus A. Reno, 7th Cavalry, a Court of Inquiry is hereby appointed
to assemble at Chicago, Illinois, on Monday the 13th day of January,
1879, or as soon thereafter as practicable for the purpose of inquiring
into Major Reno's conduct at the battle of the Little Big Horn River
on the 25th and 26th days of June, 1876.

The Court will report the facts and its opinion as to
whether from all the circumstances in the case, any further proceedings
are necessary.

Detail for the Court

Colonel John H. King, 9th Infantry

Colonel Wesley Merritt, 5th Cavalry

Lieutenant-Colonel W. B. Royall, 3d Cavalry

1st Lieutenant Jesse M. Lee, Adjutant - 9th Infantry, is appointed
Recorder of the Court.

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By Command of General Sherman.

E. D. Townsend

Adjutant General.

Chicago, Illinois,
Monday, January 13, 1879,
11. o'clock A. M.

The Court met pursuant to the foregoing order:

Present:

All members of the Court and the Recorder.

The Court then proceeded to the investigation of the matters submitted to it in the foregoing order, and Major Reno being present and having heard the order appointing the Court read, was asked if he had any objection to any member named in the order, to which he replied that he had not.

The members of the Court were then severally duly sworn by the Recorder and the Recorder was duly sworn by the President of the Court, all of which oaths were administered in the presence of Major Reno.

The Recorder then stated that by authority from the Secretary of War he had employed H. C. Hollister as the stenographer of the Court, and the stenographer was then duly sworn to a faithful discharge of his duties.

The Recorder then said: I have subpoenaed witnesses to the number of nineteen, and up to this morning only two have arrived that I am aware of. I wrote to the War Department for certain data in this case, and as to whether there were any accusations, imputations or charges against Major Reno, and in reply thereto I have received certain papers by this morning's mail which I have not had time to give a careful examination. But there are several questions to be decided by the Court, one of which is as to the best mode of procedure, and these matters might be taken up first. I have an official copy of Major Reno's application for a Court of Inquiry and also a letter from the Adjutant General transmitting it to me, which seems to be the basis of this inquiry, which I will read now if the court desires it.

Major Reno objected to the reading of any paper at this time except his application for a Court of Inquiry, because he had not been informed of any accusations against him.

The Court then directed the Recorder to read Major Reno's application for a Court of Inquiry a copy of which is hereto attached and marked "Exhibit no. 1."

The Recorder then stated: There is a man by the name of Whittaker whom I understand has made certain accusations against Major Reno, and his name will perhaps be brought in in connection with this case; and I desire to submit the

question to the Court now and let it decide whether Mr. Whittaker shall be notified to be present, and invited to suggest the names of any witnesses in this case or to suggest any other evidence that will throw light on this investigation.

Major Reno then stated to the Court that by reason of delay in the receipt of certain papers and the arrival of a friend whom he desired to introduce as his counsel, he was not ready to proceed with this investigation to-day. And also stated that he believed he was entitled to the affirmative in this proceeding.

The Recorder said: I desire that question to be submitted and decided now. The affirmative of any issue must be first proven. The Court is called to investigate the conduct of Major Reno, and it is a well known principle of law that a man is presumed innocent until he is proven guilty, and it is not for Major Reno, as I understand the law and the precedents, to prove that his conduct was good until the contrary is proven.

Major Reno replied: I don't think there is any issue further than that which I raise myself.

The Court was then cleared and closed, and after mature deliberation was again reopened, Major Reno being present, and the decision of the Court was announced by the Recorder as follows:

The Court decides that it will sit with open doors, but further decides that no record or notes of the proceedings shall be taken for publication.

The Court decides that Mr. Whittaker shall be subpoenaed to appear and invited to suggest the names of witnesses in this case.

The Court reserves until to-morrow its decision on the question whether Major Reno or the Recorder shall first call and examine witnesses.

Then, at 12 o'clock M., on the application of Major Reno, the Court adjourned to meet at 11 o'clock A. M. to-morrow, Jany. 14, 1879.

SECOND DAY

Chicago, Illinois,
Tuesday January 14, 1879, 11 o'clock A.M.

The Court met pursuant to adjournment.

Present:

All members of the Court, the Recorder
and Major Reno.

The proceedings of the last session were read and approved.

Major Reno then asked permission to introduce Lyman D. Gilbert, Esq. as his counsel, which was granted, and he appeared as counsel for Major Reno.

The Recorder then said: - In relation to the application of Major Reno for a Court of Inquiry, as I stated yesterday I had not time to give the papers received a careful examination. As a part of his application he encloses a letter and invites attention to it. I submit that that should be read as part of the application, thus forming a basis for the matters to be inquired into.

Major Reno, by his counsel then said: With permission of the Court it is necessary to make an objection. We understand this to be an inquiry according to the order of the War Department. Whatever may have prompted the President, or those in authority to make the order, I respectfully submit, is not before the Court. All that is before the Court is contained in the instructions of the War Department. If they had desired that Major Reno's letter or the motives which induced him to write the letter should be laid before the Court, I submit that mention would have been made of it in the order. I ask at this time, as well as during the further progress of this investigation, the indulgence of the Court. I am unaccustomed to this practice, but last night, with the scanty time at my disposal for consideration, I read a part of the proceedings of the Court of Inquiry in the case of Gen. Dyer, and I found there that in the order convening the Court there was referred to it for consideration a report of a Committee of Congress, and the Court had authority to consider that matter only because reference had been made to it in the order under which they existed as a Court. I may be very much mistaken in the law, and speak now, and at all times, subject to the decision of the Court. But the order under which you sit asks you to investigate, not into the motives which led Major Reno to ask for a Court of Inquiry, but to investigate his conduct at a certain battle in the Northwest. It comes before you without intimation or instruction from the War Department, and I therefore make this point for the decision of the Court, that as long as that matter has not been mentioned in the order from the War Department, and has not been specially referred to you for consideration, it appears to be your duty, if I may so say, with due deference, to investigate his conduct, without inquiring into the motives of the War Department or of Major Reno, which led to the convening of the Court. I desire to apologize for my absence on yesterday and for any delay it may have occasioned. I also desire to express the wish, which will abide with us, that the Court will co-operate with us, to establish, in the most exhaustive manner, the truth in this matter. I protest against the reading of the letter of Mr. Whittaker: it is not a part of the proceedings of the Court.

The Recorder replied: May it please the Court, I am not appearing here in the light of a prosecutor, and I do not wish to take up the time of the Court in any elaborate discussion in regard to this matter. The course seems to be to get at the whole truth of the matter. Major Reno applies for a court by written application in which he refers to this letter and attaches a copy to his application and makes it a part thereof. This copy comes from the War Department, the same authority which convenes the Court, and I submit this letter should be taken as the basis upon which to start in this matter.

The Court was then cleared and closed, and after mature deliberation was reopened, and the decision of the Court was announced by the Judge Advocate (Recorder): that the entire application of Major Reno for a Court of Inquiry, including any letters or papers which he included in his application shall be read and received by the Court, as the basis on which to initiate the inquiry, and the duly authenticated copy sent from the War Department shall be read.

The entire application was then read to the court, and is appended hereto marked "Exhibit No. 1."

The Recorder stated that the next question for the consideration of the Court was whether himself or Major Reno should first call and examine witnesses.

Major Reno asked with what view is this letter read? Does it contain the charges which Major Reno is called upon to answer? If that is the view, possibly we have no objections to the Recorder proceeding.

The Recorder answered: The letter is read as the Court directed, as a basis upon which the inquiry is to be initiated.

Major Reno asked: Are the matters charged in the letter subject to proof? Is it understood that is what we are to meet?

The President answered: We are not to be confined to that letter. We expect to go over the whole ground.

Major Reno then said: Then, may it please the Court, we propose that the Recorder shall proceed in his own way to prove whatever matters he chooses to allege against Major Reno.

FIRST LIEUTENANT EDWARD MAGUIRE, ENGINEER CORPS, being called as a witness by the Recorder, and being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

Questions by the Recorder.

- Q. State your name, rank, official designation and where serving.
- A. Edward Maguire, 1st Lieut. of Engineers, Chief Engineer officer, Department of Dakota, serving at St. Paul, Minn.
- Q. What duty were you on on the 25th and 26th days of June, 1876?
- A. I accompanied Gen. Terry as Engineer Officer on his Staff, from the mouth of Tullocks Creek, Montana, to within about eight miles of Gen. Custer's battlefield on the Little Big Horn.
- Q. To what command was Gen. Terry moving - in what direction?
- A. Gen. Gibbon was in command. The column was moving to form a junction with Gen. Custer.
- Q. Were you on what was known as Gen. Custer's battlefield or the battlefield of the Little Big Horn?
- A. I was.
- Q. When did you arrive there?
- A. At about 10 o'clock on the morning of the 27th of June 1876, we arrived at Gen. Reno's position on the hill.
- Q. State whether you, in your official capacity as engineer, ever made an examination, measurement, sketch or map of what is known as the battle field of the Little Big Horn.
- A. I had such measurements made by a Sergeant who accompanied me.
- Q. What do you recognize that to be? (showing witness a map)
- A. That is a printed map, the original of which I sent to Washington attached to my report to the Chief Engineer. It was published as an appendix to the Chief Engineer's Report for 1876.
- Q. Do you recognize this as the same thing? (showing witness another map)
- A. Yes sir.

The Recorder then, without objection by Major Reno, offered in evidence the printed copy of the map identified by this witness, which is hereto attached and marked "Exhibit No. 2."

- Q. From the measurement or examination, or survey you made at that time in your official capacity, please state, after refreshing your memory from this map, the topography around that battlefield, its location with reference to the Indian Village or where it appeared to have been: with reference to the position of troops or the movement of troops on the whole field, and in connection with that, all the developments which came under your observation in relation to that matter.
- A. The general features of the country were, it being the valley of the Little Big Horn River, like all the valleys in that part of the country. There was a river bottom proper, which is timbered and is very narrow, from 50 to 300 yards wide. Then comes the first bench, which is tree-less, an open grassy plain. Then back of that is a rise and all prairie beyond. When we arrived at the Little Big Horn, to Major Reno's position on the hill, I instructed the Sergeant who had the odometer cart and the instruments to pace off the whole of this bottom land down to the Indian village, taking compass bearings, so as to make a plat. That was done. The position which Major Reno occupied when we arrived there was on the bluffs across the river on the opposite side. They were, I should say, from 80 to 90 feet high. When I got up there the troops were not in position and of course I did not know what the arrangement

was. I was told how they had been placed and I put it approximately on the map. Of course this map, except with regard to the relative position of points, is a mere sketch: it is not like a survey made with a transit and chain. The dotted lines on the map are lines I put on to illustrate the report I wrote to the Chief of Engineers. They are what I supposed to be the trail of the troops in marching. The position of the skirmish line was pointed out to me by some officer: I don't remember who. I was told that was the place they were. That line is drawn across to indicate the general direction of the line and is not intended to show that the whole of the troops were stretched across the bottom. That part from the point marked "B" the Odometer cart was run across. It is a broken country, ravines and hillocks, covered with gravel and sand, and very little grass. Some views were taken with the prismatic compass, and intersection lines were taken and the map filled in by eye on the field. The distance between the two points marked "Reno's command" and "E" where Gen. Custer's body was found, is correct. The location of the ravine and the general direction of the battlefield are correct. The position of the Indian village or the arrangement of it I can't tell. When we arrived the ground was strewn with saddles, camp kettles and things the Indians had left. I had the teepees put in to indicate a general idea of where the village was in relation to the rest of the topography.

- Q. Please state the distance following the dotted line from Major Reno's position on the hill to the point marked "E".
- A. Four and a half miles.
- Q. What does the point "B" on the map indicate.
- A. That is a ford, and it was supposed Gen. Custer went there and attempted to cross, and that line is to indicate the trail of the men and horses.
- Q. State whether or not there was a trail indicating that it had been taken by Gen. Custer.
- A. The ground was so well beaten that we could find no well defined trail. The ground was covered with tracks.
- Q. Were there any evidences of fighting at or near the point "B", if so state what evidences, and how near the first was.
- A. There were empty shells lying all around, and the marks of ponies or horses having been ridden all around. The whole field was covered with tracks. Every now and then we would find an empty shell, and as we advanced up further we found dead bodies in a circle around the crest of a little hill and quite a number of empty shells. There were dead bodies stretched from "D" to "E" and in the ravine "H" there were 28 dead bodies found.
- Q. How near to the point "B" was it that you found empty shells and evidences of fighting?
- A. Upon a little rise, on the slope, as if persons had lain there to take advantage of whatever protection there was in the formation of the ground. There were Government shells, and Winchester shells, and one peculiar brass shell was found that nobody knew anything about, but which was supposed to belong to Gen. Custer's pistol.
- Q. State the distance from Major Reno's position on the hill to the point "B" following the dotted lines.
- A. Two and four tenths miles.
- Q. Give the distance between those same points in a straight line.
- A. Two and two tenths miles.
- Q. State whether you examined any crossings of the river above Major Reno's position on the hill.

- A. This man was ordered to make a survey or reconnoissance of the whole of the bottom.
- Q. There is a point "A" on the map: what is that?
- A. That is intended as the point where Major Reno crossed.
- Q. Describe to the Court with as much particularity as possible the character of the ground on the left bank of the stream from the point "A" to the point indicated as Major Reno's skirmish line.
- A. It is just the same nature as the other - open bottom land, with a fringe of timber around the stream. Passing through the timber you get into open ground, all the way down to where they struck the timber again on the stream where the line is marked.
- Q. Describe the character of the timber as indicated on the map to the right and in front of the position indicated as Major Reno's skirmish line.
- A. It was cottonwood timber of all sizes, with near the little depression indicating on the map the separation of the bottom from the first bench, a growth of underbrush, rose bushes and such things.
- Q. State in regard to the density of the timber at that particular point, if you noticed it.
- A. To tell the truth it looked so much like other river bottoms, with the timber about the same that I took no special notice.
- Q. What was the width of the timber on Major Reno's right as indicated by the map.
- A. One hundred and fifty yards.
- Q. Following that timber down, there is a blank space - what is that?
- A. That was a place where there seemed to have been a separate Indian camp, as if of some chief or medicine man. We supposed it to have been Sitting Bull's lodge.
- Q. Describe, if you made any particular examination in regard to it, the timber from there down to where it run out.
- A. Just where the ravine comes in there is no timber: that is a wash-out.
- Q. State whether the timber was continuous.
- A. It was not.
- Q. From the right of the line indicated as Major Reno's skirmish line down to the point "B" was the timber continuous.
- A. Yes sir, it was.
- Q. How far is it, following the timber, from the right of the line indicated as Major Reno's skirmish line to a point opposite "B"?
- A. One and eight tenths miles.
- Q. State what was the character of the ground on the right bank of the river, between Major Reno's position on the hill, in a straight line to the point marked "B" as regards elevation.
- A. It is the highest land in the neighborhood.
- Q. Do you mean that point was higher than Maj. Reno's position on the hill?
- A. To the best of my knowledge it was.

- Q. You stated that Major Reno's position on the hill was about 90 feet high: do you mean above the bed of the stream?
- A. Above the bottom.
- Q. Then in a straight line from his position on the hill to the point "B", what, from the examination you made, is the elevation?
- A. The highest point between those two points, I should think is in the neighborhood of 150 feet.
- Q. Describe the character of the ground.
- A. There were bluffs coming close to the river at "B"; back of them was a valley, running off. Near "B" the termination of the bluff was almost precipitous.
- Q. How far was Major Reno's position on the hill from the Indian village proper?
- A. I can't tell that because there was no village there when we arrived. The position of the village that I had put down was indicated by a lot of old pots and lodge-poles.
- Q. State whether there were any stakes left showing where the lodges had been pinned down or any evidences of that kind.
- A. There were some old wicky ups left down near the timber.
- Q. How far was that point where you saw the pots and kettles and general refuse from Major Reno's position on the hill?
- A. They were scattered all over the bottom. The Indians broke up their camp and moved off over the hill when they saw us on the night of the 26th. We saw them about two miles off. They must have moved in a hurry and left whatever they did not think valuable. They were scattered all over the plain.
- Q. State how near the point "B" the first dead body was found, and whether it was an Indian, a soldier or a citizen.
- A. It was a soldier. I think the first one was on what is indicated as the second little hill, to the left of the first ravine beyond "B".
- Q. How far is that from the point "B"?
- A. Six-tenths of a mile.
- Q. State whether or not any more dead bodies were found in that immediate vicinity.
- A. There were not. That man was alone.
- Q. How far from that point was it till you found other dead bodies?
- A. I don't remember now. I simply remember the prominent points where bodies were found.
- Q. Please describe with as much particularity as you can, as to Major Reno's position on the hill and that of his command. I want to get at the nature of the position on the hill; whether the troops were together or separated.
- A. As I said, when I got on the hill the troops were not in position. There were certain signs: for instance little holes with dirt thrown up, cracker boxes placed around for protection. The troops were along on the ridge. I was told they had been moved. His position was on top of the bluff, and the holes were as if one company had one point and another some other one.
- Q. What was the length of the position occupied by the troops should you judge?

- A. On this map that third line is an error: the one opposite "and" in the word command. This map was got up in such a hurry that it escaped my attention before I sent it on. I should think a quarter of a mile was the whole length of the troops.
- Q. How far was Major Reno's position on the hill to the Little Big Horn River?
- A. One third of a mile.
- Q. How far from his position on the hill to the point at the right of what is marked as Reno's skirmish line?
- A. One and two-tenths miles.
- Q. What is the distance from "C" to the crossing, marked Lt. Hodgson killed?
- A. Nine tenths of a mile.
- Q. Please state the condition of Major Reno's command at the time you reached them: whether exhausted or otherwise, and state any facts you may know in regard to the condition of his command, special or general, as they came under your observation.
- A. The two officers I saw first were Lieuts. Wallace and Hare, they came riding rapidly towards us, but did not appear to be very much excited. On going upon the hill (as) Gen. Terry and the rest of them rode up, there were shouts and there were enlisted men and also officers crying. That is; some had tears rolling down their cheeks, and others showed it in their voices. They were talking rapidly and excitedly about the affair. I stopped back with the younger officers and Gen. Terry rode on to confer with Major Reno and Gen. Gibbon I think, and I did not see Major Reno till we had been there, I think over an hour. At that time he was not at all excited. I saw Col. Benteen and Major French and they appeared to be perfectly calm and quiet.

Questions by Major Reno.

- Q. You came up on the morning of the 27th?
- A. Yes sir.
- Q. What was the condition of the plain on the left side of the Little Big Horn in regard to being occupied or not by Indians?
- A. There were no Indians there except some dead ones.
- Q. Were any lodges standing?
- A. Only two, which had some dead in them. There were a few wickiups.
- Q. I see on the plain on the left of the river certain figures representing Indian lodges. Is that representation correct as to the location of the Indian encampment?
- A. No sir, it was to give an idea of the camp. It was not there when I arrived, and all the bottom was strewn with material the Indians had left.
- Q. How close to the depression opposite the point "C" did evidences of Indian occupation extend?
- A. That little space that is marked there is a position where we found evidences of an old camp, as if set apart from the main camp, for some particular chief.
- Q. Were there evidences of any Indian lodges in that belt of woods you have marked there?
- A. That I don't remember; I think not.

- Q. Was that space to the left of that depression, between that and the bluff, entirely uncovered by any evidences of Indian lodges?
- A. I don't remember any indications of lodges except pots that were dropped on the way as I judge.
- Q. Can you state positively that the Indian lodges were confined on the left of the river to that belt of timber?
- A. No sir.
- Q. Do you or not know whether they did not extend to the left for a considerable distance between that and the bluff?
- A. Yes sir, because I saw fires and their wickyups.
- Q. Between the timber and the bluff you saw evidences of lodges?
- A. Yes sir.
- Q. Can you fix the point in the timber where Major Reno was with his command?
- A. No sir I cannot. I simply put it down from information given me, and I can't say whether it is correct or not.
- Q. I wish to ascertain what accuracy you attribute to it.
- A. That is the point some officer said the line was thrown out, I don't remember who it was.
- Q. Does "C" correctly mark the extreme point reached by Major Reno and his command?
- A. That I don't know: I put it there from information furnished me.
- Q. Do you know the number of men who accompanied Major Reno across the river?
- The Recorder objected to the question as irrelevant because the witness has stated that he did not arrive there till after, and can't know that fact.
- Major Reno replied: We shall not insist on the question if the Recorder insists on his objection, but it must be evident to the Court that this witness' testimony has been to a large degree hearsay. We have not objected, and if the Recorder chooses to draw the line now we shall not insist on the question.
- The Recorder said: it is irrelevant and encumbers the record.
- The question was then withdrawn.
- Q. I find a dotted line from "C" to a line on the bluff, marked Reno's skirmish line - what is the length of that line?
- A. Eight-tenths of a mile.
- Q. How many men, I ask you as a soldier, would it take to cover a skirmish line of that length; approximately is all I expect you to answer.
- A. I don't even know what the intervals are. If you state the distance apart he set his men I can tell.
- Q. Does that dotted line certainly indicate the length of Major Reno's skirmish line?

- A. No sir, I did not intend it to. I did not suppose the line would reach across there with the number of men he had.
- Q. Does "C" certainly indicate the extreme point at which the skirmish line commenced? (sic) Probably erroneous transcription for "to which the skirmish line advanced."?
- A. I don't know. That is from information.
- Q. You can't state from your own knowledge.
- A. No sir.
- Q. Does the dotted line indicate the direction of the line?
- A. From information I received it does.
- Q. From whom did you receive that information?
- A. From some officer down there in the fight. I can't say who it was.
- Q. "A" indicates the crossing of Major Reno?
- A. Yes sir.
- Q. Did you fix the distance from "A" to "C"?
- A. I did not.
- Q. Can you give it as indicated on the map?
- A. One and six tenths miles.
- Q. Is the map correct in that respect. Was that distance measured so that you can say it is correctly represented?
- A. The man had orders to start above Maj. Reno's crossing, keeping the course of the river and pacing the distance, using the prismatic compass, and taking shots to prominent points to take the intersections.
- Q. Would that enable a man to determine the distance between "A" and "C" with reasonable accuracy?
- A. Yes sir.
- Q. What is the distance between "C" and the square depression in the timber?
- A. One sixth of a mile.
- Q. At what point do you measure the width of that belt of timber?
- A. At the point "C" along that dotted line.
- Q. Did you have that timber measured at all, and were those trees placed according to actual measurement?
- A. In running a line of that kind the man who runs it runs along the river and runs outside of the timber; but of course he did not locate each tree.
- Q. Did he locate the river edge of the timber?
- A. Yes sir.
- Q. What is the character of the bank on the left side at the point "C", as to being high or low?
- A. I don't remember.

- Q. What relation does it bear to the bank on the other side: is it higher or lower?
- A. I don't remember: I think it is about the same.
- Q. Then the banks of the river on the left and right at the point "C" are about even in height, according to your judgment.
- A. I don't know: I am looking at the map, and knowing they are bottom lands I judge they are about the same height.
- Q. Did you see it yourself?
- A. No sir.
- Q. You have marks on the right hand of the river - do they represent timber?
- A. Yes sir, trees.
- Q. What is the character of that timber?
- A. Cottonwood.
- Q. Was it the same in density?
- A. No sir.
- Q. Was it much sparser?
- A. Yes sir.
- Q. You saw that yourself?
- A. Yes sir.
- Q. Were any dead men found near the point "B"?
- A. I think the first dead man was found on the second little plateau.
- Q. I see dotted lines on the right side of the river: do they represent the paths taken in reaching "E"?
- A. They represent my idea of the paths taken on looking at the ground. This map was prepared for my own use to illustrate my report, and I never expected it to be used for anything else.
- Q. Was there a heavy trail leading to "B"?
- A. I was not over it.
- Q. Were there heavy trails leading to "D" from "B"?
- A. Yes sir, and from "D" to "E".
- Q. Did that trail commence at "B"?
- A. The ground was all cut up by hoofs. My theory was that Gen. Custer went to the ford and was met there and driven back, and they separated into two bodies to concentrate on the hill at "E", and I put those lines in as my idea of the route they took.
- Q. Do you or not know that Capt. Benteen was sent over that ground to "B" before you went over it?
- A. Yes sir. I know he was sent over to the hill "E" to see who was there.

- Q. Might not those marks have been made by Capt. Benteen and his troops?
- A. Yes sir.
- Q. Might not the marks from "B" have been made in the same way?
- A. Yes sir.
- Q. Did you examine between the bluff on the right hand side of the river and the dotted lines you made there to see whether there were evidences of a trail?
- A. No. I was not there at all.
- Q. Did you pass over the ground yourself that is represented on the map by the dotted lines?
- A. Between those two points, no. I was all over the field to the left.
- Q. Was there a definite trail leading from "B" to "H"?
- A. It was just like the others from "B" to "D" and "E".
- Q. Did you pass over that part yourself?
- A. Yes sir. That is about the same as the other trails.
- Q. The trail was such as could have been made by a company of mounted men?
- A. Yes sir. I suppose it could.
- Q. How soon after you arrived at Major Reno's position on the hill before you saw Major Reno himself?
- A. It was at least an hour.
- Q. How was he then, cool or otherwise?
- A. He was cool in my judgment.
- Q. You speak of the position in which you found Major Reno when you came on the hill. Do you know what length of time he had held that position?
- A. I understood it was not the first position he had assumed: that they had changed on the night of the 25th or 26th.
- Q. What does that circular mark indicate?
- A. That the troops were thrown around the crest of the hill as I was told.
- Q. The position of the troops at what time?
- A. When they first went on the hill.
- Q. And ending when?
- A. I think they changed position on the night of the 25th.
- Q. Are you sure when they made the change?
- A. No sir, it is merely what I was told.
- Q. Your evidence was what you heard people say?
- A. Yes sir, it is hearsay evidence.

Questions by the Recorder

- Q. State whether or not that map or sketch or whatever you call it in the engineer's office was made in your official capacity as Engineer Officer of Gen. Terry.
- A. It was made in my official capacity.
- Q. State whether in making maps it is required or expected that the engineer officer himself shall see all the ground when he has men with him, or to verify every measurement.
- A. No sir.
- Q. State whether you regard this map as showing the relative position of the troops, the village, the stream and other prominent points as reasonably reliable.
- A. I certainly do.
- Q. State when the data was gotten from which this map was prepared.
- A. On the afternoon of the 27th and a short time on the 28th.
- Q. State whether on going over the ground on the right side of the river in the vicinity of where you found Gen. Custer's body and that of the men, you found at any other point than you have indicated, anything showing a trail of a large body of troops.
- A. My recollection is those lines were a little more distinct than any other lines on the ground. The whole surface of the ground was covered with marks of ponies and horses hoofs. From "D" to "E" bodies were found lying at intervals, and it was my idea that Capt. Calhoun had stopped at "D" and the other companies were from "D" to "E" and that they had formed some sort of a skirmish line.
- Q. Did you find any bodies at "D"?
- A. Yes sir. Calhoun and Crittenden and some men.

Questions by the Court.

- Q. State if the dotted lines all indicate trails.
- A. They indicate that. They are my idea that the troops moved in that way. They are lines I put in myself explaining my report.
- Q. They do indicate practicable country that troops could have moved over, all of them?
- A. Yes sir.
- Q. I would like to know the character of the river, as to its being fordable from "A" to the lower part of the Indian village.
- A. I think the river could be forded all the way from "A" to where Major Reno crossed it. They were not regular fords but they could easily have been made so by cutting down the banks.
- Q. Then below that, how was it?
- A. My impression is above "B" the river was not fordable, that being where the bluffs come close to the stream. It might have been made fordable by cutting down the banks.
- Q. I understand you to say at "B" is a bluff. Would not that indicate that the trail between Major Reno's position and "B" was not practicable in a line.

- A. You misunderstand. It was a bluff just on the river and very narrow, and sloped down gradually to the rear. There was a large ravine running down there and they could easily get down that dotted line. I think Col. Benteen went there and Col. Wier said he went there with his troops.
- Q. You mean the steep bluff is only on the river side.
- A. Yes sir, it is a gradual slope back.

Questions by Major Reno

- Q. What is the width of the river to the right of the point "C".
- A. About 30 or 40 yards. The river varied along there from 30 to 75 yards wide.
- Q. What was the general depth of those fords.
- A. I think about to the stirrups of a horseman if I remember right.

Witness then retired.

Then at 1:30 P.M. the Court adjourned to meet at 11 o'clock A.M. to-morrow, Wednesday, January 15, 1879.

THIRD DAY

Chicago, Illinois,
Wednesday, Jany. 15, 1879, 11 o'clock A.M.

The Court met pursuant to adjournment.

Present

All members of the Court, the Recorder, and Major Reno and his counsel.

The proceedings of the last session were read, corrected and approved.

1st. LIEUT. GEO. D. WALLACE, 7TH CAVALRY, being called as a witness by the Recorder, and being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

Questions by the Recorder.

- Q. State your name, rank, regiment, and where serving.
- A. George D. Wallace, 1st Lieut. 7th Cavalry, now stationed at Fort Abraham Lincoln, Dakota Territory.
- A. State what duty you were on on the 25th and 26th days of June, 1876, where and with what command you were serving.
- A. I was acting Engineer officer with Gen. Custer's column. On the 25th of June I was keeping the itinerary of the trip.
- Q. Of what troops or companies did the command of Gen. Custer consist at that time, the 25th of June 1876?
- A. Of twelve companies of the 7th Cavalry - of the entire Regiment.
- Q. Was Major M. A. Reno in that command: if so in what capacity?

- A. He was there, the second in command.
- Q. Against what enemy was Gen. Custer's command operating?
- A. The hostile Indians under Sitting Bull.
- Q. When the twelve companies of the 7th Cavalry were together in one body on the 25th day of June, 1876, what were the indications, if any, of the proximity of hostile Indians?
- A. All signs, and the reports of our Indian Scouts indicated that they were within 20 or 25 miles of us.
- Q. Please state to the Court what disposition or separation, if any, Gen. Custer made of his command, preparatory to his proposed advance on the hostile Indian village: at what time of day was it done, and in the light of subsequent knowledge, how far was it from the Indian village that Gen. Custer separated his command on that day?
- A. About a quarter after 12 o'clock the command was halted; three companies were given to Major Reno, three companies were given to Capt. Benteen, and one company to Capt. McDougall, who was placed in charge of the pack train, and General Custer took the other five companies with him.
- Q. State if you know, what was the plan of attack: who as subordinate commanders were charged with its execution, and especially what orders or instructions were given to Major Reno by Gen. Custer at the time the disposition or separation of the command was first made for the advance or attack on the hostile Indian village.
- A. At the time of the division I don't know what orders were given. Capt. Benteen with his battalion moved to the left, Gen. Custer moved down the right bank of a little stream with his command and Major Reno down the left bank.
- Q. What was the effective force of each of those different columns, if you know? State as near as you can.
- A. I can't give it accurately. Major Reno's was about 110 or 115 men including Indian Scouts. Capt. Benteen's was something larger, as I think the companies he had were larger. Gen. Custer's force was something like 225.
- Q. Describe as fully as you can the movements of those different columns, with reference to the Little Big Horn River, with reference to each other, whether parallel or otherwise, whether moving in the direction the hostile village was supposed to be, whether in supporting distance of each other, or any circumstance bearing on this matter which occurred prior, to your knowledge, or that of the command you were with, as to the exact location of the Indian village.
- A. After Capt. Benteen started to the left, Gen. Custer and Major Reno moved down this little stream, one on the right and the other on the left bank. They were moving from 100 to 300 yards apart owing to the nature of the ground. After going ten or twelve miles Major Reno was called across to the same side of the stream on which Gen. Custer was moving. The two battalions then moved along parallel to each other for some distance further. We passed a teepee which had some dead bodies in (it), and soon after passing that the Adjutant came to Major Reno and said that the Indians were about two miles and a half ahead, and Major Reno was ordered forward as fast as he could go and to charge them and the others would support him.
- Q. What command were you with at that time?
- A. I was riding near Major Reno and with his battalion.
- Q. What little stream do you speak of?

- A. It is a tributary of the Little Big Horn and runs into it a mile or two above where the village was located.
- Q. When did the column come within sight of the hostile village, and where?
- A. The first I saw of the village was after we were dismounted and were forming the skirmish line. Others may have seen it before, but I did not: there was some timber between us and the village.
- Q. Were the orders you speak of as having been received by Major Reno to charge the Indians the last order he received from Gen. Custer?
- A. That was the last I heard.
- Q. When that order was received was it promulgated to the command: if so, in what way?
- A. I think it was promulgated through Major Reno's Adjutant. I don't know that. I think so.
- Q. There was Gen. Custer's column at that time?
- A. The two columns were moving parallel. Major Reno was riding nearly opposite Gen. Custer, with some little space between them - some 25 to 50 yards.
- Q. State, if you know, the position of Capt. Benteen's command with reference to that of Major Reno, at that time.
- A. I don't know where it was. When he went to the left it was over broken ground and I lost sight of him.
- Q. State whether at that time, when Major Reno received the command to charge the Indians, it was expected or believed that any command would in any way support him or co-operate with him in his movement, and state all the facts within your knowledge bearing on that matter.
- A. The order was about this: "The Indians are about two miles and a half ahead, on the jump; follow them as fast as you can, and charge them wherever you find them and we will support you." I think those were the words.
- Q. Are you positive of the words?
- A. The term "we" I am not positive of.
- Q. State if you know when Major Reno's command first saw the village.
- A. I don't know that they saw it before I did, for I called the attention of the picket line to it at the time.
- Q. From the view you had of the hostile village as you have testified to, state what was your opinion at that time as to its size in length and width and the number of lodges it contained and its effective fighting force. And state to what extent this estimate was confirmed by subsequent events or facts brought to your knowledge.
- A. The length and width of it I could not tell because the timber concealed it. I know there were lots of them there. The exact size at that time I could form no estimate of, but I saw plenty of Indians.
- Q. Was there anything occurred after that upon which you can base an opinion as to the number of lodges in the village, either by going over the field or the place where the village had been?
- A. The village, as passed over afterwards was over three miles long, and varying in width from a few hundred yards to half a mile where the teepees had stood.
- Q. At the time Major Reno received the order to charge the Indians, state as near as you can the number of effective men under his command, and what was their

condition in regard to efficiency, whether fresh, vigorous, confident of success, or otherwise.

A. There were 22 Indian scouts and three companies of cavalry, averaging from 35 to 40 men. They had been marching for three or four days, making long marches: they had been up all the night before and moved on that morning with little or no breakfast. The men were tired and the horses were worn out.

Q. You have testified that Major Reno received on the 25th of June an order to charge the Indians. Please begin at that point and describe fully, clearly and in detail the movements of Major Reno's command, the orders given by him or executed under his direction and every circumstance in regard to his conduct as commander of the troops under him. In this connection describe the character of the ground passed over by his command, what stream or streams, if any, were crossed, what attack, if any, was made by his command, giving a full description of that attack, including the length of its duration, and in short, everything relating to Major Reno's conduct or that of his command up to and including the 26th day of June, 1876, that was brought to your knowledge.

A. At the time the order was given we were moving along the right bank of a tributary which flows into the Little Big Horn. We moved at a gallop. After going some distance the trail led to the left and we recrossed the little stream. After going a few hundred yards farther we came to a ford on the Little Big Horn that had been used by the Indians. That was about belly-deep to the horses, but a good crossing. After passing the ford and going through some timber, the command was halted and reformed, as they had scattered a little in crossing the stream. Companies A and M were formed in line and my company was formed in line in the rear as a reserve, and the command moved forward, first in a trot and then in a gallop. The Indians, when the order was given, were apparently running from us; there was a bit of dust, but as we moved on, the dust cleared away, and the Indians were seen coming back. After moving some distance the third company was brought to the left of the line, and the command moved in that way until near the timber. There the command was halted, the men dismounted and prepared to fight on foot; the horses going in the timber and the three companies then deployed as skirmishers with the right in the timber and the left extending towards the bluff. The skirmish line only took up a few hundred yards. The Indians instead of pressing our front passed around to our left and opened a flank fire. When we went on the skirmish line I for the first time saw the village, and the Indians were thick in front and were passing to our left and rear. After being in line some time it was reported that the Indians were coming on the opposite side of the creek and trying to get our horses. Company "G" was then taken off the line and taken into the timber: what disposition was made in there I only know from hearsay. I remained on the picket line till the ammunition was getting exhausted, and the Indians were coming in our rear and on our left, and in front, and the skirmish line had to fall back into the timber. After being there some time the Indians commenced firing within 50 yards of us across the stream and in our rear in the timber. There was no protection offered on that side and on the other there was a bank. After waiting there some time word was passed down that we would have to charge them. We were being surrounded, no assistance had come, and we would have to get on higher ground where we would not be surrounded, and where we could defend ourselves better than we could there. The companies were mounted and commenced getting out. I belonged to Co. "G", had joined it there and had been with it during a portion of the fight. I could not find the commanding officer, Lieut. McIntosh, and I mounted what men I could find and started out. When I got out I saw the troops moving off, apparently in columns of four, at a gallop. I followed along, with what men I could mount of "G" Company. The command moved, not back on the track we came in on, but crossed the stream lower down, and were making towards the bluff. The Indians were in the bottom and we were riding through them, and as we would ride along they would either fire or ride along by the men and fire at them. At the creek they halted and fired at the men as they crossed. They came over with the rear of the column, and one or two men were killed there. I know they came over for there was a corporal of my company followed one over and shot him, and as he came up the hill he showed me his scalp. After getting on top of the hill the command was halted and preparations made to

give them a stand-off. Soon after that it was reported that Capt. Benteen was coming up and we were joined by him. What passed between him and Major Reno I don't know. We were out of ammunition, one company had several wounded, and I could find but seven men of my company. We waited there, I don't know exactly how long, for the pack train to come up, the dust from which we could see. After it did come up ammunition was distributed and we attempted to move on, but Capt. Moylan could not move his wounded, it took six men to carry one, and the Indians were coming up thicker and we were compelled to fall back and took the position we occupied on the 25th and 26th. The troops were assigned positions and the horses were placed under as good cover as we could get. During the night of the 25th the men worked all night. There were but three spades in the command, but with them and tin cups, and other things, they scratched up some little rifle pits. On the morning of the 26th the Indians opened on us by day-light and the fire kept up all the morning. After 12 o'clock the fire was not so heavy, except from prominent points, where they located sharp-shooters. Some time near sunset we saw the Indian village moving off.

- Q. How long after Major Reno received the order to charge the Indians before he effected a crossing of the Little Big Horn River?
- A. Moving at a gallop, I think we made the mile and a half or two miles in about 15 minutes. We were moving at an ordinary gallop.
- Q. State whether any Indians opposed Major Reno's crossing.
- A. No there did not. That was two miles from where the fight commenced.
- Q. How far was the crossing from the nearest part of the Indian village?
- A. It was over two miles.
- Q. Describe the character of the ground from there to the Indian village, as you observed it at the time or afterwards.
- A. It was a broad bottom. After crossing the stream there was a belt of timber; after that it was a broad, level prairie that had been covered with grass, but it was all eaten off by the ponies and the ground cut up by their hoofs. It was similar to an ash-bed a mile or two wide to the foot-hills and beyond that came the bluff.
- Q. Describe with particularity the manner of the advance of Major Reno's command from the point of crossing toward the hostile village and its successive formations, if any, and whether scouts or skirmishers were thrown forward.
- A. After crossing the command was halted for a minute or two, until they could close up and form in line, two companies in the first and one company in the second line, with the Indian Scouts under Lieuts. Varnum and Hare, ahead. There were 22 Scouts. They moved forward in line, first on a trot and then on a gallop. The third company was brought up on the left of the line and they moved on in that way until they were dismounted.
- Q. Describe the course of the stream from the point of crossing to the village with reference to the line of advance of Major Reno's command.
- A. The stream was on our right and is very crooked. The general direction is to the northeast. The stream was turning on itself all the time. Our course was sometimes on the bank, and sometimes away from it, as the stream would wind away from our course.
- Q. How far was it from the point where Major Reno's command crossed the stream to where he engaged the Indians. And state what impediments there were, if any, to a rapid advance over the ground.
- A. It was a good mile and three quarters before the first shot was fired, and two miles to the timber where he dismounted. The ground over which he passed was level and there were no obstacles in the way till the Indians came there.

- Q. When was the first shot fired?
- A. A mile and a half or three quarters from the crossing.
- Q. Had you seen any Indians up to that time?
- A. Yes sir, I had seen lots of them.
- Q. How near to the village was it that Major Reno's command engaged the Indians and how far from the stream was it when the command halted and dismounted as you have stated?
- A. They halted probably 150 yards from the stream, but after halting and going on the skirmish line they advanced to where the creek made a quick bend and the right wing was resting on the top of the cut bank, with the creek below. The village was across the bend, 75 or 100 yards to the first teepee, but on the same side of the stream we were.
- Q. From the place he first halted the command, near the timber, how far was the advance you speak of made?
- A. After dismounting from the horses, the skirmish line advanced probably 100 yards. The horses were all in the timber and the line advanced, with the right resting on the timber, and the left out towards the bluff.
- Q. The distance of the advance was what?
- A. Something like 100 yards.
- Q. State if you know at what hour of the day the engagement began.
- A. I don't know accurately, though it was sometime after half past two o'clock - from half past 2 to 3 o'clock.
- Q. How do you fix that time?
- A. I remember looking at my watch when Gen. Custer brought Major Reno's battalion on the same side of the little stream with him. As we crossed that little stream I took out my watch and looked at it. That was before we had the order to move forward and charge, and it was then 2 o'clock; and estimating the distance we passed over, I would say it was after half past 2 when the fight commenced.
- Q. Describe the character of the ground from Major Reno's right, where he first engaged the Indians to the stream.
- A. The timber in which we concealed the horses was in the old bed of the stream, rather in a crescent shape: beyond that was an open space, not as high as it was on our side of the timber. About 60 yards further on was the stream, winding along this low bottom.
- Q. State whether or not Major Reno ordered his command to charge the enemy, when it was within engaging distance, or did he at any time then and there give such an order, and if so was it obeyed?
- A. The command "charge"! was not given. We were moving at a gallop till we halted.
- Q. Had the command engaged any Indians before it halted?
- A. We had been fired upon, and were being fired upon when we halted, but had not returned the fire.
- Q. State whether any charge was made or order given.
- A. Other than that, there was not.

- Q. Describe the ground immediately in front of Major Reno's command where he first engaged the Indians.
- A. In front of the right wing was a loop or bend of the little Big Horn: to the left was an open prairie: in front of that some few hundred yards we could see a ravine, but the nature or size of it we could not tell at that time, but coming out of that ravine we could see plenty of Indians.
- A. State as near as you can what number of Indians first engaged Major Reno's command at that place, and state whether during the progress of the engagement at that place, there was any increase or decrease in the number of Indians engaged; and state what movements if any were made by the Indians with reference to Major Reno's command at that place.
- A. When we halted and went on the skirmish line, there were some two or three hundred Indians there, and they increased from that time till we got out of the bottom.
- Q. What movements, if any, did the Indians make?
- A. They were fighting in regular Indian style, riding up and down; some few on foot, and some few on the hills to the left passing around and coming in on our rear, filling the whole space in our rear, a mile or two, with scattered Indians riding about. Not a solid mass, but riding around, yelling and hooting and those within range were shooting. Not many of them were standing still, but they seemed to be riding around, and whenever they got an opportunity they would shoot.
- Q. State if you can, from what you saw, when the hostile village first became aware of the approach of Major Reno's command, and state if you can at what point Major Reno's command was discovered by the Indians, and give the facts upon which this opinion is based.
- A. My opinion is they knew from the time we left the mouth of the Rosebud, on the 22d of June, what we were doing and exactly which way we were moving. Our scouts saw their scouts that morning watching us and saw them riding back into the village. They knew of our approach and were ready to receive us. After we crossed the stream and moved towards the village their running was only a sham. They ran in and as we moved up they came back to meet us.
- Q. Answer the question as to when, in your opinion, they first discovered Major Reno's command: when you came down the hill before crossing the river, or after you crossed the river.
- A. They probably did (not) notice that till after we crossed the creek, but they were fully aware the command was coming: they could see the dust for miles.
- Q. What portion of Major Reno's command was engaged with the Indians at the place he first met them as you have described?
- A. Companies "A", "G" and "H", 7th Cavalry.
- Q. How many men were engaged in the fighting?
- A. After counting the Indian scouts there were just three-fourths of the balance. One fourth were horse holders.
- Q. Where was Major Reno and what was he doing, and what orders did he give during the progress of that engagement at that place?
- A. After dismounting and putting the men on the skirmish line I saw Major Reno go back with Lieut. McIntosh when he went back with "G" Company to guard the horses, and I did not see him again till the line was driven into the timber. I could not see him then for the brush, but I heard his order given when we were getting ready to charge. Exactly what the orders were I don't know, but I heard his voice and knew it was Major Reno.

- Q. How long did the engagement last at that place from its commencement till the command left there?
- A. I can only form an estimate of it.
- Q. Give your opinion and the facts upon which you base it as near as you can.
- A. I would say it was something like three-quarters of an hour. The facts are; the time occupied in mounting and dismounting and forming the skirmish line, the using up of the ammunition the men expended, and everything of that kind.
- Q. State whether the ammunition used up that you refer to was the ammunition the men had about their persons or all the ammunition in Major Reno's command.
- A. I refer to all they had on their persons and what they had drawn from their saddle-bags.
- Q. State if any remained in the saddle-bags of any of the men in question.
- A. As I did not inspect I don't know. I guess there was some left.
- Q. Up to the time Major Reno's command left that place to go back to the position on the hill, state if you know, how many of his command had been killed or disabled.
- A. I saw two and heard of one other. One of them I thought was killed, or rather, he appeared to be dying; and the other was shot through the bowels.
- Q. Describe to the Court if you know, what were the direct causes that led to Major Reno's command quitting that position.
- A. The direct causes I think were: we were surrounded, and in a bad position to defend ourselves, and we were going to get on higher ground.
- Q. You say about the time you left there something was said or an order was passed down about a charge going to be made.
- A. Yes sir.
- Q. State what charge was made, if any, and in what direction.
- A. In getting out of there we had to go through the Indians. There was but one way to get through, and that was to charge through.
- Q. State if you know, how near the command came to any Indians in coming out, and in what numbers: or whether they remained at a distance and shot into the command or met the advance as they started to come out.
- A. As I rode out of the woods coming back, the Indians were scattered all over the country. They appeared to me as thick as trees in an apple orchard or thicker. The men were moving in column of fours, and as they would come up to the Indians the Indians would give way and let them pass through and then fire on them. After the men passed through, if they saw that a man was not using his pistol they would ride close to him and fire. I know I found one within ten feet of me. They would ride along with the men and shoot at them.
- Q. Describe the character of the charge as you term it, when you left the timber. Describe the formation and shape the command was in and all the circumstances connected with the going back from that point in the timber to the crossing.
- A. I did not see the first formation. First I tried to find Lieut. McIntosh, but I could not, and I took command of the company myself and started out. When I got out what I had of my company, I saw the other two companies moving at a gallop. It looked like they were moving in column of fours, in a gallop. Some of the men passed my company and joined the other companies.

- Q. Were there any number of Indians directly between you and the two companies moving out?
- A. No sir, but there were plenty on my right.
- Q. I wish you to state, in your opinion, from your knowledge of the facts you have testified to, whether or not that command, in moving out with the Indians as thick as you have described, it was in danger of being overwhelmed.
- A. I had no such idea at the time. If they had closed in there were plenty of them there to have made short work of us. I had no fear of it then.
- Q. State if there was any order given at that place to go back or to get out of there, and if so state in what terms it was given and how it was communicated to the command.
- A. The word was passed down that we were going to charge them: where or how I did not know.
- Q. In which direction was that charge in reference to the Indian village, towards it or from it?
- A. From it.
- Q. State if you know whether any point was designated for the command to retreat to: if so what point, when and by whom designated, and whether or not the troops retreated to that point.
- A. I don't know.
- Q. State as near as you can how far was the point on the hill to which Major Reno's command went on that day, from the place where his command first engaged the Indians, according to the route of the retreat passed over by the command.
- A. I never measured it: I guess it was a half or $3/4$ of a mile. That is merely an estimate.
- Q. State if you know how long it took the troops under Major Reno's command to reach that point after coming out of the timber.
- A. I don't know that.
- Q. State your judgment or opinion from any circumstances or facts.
- A. Estimating that distance it could not have been over 15 minutes.
- Q. Where was Major Reno during that retreat, what was he doing, and what orders if any did he give during its progress?
- A. I did not see him and don't know. I did not see him till after we crossed the creek, and halted to form on the hill.
- Q. State any circumstances within your knowledge connected with that retreat which may tend to show its true character, and throw light on the conduct of Major Reno.
- A. I think I have answered about all I know about it.
- Q. How far was it from the point from whence the retreat began to the point where Major Reno's command crossed the river in the retreat?
- A. Over half a mile.
- Q. What was the character of the ground passed over?

- A. Till we reached the creek it was level except one wash-out or kind of flat ravine.
- Q. Describe the stream where Major Reno's command crossed it in his retreat, as to the height of the banks, the depth of the water, and the practicability of crossing.
- A. The stream at that point was about 25 feet wide, and about belly-deep to a horse. The bank on the side on which we approached it was 4 or 5 feet high; on the other side the bank was higher - probably 8 feet. There was a narrow place to get up on the opposite side, and the men coming in as they did on one side, they did not get out as fast as they got in.
- Q. How long did it take the command to get over from the time the head of the command crossed till the rear of the command got over. That is, how much time was consumed in crossing?
- A. It must have been from 3 to 5 minutes.
- Q. Describe the point to which Major Reno's command retreated; how far from the stream, how far from the hostile village and what was its adaptability as a defensible position. Describe the topography of the country around it.
- A. It was nearly a quarter of a mile from the stream, and was approached over a very broken country - what is known there as the bad lands. Those bad lands extended along that part of the bank. They were high, probably 100 feet above the water. On the top it was rather rolling. About a hundred yards beyond was a ravine sloping off some distance with a hill beyond it. On our right there were two or three points a little higher than that we had; on the other side there was none.
- Q. State whether there was any point on the left bank of the stream - the same side on which Major Reno's command first engaged the Indians - which, in your opinion as a military man could have been occupied by Major Reno's command for defense or attack: if so, describe such point or place with reference to the position occupied by Major Reno's command when he first engaged the Indians before the retreat began, and state fully the facts upon which your opinion is based; showing either the practicability or impracticability of Major Reno's getting to or occupying such point or place for defense against the Indians or from whence to attack them.
- A. There was no place I would have taken on the left bank; for there was a wide bottom and after crossing that, there is a bench and the country slopes back gradually for 20 miles to the Big Horn Mountains. It was a sloping country where if he had taken any position the Indians could have taken a position above on the slope. On the other side the hills were high and broken, indicating it to be a better position to get where you could defend yourself.
- Q. Describe the character of the timbered ground in the vicinity of Major Reno's command with reference to the position of that command when it first engaged the Indians, and with reference to the stream on the right, and state whether or not that timber could have been occupied by Major Reno's command for the purposes of defense or attack, and whether or not it would have subserved such purpose: giving in full the facts in support of your opinion.
- A. That timber grew on what was once the bed of the Little Big Horn River, and the timber was young. There were no trees as large as a man's body, and it was filled with a thick undergrowth. The body of timber was crescent shaped on a bank 4 or 5 feet high: on the other side it was level from the bank to what was then the bed of the stream. That piece of woods was not over 25 yards wide, and in there there was nothing to afford protection, as a party of Indians on the side on which the creek was, could fire directly in it, though the bank would afford a little protection. I don't think it would have subserved the purpose, and I don't think we could have remained there and defended ourselves.

- Q. State whether there was a plateau or bottom came to the edge of the timber.
- A. The bottom on which we approached came to the edge, then dropped off 4 or 5 feet down to where the timber was growing.
- Q. State what examination you made of that timber.
- A. I passed through it once or twice was all.
- Q. How do you mean through it?
- A. Across it and diagonally across it - not through the length of it.
- Q. At how many points did you pass through it?
- A. At two different points.
- Q. Describe that stretch of timber with reference to the location of the village.
- A. One end of that crescent-shaped piece of timber run up to within probably 100 yards of the village. The other extended from it rather in the shape of a quadrant.
- Q. State in your opinion as a military officer, when Major Reno's command had retreated from the village, having the stream between his command and the village, whether his command, from the position thus taken, was in a situation to threaten the village or make any diversion against the hostile Indians in support of any other attacking column, and state fully the grounds for such opinion.
- A. No sir. It was selected more with reference to self-defense I think.
- Q. State when you last saw Gen. Custer or his column.
- A. Soon after the order was given to move forward. He was moving to our right as we moved off at a gallop. He was moving at a slow trot. I did not see him again: I supposed he was following.
- Q. Bearing in mind the location of the hostile village and the course Gen. Custer's column was taking when you last saw it, and connecting these facts with the time that had elapsed when Major Reno first engaged the Indians, state your own or the general belief as to the point Gen. Custer's column had reached with reference to the hostile village by the time Major Reno first engaged the hostile Indians.
- A. He must have been to our right and rear.
- Q. State whether or not you examined at any time the course or route Gen. Custer had taken when he was in the immediate vicinity of the hostile village, and state how near his trail came to the point to which Major Reno retreated on the right bank of the stream, and describe Gen. Custer's route with reference to that point, the hostile village, and the stream intervening, and state what developments if any came under your observation as to the fate of Gen. Custer and his command.
- A. I don't know exactly where his trail passed, but suppose it passed near where we took our stand. On the 28th of June when we moved out to bury the dead I was told we followed the trail Gen. Custer took to the village, but have since been told by others that we did not. We moved down to a point on the Little Big Horn some two miles and a half probably, below where we had made our stand, then moved back up on a hill on the bank of a large ravine. After going about two or three hundred yards we found the first man that was killed. Then on some distance farther, we found others. From that on they were scattered all over the country for perhaps a square mile.

- Q. Please describe the character of the stream from Major Reno's crossing on the retreat to the hill, down to near the point where you found the first dead man. Describe it with reference to the banks on either side, with reference to timber and grass.
- A. Where Major Reno crossed there was a bluff, the stream twisting and turning. Then going down in a direct line about a quarter of a mile it came in to the bluff again. There the bluff was steep. It then followed the bluff down to where we supposed Gen. Custer had tried to cross. There a ravine came in, the hills were low and there was a passage; but the bank on the opposite side appeared to be miry.
- Q. Describe the passage of the stream there, as to whether it had the appearance of being a ford.
- A. It had all the appearances of a ford on our side - on the side we approached it. There were pony tracks by the hundred where they came in to the stream, but I saw no place on the other side where they went out. The stream was not over two feet deep and the bottom was apparently sandy or gravelly. On the other side there was grass growing along the stream and it had the appearance of being soft, with some few tracks on the other side. Whether it was a ford or not I don't know. It had not been used a great deal but there had been some horses across it.
- Q. In speaking of the bluff, which bank do you refer to?
- A. To the right bank.
- Q. Are there bluffs on the other side or cut banks on that side?
- A. In several places there were. Where our skirmish line rested there was a bank probably 8 feet high where the stream made a loop, running in and out again. At other places the stream was not fordable. At some places the banks were miry and steep but not cut. Then again there would be places where you could ride into the water where the stream would have a rocky bottom: there it would be deep. The stream itself was very crooked.
- Q. Where were the first evidences of what you state appeared to be Gen. Custer's route or trail showing that his command had been engaged with Indians or had been attacked by Indians. Describe those evidences fully.

MAJOR RENO OBJECTED to the question and said: Yesterday the Court announced its intention of going into this entire matter. And now for the purpose of making that ruling a little more definite we raise the objection. It must be evident to the court that the activities of Major Reno during the entire engagement were confined within a very limited section of country. We came here to meet that issue. Major Reno feels that he can present his case to the court without reference to the action of any other section of that command, but if it is the wish of the court that the entire campaign shall be inquired into, we can only say we are desirous the inquiry shall be full and ample, and it is only for the purpose of having the ruling of yesterday made more definite that this objection is made.

THE RECORDER REPLIED: I have asked questions to elicit all the facts, bearing upon the conduct of Major Reno as the commander of troops there that day.

And while I do not desire to go into matters occurring before June 25th still I think it is plain that the fate of Gen. Custer is connected with Major Reno's command in some way or other. He is charged with failing to go to the relief of Gen. Custer. That should be inquired into. Major Reno, being the senior officer left in the command, and making his official report, all his relations to that battle should be inquired into and the facts sought to be elicited by this question ought to be brought out in order that Major Reno may be fully vindicated or condemned, whichever turn the matter may take.

THE COURT WAS THEN CLEARED AND CLOSED, and after mature deliberation was reopened, Major Reno and his counsel being present; AND THE DECISION OF THE COURT WAS ANNOUNCED BY THE RECORDER, that the inquiry shall be general in regard to the facts that transpired on the 25th and 26th days of June, 1876, in regard to the entire command, consisting of the 7th U. S. Cavalry.

- A. I told you about our following his supposed trail down to the Little Big Horn. There or near there was a gray horse: then back almost on a line perpendicular to the creek, two or three hundred yards, was a dead man on the top of a hill, his body filled with arrows. Then to the left or rather down the creek from that point there were found some of the men. Further on they became thicker till we crossed over two ravines. Then we found more men and horses, till we came apparently to where the last stand had been made; there were the killed in a kind of circle, the bodies lying around thick.
- Q. State the character of the evidences in regard to that matter, as to whether it was the appearance of a running fight or of a command retreating and fighting at intervals.
- A. I think it gave evidences of both retreating and fighting at intervals and a running fight. They were evidently retreating all the time.
- Q. How far was that point where you saw the first evidences of an engagement that you refer to, from Major Reno's position on the hill?
- A. It must have been in the neighborhood of three miles.
- Q. How do you estimate the distance, by the route or on a straight line?
- A. By the route we followed.
- Q. Then state about how far it was in a straight line.
- A. About two miles and a half.
- Q. Describe the character of the ground between those two points - the topography of the country, whether elevated or otherwise.
- A. It was broken. Some high points sloping into ravines, and then rising into another hill, then another ravine. The country was rough and broken.
- Q. What was the approximate elevation of those points in reference to the elevation of the position occupied by Major Reno's command?

- A. They were about as high where we first found evidences. The first horse was down in a sort of ravine, and on a small hill a little back of that the first man was found.
- Q. Between the place where you saw the first evidences and Major Reno's position how was the elevation as compared with Major Reno's position?
- A. They were higher - several points were higher.
- Q. From the place where you state it appeared that Gen. Custer must have gone down to the river how far was it to where the last of the dead bodies were found?
- A. Somewhere in the neighborhood of a mile. I did not go over it in a straight line so I have not a very good idea of the distance.
- Q. Describe the topography of the ground on the line of what appeared to be Gen. Custer's retreat, taking it from the place where you saw the first evidences of fighting, and following it all the way through, refreshing your memory from any memorandum or data you have.
- A. I have no map of the field and there is nothing I could use except the map of Lieut. Maguire. Where we found the first horse was a ravine, making a little valley running into the river. On a knoll was the first man, and then another ravine running into the first ravine; then on a ridge and over to a second ridge. It was on this second ridge the last stand was made. There was one ravine running in a southeastern direction, the side of it forming a ridge in one direction, then striking another in front of the position. There was a second ravine running into the river; back of that another ravine running in another direction, making Gen. Custer's last stand on a "T" shaped ridge. It was not the highest point; there was a higher point between it and the river, and back of that about 200 yards was a still higher ridge.
- Q. What horse was it you found?
- A. It was a Government gray horse.
- Q. Belonging to what regiment?
- A. The 7th Cavalry, but whether a trumpeter's horse or belonging to the gray company I don't know.
- Q. State whether or not a column of the size of Gen. Custer's command at the point you have described where the evidences of fighting occurred, could have been seen or the sound of firing heard at the point occupied by Major Reno's command on the hill, and state the facts in support of your opinion in that matter.
- A. The command could not be seen owing to the intervening points. Whether the firing could be heard I don't know. I did not hear any, though others will testify they did. I heard scattering shots in the bottom on the left; no heavy firing. It was down apparently in the village. Whether the Indians were firing for their own amusement or not I don't know. It did not sound like fighting.
- Q. Considering the time that had elapsed from the final separation of Gen. Custer's command preparatory to the attack, up to the time Major Reno had taken possession of the hill, and taking that time and all the circumstances into consideration, state from your own view of the field of battle, either at that time or subsequently, state where Gen. Custer's column must have been when Major Reno first occupied that hill. In answer to the question state fully the facts upon which your opinion as a military man is based.
- A. By the time we got back to the top of the hill, he must have been engaged somewhere beyond the point where we found the first dead man, or in that vicinity. He must have been fighting at the time. That is my own private opinion: I can't give any facts in support of it.

- Q. State to the Court whether any reinforcements reached Major Reno after his engagement with the Indians: when, where, and how many, and under what commanding officer or immediate commander.
- A. Soon after taking position on the hill Capt. Benteen with three companies came up.
- Q. Any others?
- A. After some time Capt. McDougall with "B" Company and the pack train came up.
- Q. What was the effective force of these reinforcements.
- A. I don't know exactly, but Capt. Benteen must have had about 120 men. Capt. McDougall's company probably numbered probably 45 or 50; and with the pack train were ten men from each of the eleven other companies.
- Q. Capt. McDougall's company including the pack train numbered how many?
- A. Probably 140 or 145 men: I don't know positively. It is simply an estimate.
- Q. State if you saw them come in.
- A. I did, but did not count them.
- Q. After such troops united with Major Reno's command, who commanded the whole?
- A. Major Reno.
- Q. How long was it after Major Reno's command had taken position on the hill till Capt. Benteen arrived, and how long till Capt. McDougall arrived?
- A. I don't think it was more than ten minutes till Capt. Benteen came up. It was well on to an hour before the pack train came in.
- Q. From the time Major Reno took position on the hill describe the character of the engagement, if any, which there ensued as to number of Indians and severity of fighting on that day, the 25th day of June 1876.
- A. When we first occupied the position the Indians commenced firing on us. They were coming back from what proved to be Gen. Custer's battlefield. They came up and occupied several of the high points that were down the river from us, others passed around and took position on our right, rather up the stream, on a little knoll. In front of our position was a long ridge, and they occupied that and poured in a heavy fire till dark came on: it was almost a continuous roar of firing. Sometimes there would be a little lull and then they would commence with a volley.
- Q. Was there any decrease in the number of Indians that engaged Major Reno's command on the hill that day: if so state approximately what decrease, at what time and how long after Major Reno had taken his position on the hill.
- A. Soon after Capt. Benteen came up, while waiting for the pack train, most of the Indians left the bottom we came from, some of them occupying the points between us and where Gen. Custer's fight took place, the remainder went back into the village. There was a high hill which concealed the upper part of the village from us. After going into the village they crossed over and engaged in the fight with Gen. Custer, but we could not see them crossing on account of the high ground. We could only see the upper end of the village from our position. (It is believed the word "upper" in line 4 should be "lower")
W.A.G.
- Q. State approximately how many Indians continued to engage Major Reno's command after the withdrawal of a portion of them as you have testified.
- A. While we were waiting for the pack train no material engagement was going on: we were waiting for the train to come with the ammunition and there were only a few scattering shots fired: no heavy firing.

- Q. State whether or not, if you know, Capt. Benteen's command had been engaged with Indians up to that time.
- A. I don't know that it had: I know there were no casualties in his command at the time he joined us.
- Q. Where was Major Reno and what was he doing and what orders did he give, if any, from the time his command took position on the hill up to the close of that day; the 25th day of June, 1876.
- A. I saw Major Reno several times. I saw him go to the ford where we crossed, to see Lieut. Hodgson's body or do something with it. I saw him come back. I saw him when we attempted to move on after getting in a supply of ammunition. What orders he gave I don't know. I did not hear any.
- Q. After Major Reno's command had taken its position on the hill, state whether there was any solicitude or uneasiness on the part of that command or any portion of it as to General Custer's column? And if so state the nature of such solicitude or uneasiness.
- A. There was no uneasiness whatever: I heard a great deal of swearing about Gen. Custer running off and leaving us.
- Q. Was any advance, reconnoissance or sortie made by the troops under Major Reno's command on that day, the 25th day of June, 1876; if so in what direction and for what purpose?
- A. I saw Capt. Weir's company move out in the direction which proved to be towards Gen. Custer's battlefield, and after the ammunition was distributed, the entire command was moved in that direction.
- Q. Do you know why that movement was made?
- A. We were going to find out where Gen. Custer had gone to. I went to a point where I could see where Gen. Custer's battle took place. Indians were all over the country but no firing was going on. There was no particular disturbance - all was quiet. Capt. Moylan was unable to keep up with his wounded, and the Indians were coming back with a heavy force; and as he could not keep up with us we had to go back to him.
- Q. How soon after Major Reno took position on the hill was Capt. Weir sent forward?
- A. I don't know how long after: it was before the pack train came in.
- Q. Can you state approximately?
- A. No sir.
- Q. State whether or not Capt. Weir's command returned and when.
- A. I am not sure, but I think we met his company as the other part of the command moved out. I don't know whether he had got back before we moved out or not. I think he was very near where we started from when we moved out towards him.
- Q. What time in the day was it when the command returned to its original position, as near as you can state it?
- A. It was somewhere about between 5 and 6 o'clock.
- Q. State as near as you can what had been the casualties among the troops under the command of Major Reno at the close of the 25th day of June 1876, and what effective force had he when night came on.
- A. I can only give you those of the three companies in the bottom. I know there was one man of Capt. Weir's company wounded and left by him in his advance. Two men of "K" company were killed: the first sergeant was killed

within a few yards of me. Of Capt. Benteen's company several were wounded and one or two killed. Of the companies in the bottom one lost 5, one lost 12, and the other 13 killed.

Q. Up to the close of that day those were the casualties as you remember them?

A. Yes sir, that is as near as I remember them of the three companies in the bottom. Then the other companies lost some.

Q. Now you have stated I believe, that you knew of two men at the place where Major Reno first engaged the Indians, and heard of one other. Now state if you know, what were the casualties in Major Reno's command in going from that place to the position on the hill.

A. I have the total killed in the bottom. Those I saw can be deducted. Co. "A" lost 8 killed and 5 wounded; Co. "G" 11 killed; Co. "M" 8 killed and two wounded.

Q. Do those pertain to Major Reno's command, going from the first position back to the position on the hill?

A. Principally.

Q. You have testified that at a certain time on the afternoon of that day a decrease or apparent withdrawal of a portion of the Indians who were attacking Major Reno's position on the hill took place.

A. Yes sir.

Q. Now state whether there was subsequently on that afternoon any perceptible increase in the number of Indians engaging Major Reno's command.

A. There was.

Q. State their number as near as you can that engaged him that evening and the approximate increase.

A. That I can't state accurately, for one moment you see an Indian and the next you don't. I can only estimate them from the number of shots fired. There were a good many Indians - a good many more than we had men. There must have been one or two thousand, judging by the ground occupied and the number of shots fired.

Q. Do you refer to those one or two thousand as the increase?

A. Yes sir, they were increased fully that, for at one time there were but few Indians on the ground we had left. As we moved forward we found Indians between us and where Gen. Custer had fallen.

Q. What time of day was the increase?

A. We got back between 5 and 6 o'clock: it must have commenced about 5 o'clock. They did not bother us much till we started forward, then they commenced their second attack on us, and took up every piece of ground that would give them a position to shoot from.

Q. State from what you saw at the time and what subsequently came to your knowledge, whether the same Indians that engaged Major Reno afterwards on that day also engaged Gen. Custer's command, or vice versa, and state in full what are the evidences that such was the case.

A. I really don't know. They left us and probably went there and took part in that fight, but they had men enough to have fought both commands; that I have learned from the Indians since. After the fight with Gen. Custer was over, I have no doubt there were plenty of Indians that were engaged in it came back and engaged us. The Indians all left our front after we left the bottom, and evidently went in that direction, but whether they took part in the fight or not, I don't know. They were up in that direction and came back with the others.

- Q. From the time Major Reno's command took position on the hill till dark of that day the 25th of June, 1876, state what kind of weather prevailed, whether clear or cloudy, calm or windy, and if windy what was its intensity or degree and in what direction with reference to Major Reno's command, and that of Gen. Custer as afterwards ascertained by you.
- A. As to the wind I don't know: there was not much wind if any. I think it was rather cloudy. I remember seeing the sun go down as a red ball. That is about the only fact that impressed itself on my mind; and I know the next day was cloudy and rainy.
- Q. Describe fully and clearly the condition of Major Reno's command on the night of the 25th of June, 1876, in regard to its efficiency and state the causes therefor, if any.
- A. There were several wounded; I don't know the exact number: otherwise the command was in good shape. The men were tired and hungry and needed water, but they worked the whole night through in digging little rifle pits, and worked willingly, as I heard no grumbling.
- Q. State whether any measurements were made after the battle of the Little Big Horn, with reference to that battle: if so when, for what object, by whom made and the result of such measurement.
- A. Personally I don't know. I think there were some odometer measurements made by Lieut. Maguire. After the fight I was appointed regimental Adjutant and had nothing more to do with making the survey. I had all I could attend to as Adjutant.

Then at 2 o'clock, P. M., the court adjourned to meet at 11 o'clock A.M. to-morrow, Thursday, January 16, 1879.

FOURTH DAY

Chicago, Illinois,
Thursday, Jany. 16, 1879, 11 o'clock A.M.

The Court met pursuant to adjournment.

Present -

All members of the Court, the Recorder; and Major Reno and his Counsel.

The proceedings of the last session, as far as copied, were read and approved.

Major Reno then suggested to the court that it would be in the interest of truth and justice for the court to remove the restriction imposed on the newspaper reporters at the first day's session, and permit them to take full notes of the proceedings of the court.

Thereupon by direction of the court the Recorder announced that the reporters would be permitted to take notes of the proceedings.

Major Reno then proceeded to the cross examination of the witness Lieut. Wallace as follows:-

- Q. At what time was the 7th Regiment broken into battalions?
- A. Shortly after 12 o'clock on the 25th of June.

Q. Before that time what had been the organization of the regiment?

A. They moved as one battalion, you may say under Gen. Custer.

Q. What position did Major Reno occupy at that time?

A. He simply moved as the second in command.

Q. Had he any specific command?

A. No sir.

Q. Had he to your knowledge any definite instructions from his commanding officer?

A. No sir. I heard Major Reno say the day he left that he was directed to perform the duties of Lieutenant Colonel.

Q. It was after 12 o'clock on the 25th that the division of the command was made into 3 battalions?

A. Yes sir.

Q. Under whose command were the different battalions placed?

A. One was placed under command of Major Reno, one under command of Capt. Benteen and the other was taken by Gen. Custer.

Q. What were the numbers and letters of the companies under Capt. Benteen?

A. Companies "D", "K" and "H".

Q. What were those under Major Reno?

A. Companies "A", "G" and "M".

Q. And the balance were under Lt. Col. Custer?

A. There were five companies with Gen. Custer: Companies "C", "E", "F", "I", and "L".

Q. What was the number of men under Major Reno?

A. It did not exceed 110 or 115 including Scouts.

Q. How many were under Lt. Col. Custer?

A. About 225.

Q. How many were under Capt. Benteen?

A. Those I only estimate as something larger than Major Reno's.

Q. With respect to that tributary creek where was the command at the time it was broken into battalions?

A. We were on the western side or slope just before the little ravine commences running in that forms the creek.

Q. You had not reached the creek?

A. No sir; we were on that side of the divide but not to where there was a creek.

Q. Did you hear the orders given to Capt. Benteen at the time the division was made?

A. No sir.

Q. What action did Capt. Benteen take?

- A. He took his battalion and moved to the left.
- Q. To what distance did he move in that direction?
- A. He continued moving the last I saw of him.
- Q. When was the last you saw of him before meeting him in the afternoon?
- A. A half or three quarters of a mile to the left he passed over a hill out of sight.
- Q. When did you afterwards see him?
- A. After we retreated from the bottom.
- Q. Was there, to your knowledge, any announcement made to Major Reno with regard to a junction with Capt. Benteen?
- A. Not that I know of.
- Q. Was there any plan that you know of, for the reuniting of the different battalions at any given point?
- A. None that I ever heard of.
- Q. After Capt. Benteen disappeared with his three companies what did Major Reno and Lieut-Col. Custer do?
- A. They moved down the little stream, Gen. Custer on the right and Major Reno on the left.
- Q. In that position towards each other how far did they move down that little stream?
- A. They must have moved from 9 to 12 miles.
- Q. Then what happened?
- A. Major Reno was called across to the same side on which Gen. Custer was moving, and the two battalions moved along in parallel columns some distance.
- Q. How did Lt. Col. Custer call him there?
- A. He motioned him over, and I think afterwards an order came. I know a signal was made with his hat to him.
- Q. Major Reno crossed then with his three companies?
- A. Yes sir.
- Q. Did the command of Lt. Col. Custer halt while Major Reno was crossing the creek?
- A. No I don't think it did. I am not sure. I don't remember that they halted.
- Q. Can you fix it this way: At what part of the column of Lt. Col. Custer did Major Reno strike as he crossed with his three companies?
- A. The heads of the two columns came together.
- Q. Was there any communication at that time between Lt. Col. Custer and Major Reno that you saw?
- A. None that I saw.
- Q. Did they continue marching?
- A. They moved in parallel columns.

Q. The entire command was then on the right side of the creek?

A. Yes sir.

Q. How long did they continue moving in that way?

A. They must have moved near a mile.

Q. Where were you with respect to Major Reno at that time?

A. I was riding to the left of his adjutant and his adjutant was riding to the left of Major Reno.

Q. The Adjutant was between you and Major Reno?

A. Yes sir.

Q. Who was his Adjutant?

A. Lieut. Hodgson.

Q. After they moved that mile what happened, if anything?

A. Lieut. Cook, the Adjutant of the Regiment, came from Gen. Custer to Major Reno, and said to him: "the Indians are about two miles and a half ahead, they are on the jump; go forward as fast as you think proper, and charge them wherever you find them and we will support you."

Q. You stated yesterday in your examination in chief you had some doubts as to the statement then made: was that doubt as to any other portion than the word "we".

A. My mind is not exactly clear: I know he was to be supported.

Q. Was it whether it was "we" or "I" that you were in doubt?

A. No: the Adjutant would not use the term "we" or "I". That is, he was not apt to do so: he was speaking for someone else.

Q. Your doubt was as to what pronoun was used to represent Lt. Col. Custer?

A. Yes sir: I understood that Gen. Custer was to support him.

Q. Was that the first order you heard given to Major Reno after the division of the regiment into battalions?

A. Yes sir, it was the only one I heard given.

Q. After that order was received how long did you continue with Major Reno toward the ford?

A. I continued with him till after we crossed.

Q. If there had been another order sent to him between the time he received the one you speak of, and the crossing of the ford would you not have heard it?

A. Yes sir, I would be very likely to have heard it.

Q. Did you hear any?

A. No sir.

Q. After that order was received what did Major Reno do?

A. He moved off at a gallop.

- Q. For what distance?
- A. Till we came to the crossing of the Little Big Horn; there they had to come to a walk and the horses scattered.
- Q. After they crossed the stream what followed?
- A. The command passed through a little belt of timber and halted and closed up the column, and after entering the open ground they formed in line.
- Q. I wish to ask you as an officer of cavalry whether, if a body of cavalry is advancing towards a stream at a rapid gait it is not always thrown into some little disorder and needs some little reorganizing on the opposite side of the stream?
- A. Yes sir: I never saw it fail.
- Q. The disorder on crossing a stream is no evidence of demoralization?
- A. It will always occur in spite of any precautions I ever saw.
- Q. At the time the halt was made on the farther side of the river do you know whether Major Reno sent back any messenger to Lt. Col. Custer?
- A. No, I do not.
- Q. Did you know two men named McIllargy and Mitchell?
- A. I knew McIllargy and had heard of Mitchell.
- Q. Did you ever see those men after the command crossed the river?
- A. No sir, I don't remember seeing them.
- Q. If those men had perished or either of them had been killed by Indians in that bottom would you not have been liable to know it?
- A. Yes sir.
- Q. If they had been killed at any other time while under the command of Major Reno would not your duties have acquainted you with that fact?
- A. Yes sir.
- Q. Did you ever see either of those men after?
- A. No sir.
- Q. How far from Major Reno were you at the time he passed out of the water on the opposite bank?
- A. I don't remember now. As I passed out I turned to the left and halted and filled my canteen with water.
- Q. The left looked up the river?
- A. Yes sir.
- Q. You did that while Major Reno passed on?
- A. Yes sir: I knew there would be a halt to close up and I took advantage of it to fill my canteen.
- Q. Speaking of the manner in which the cavalry was armed at that time; did they have sabres?
- A. No sir, there was not a sabre in the command.

- Q. Did they have revolvers?
- A. Yes sir.
- Q. How many cartridges did a cavalryman have for his revolver?
- A. They usually have their revolvers loaded and enough to load them twice more - 12 additional rounds.
- Q. Did they have that number of rounds that day?
- A. I don't know that they had.
- Q. After a cavalryman expends the cartridges from his revolver his revolver is useless?
- A. Yes sir.
- Q. They were armed with carbines?
- A. Yes sir.
- Q. How many cartridges did they have for their carbines?
- A. They were supposed to have 50 on their bodies and 50 in their saddle-bags.
- Q. After Major Reno reformed the companies what followed? I wish you to speak in connection with this map of Lieut. Maguire's. Considering the command now at "A" what was done: first speak of the array in which the command was placed, and then what followed.
- A. When we crossed at "A" the command was moving in column of twos - the usual order of moving over a rough country. After passing across they were formed in column of fours. That was in the timber; as they passed on the open prairie companies "A" and "I" were formed, left front into line. They formed in front, and "G" company formed in line in the rear.
- Q. Who commanded Co. "A"?
- A. Capt. Moylan.
- Q. Who commanded Co. "G"?
- A. Lieut. McIntosh.
- Q. Who commanded Co. "I"?
- A. Capt. French.
- Q. What followed then?
- A. They formed in line as they were moving. After forming they moved in a trot for some distance and then in a gallop. As they moved in a gallop the Adjutant came to "G" company, and they had to increase their gait and form on the left of the line, forming a line of three companies, Co. "G" on the extreme left. We moved on in that order till we reached the woods.
- Q. I want to go back: do you or not remember whether you were accompanied to the ford by the Adjutant, Lieut. Cook and Capt. Keogh?
- A. They started on with us. I saw them and heard them talking as we rode along.
- Q. I speak of that period of time when Major Reno started to obey the order of Lt. Col. Custer to cross the stream.
- A. That is what I mean. They were with us when we started from Gen. Custer, and were with us when we crossed back to the left of the little stream

which runs into the Little Big Horn. I thought at the time that they went into the fight with us. When they turned back I don't know.

Q. Did you see them after the fight till you found their dead bodies?

A. I did not.

Q. If they had continued with you of course they would not have been where they were found?

A. No sir.

Q. After the three companies were formed in line what happened?

A. They moved on at a gallop till we approached the woods and the command prepare to fight on foot was given; when they dismounted, leaving the horse-holders mounted.

Q. What was the character of the men of that command - were they all practical horsemen?

A. No sir.

Q. Were they all men long in the service?

A. Some had been in for three or four years; others two years, and in "G" company, of which I was then 2d Lieutenant, we received 20 new recruits as we passed through St. Paul in the latter part of April.

Q. Were not some of the enlisted men indifferent horsemen?

A. Many of them never were on a horse till they entered on that campaign.

Q. Do you know in point of fact, whether during that gallop after the companies formed a continuous line, some of the new recruits had lost, to some extent, the command over their horses?

A. I know how it was in my own company: I had a good deal of trouble in keeping them straight there.

Q. At what point was Major Reno when you halted?

A. He was in front of the line: rather in front or right of the center.

Q. What was done when you halted?

A. The command was dismounted and deployed as a skirmish line.

Q. What was done with the horses?

A. Taken by the horse-holders into the timber.

Q. What portion of the men act as horse-holders?

A. The companies are counted off in sets of four, and No. 4 of each set is a horse-holder.

Q. Then one-fourth of the command is employed in that service?

A. Yes sir.

Q. At the time you halted, and indeed before you halted, what number of Indians had been seen by yourself?

A. I will have to estimate. There were something over 200.

Q. State if there were evidences, by the dust or otherwise farther down the valley, of a large body of men in motion in your direction.

A. There was a heavy dust in that direction.

Q. Did that indicate the presence of men riding toward you?

A. It indicated the presence of mounted men.

Q. When you crossed the river the order under which Major Reno acted was predicated on two things: first, was it not that the enemy were fleeing?

A. That was what I understood from the order -- the Indians were ahead, on the jump.

Q. And next that the entire command would follow and support you?

A. Yes sir.

Q. That was the way you understood the order?

A. Yes sir.

Q. Was not that the understanding of the order by every other officer?

A. It was with those I talked with after and during the fight.

Q. After you dismounted and the horses were sent to the timber the skirmish line was formed?

A. Yes sir.

Q. Does this dotted line on the map represent the position and angle correctly?

A. No sir.

Q. What should be represented on the map?

A. I can't represent it here, the map is not correct: it does not represent the ground.

Q. How would you represent the skirmish line?

A. By cutting off about three-fourths of it.

Q. Was the angle at the time such as is represented there?

A. The left was farther to the front: more towards the village.

Q. You say Major Reno had about 110 or 115 men?

A. Yes sir.

Q. What was the distance between the men on the skirmish line?

A. Five yards is supposed to be the interval.

Q. Estimating the number of men and the distance what was the length of the skirmish line?

A. He probably had 70 or 75 men on the skirmish line.

Q. What distance would that cover?

A. If he had 75 men there would be 74 intervals of 5 yards each.

- Q. Then at the time the dismount was made, Indians had already been seen in numbers from 200 to 300, and there were indications of a larger, can I say a much larger, body at the upper end?
- A. Yes sir.
- Q. When was the first shot fired by the Indians?
- A. After we had moved down about a mile and a half or a mile and three-quarters.
- Q. Before or after you dismounted?
- A. Before.
- Q. What were the Indians doing at the time you dismounted - were they standing still or moving?
- A. Riding in regular Indian order and firing.
- Q. Moving in what direction?
- A. Around to our left and rear.
- Q. Does that take them between yourself and the ford?
- A. Yes sir, the ford we crossed first.
- Q. That was the position and conduct of the Indians at the time you dismounted?
- A. Yes sir.
- Q. After the skirmish line was formed what followed?
- A. They continued to pour around, their numbers increased slightly in front. They were not standing still, they were riding all the time, firing as they rode, and were passing on the bluff, or rather slope, on our left out of range.
- Q. What was the skirmish line doing at that time?
- A. They advanced till the right struck the loop of the stream and then halted.
- Q. At what part of that map do you indicate that loop?
- A. Below the point "C".
- Q. Then the position of the right of the column at the time you now speak of was lower than "C".
- A. Yes sir.
- Q. When that part of the command reached that point what was done with the skirmish line?
- A. It halted.
- Q. What was done then?
- A. They were firing all that time.
- Q. Did they remain in position?
- A. They did till the left was compelled to fall back; then the entire line had to retire to the woods.
- Q. At that point, or a little before that time, the troops were actually engaged in fighting?

- A. Yes sir; they fired on us before we dismounted.
- Q. What was Major Reno doing at that time if anything?
- A. After he had seen the men in line, he took Co. "G" into the woods, and I only know from hearsay that he went to that point of the woods nearest the village. I don't know whether to make a sally into the village or not. I know he went there with that one company.
- Q. What officer of Co. "G" accompanied him?
- A. Lieut. McIntosh.
- Q. He was killed?
- A. Yes sir, on the retreat from the bottom.
- Q. Did you see Major Reno at the time he took Co. "G"?
- A. Yes sir; I saw him go back into the woods.
- Q. What was his conduct as an officer in respect to judgment and courage at that time?
- A. All that you could expect from any one.
- Q. Up to that time how does the disposition of the forces and the handling of them meet your judgment as a soldier?
- A. I don't think they could have been handled any better.
- Q. After Major Reno returned from his examination at the edge of the timber what took place?
- A. It must have been soon after his return the charge was ordered.
- Q. Did you hear the order given?
- A. I heard the word passed down from man to man that they were going to charge.
- Q. With respect to the firing of the troops: I want it not for the information of the Court, but to complete the record. What is the practice of soldiers engaged in battle with Indians in position as those now occupied, with respect to volley firing?
- A. I never heard of any.
- Q. Would not the firing be by each man?
- A. Each man loads and fires at will, and selects his own object to fire at.
- Q. Is that the usual practice?
- A. Yes sir.
- Q. Was such practice followed by that command?
- A. Yes: it was individual firing entirely. It starts out as file firing, but during the fight each man fires when he gets a good chance, without reference to any body on the right or left.
- Q. Had the troops been firing frequently or not?
- A. Yes sir; very frequently. The difficulty was to prevent them firing too much.
- Q. Do you know what amount of ammunition had been used by the men - the average amount of ammunition?

- A. I know that their 50 rounds of ammunition were pretty well used up, for one company had to withdraw part of their men to get ammunition from the saddle-bags.
- Q. How long had you been in the timber at that time?
- A. They had to withdraw to get ammunition before the line was drawn in.
- Q. During what time were the 50 rounds used by the troops?
- A. That is a hard question to answer.
- Q. Was it a half or three-quarters of an hour?
- A. We were in the bottom about three-quarters of an hour, and about two-thirds of that time we were on the line.
- Q. It would require less than three-quarters of an hour to use that much ammunition?
- A. It did not require it, but about that much time was occupied in using it.
- Q. Was there other ammunition within reach of the troops on that side of the river?
- A. No sir.
- Q. You say as you went back the Indians rode up and fired on the cavalrymen who were not using their pistols: what was the reason the men did not use their pistols?
- A. Probably they had fired the six rounds.
- Q. And their pistols were empty?
- A. Yes sir.
- Q. Before Major Reno retired from the timber, what was the position of the Indians on the left side of you?
- A. They were all around us.
- Q. Were they between the ford "A" and yourselves?
- A. Yes sir; they were at the ford "A" long before the line was drawn into the woods.
- Q. In any considerable numbers, just before retiring?
- A. Yes sir, lots of them.
- Q. How were they on the opposite side of the river?
- A. They were moving down there in large numbers.
- Q. Were they in the timber itself, opposite where the command was?
- A. Some few were - they were getting in there.
- Q. Do you remember having had a conversation with Capt. Moylan while in the timber, with reference to sending some person back to communicate with Lt. Col. Custer?
- A. It was not in the timber; it was on the line soon after the line advanced to where it halted. I then for the first time saw the village, and looking back I did not see Gen. Custer coming. The first officer I met was Capt.

Moylan, and I said to him the village was there and asked him if we could not communicate with Gen. Custer. There was a half-breed scout there by the name of Jackson, and we asked him if he could not go back. He waved his hand to the rear and said there were too many of them for one man to go through. That was the first time I had seen the Indians in our rear.

Q. Up to that time you expected Lt. Col. Custer and his men to support you?

A. Yes sir.

Q. Having in view the position and number of the Indians and the condition in which the troops were then under Major Reno, and their number, what in your judgment, was the correctness of the order he gave, to move to higher ground on the opposite side of the river?

A. I think it was about the only thing he could have done under the circumstances.

Q. You were asked yesterday about the casualties the command received on the way from the timber to the hill top on the opposite side of the river. what in your judgment would have been the casualties of the command if they had remained in the timber?

A. Major Reno and every man with him would have been killed.

Q. That is your judgment?

A. Yes sir.

Q. Was that your judgment at the time?

A. I did not think so much about being killed: I thought it was a pretty good idea to get out of there.

Q. Then the plan of Major Reno in retreating from the timber at that time meets your approval?

A. Yes sir.

Q. Has time and reflection confirmed you in that same view?

A. Yes sir.

Q. I ask your opinion as a soldier: when an officer is sent with a part of a command to attack a fleeing enemy, and he finds that instead of the enemy being in flight they are advancing in considerable numbers to attack him, is it not a matter of discretion with him what shall be his conduct?

A. I should think so.

Q. When an officer is in charge of men, and is in a position which in his judgment is not proper for defense, and has to be abandoned for one more suitable for defense, is it not within his discretion to return to the other position?

A. It is his duty as an officer to do so.

Q. Was it his duty as an officer to wait till a considerable part of his command was killed before he ventured to make the move?

A. No sir: it was his duty to take care of his command.

Q. If Major Reno was satisfied that the timber could not be held against the Indians, and a more advantageous position could be taken on the bluff on the opposite side of the river, was it not his duty as an officer to go there?

A. I think so.

Q. What was Major Reno's conduct with regard to judgment and discretion in the timber, as far as you saw it?

A. I think it was good; the only way in which it could have been carried out.

Q. What was his behavior with respect to courage?

A. I could not find any fault - I think it was good.

Q. Did you see any evidence whatever of fear on his part during that time?

A. None whatever.

Q. Then the movement from the timber to the heights on the opposite side of the river met your approval as a soldier?

A. Yes sir.

Q. And still meets it?

A. Yes sir.

Q. The command was passed to charge back to the river?

A. Yes sir.

Q. Do you know who gave that command?

A. It must have originated with Major Reno.

Q. Did it get to you in the ordinary way?

A. Under the circumstances it did: there was not time to send an orderly with it, and the order was passed down the line.

Q. That was the way you received it?

A. Yes sir.

Q. In what order did the force return to the river?

A. That I can't say accurately: I think it was Co. "A" then "M" then "G".

Q. Where was Major Reno in reference to the command?

A. He must have been at the head of the column - I did not see him.

Q. After the command reached the river, what took place: they passed through what kind of a country?

A. They turned the point of a ridge and up a very steep hill through the bad lands to the top of the ridge.

Q. They reached that point which is marked on the map with circular lines?

A. They stopped about where the dotted line ends.

Q. How many men had been killed and wounded in the bottom during that retreat?

A. There were about 25 killed and 7 wounded in the bottom.

Q. How many in the timber?

A. I don't know only by hearsay. I saw two and heard of one in the timber and there were one or two wounded in there that I heard officers speak of.

- Q. Do you know whether at the time or before the time Major Reno decided to leave the timber there was firing from the opposite side of the river from the base of the foot hills or bluffs?
- A. Not from the base of the bluffs: there was firing from the opposite bank of the stream. They fired into my company as I started to move out, and they had been firing before that.
- Q. Do you know whether before retiring, the Indians had commenced to cross from the other side of the river to the side on which you were?
- A. They were coming, not from the timber, but across this bottom. There is timber indicated on the map, but there is no timber there.
- Q. They were crossing the river to your right?
- A. Yes sir.
- Q. Fix as far as you can, the period of time when you made the first ford at "A": the time you reached the timber and the time you reached the hill on which you made your final stand.
- A. I can simply give the time indicated by my own watch. It was probably say 20 minutes after two when we crossed the creek first. It did not take much over ten minutes to get to the timber - say half past 2. If we were there 45 minutes, it would be a quarter after three or approximately that time when we got on top of the hill or half past three, taking the time it would take to get back to the hill.
- Q. A quarter after 3?
- A. Well, say half-past 3. There (that?) would be taking the time to go across the creek and up the hill.
- Q. When you reached the top of the hill, what did the command do?
- A. It halted and dismounted, and the first thing done was to get the companies together, organize them, and then they had to count off again and dismount so as to make another stand.
- Q. Were there Indians on the hill-tops across there before you made the crossing?
- A. Yes, sir; it has always been my impression that Lieut. Hodgson was killed from a shot fired from the bluffs. Dr. DeWolf was killed by the Indians on that side.
- Q. What was done with the command when you were on the top of the hill; what disposition was made of it?
- A. They were first dismounted and deployed on the crest of the bluff, and then mounted and moved back; and about this time word came that Capt. Benteen was coming.
- Q. Who gave the order under which this disposition of the troops was made?
- A. It must have been made by Major Reno.
- Q. Did you see Major Reno at the time?
- A. I was not close to him, but I saw him there.
- Q. Did you at that time see any indication of fear or timidity on his part?
- A. None.
- Q. What judgment did you form of the correctness of the disposition of the troops at that period? Was it proper or not?

- A. I think it was.
- Q. Capt. Benteen was seen to be advancing. In what portion of the country was he seen to be coming?
- A. He was very close to us at that time. He was not coming over the trail we had come on, but he had diverged to the right, and was coming up there.
- Q. How far distant was he from you when you saw him coming?
- A. Not over one or two hundred yards -- rising the hill.
- Q. Was he in advance of his command?
- A. I can't answer that; I don't know. He was not very far in advance of it anyway.
- Q. Do you know where the pack train was at that time?
- A. It must have been three miles in the rear.
- Q. Could you see it?
- A. I saw the dust.
- Q. But you couldn't distinguish it?
- A. I knew what it was.
- Q. But you could not distinguish, by your eye sight, what it was?
- A. No sir; but I could see about where it was by the dust.
- Q. Do you know whether Major Reno rode forward to meet Benteen?
- A. Yes, sir; I think he did.
- Q. Do you know whether he at once returned to the command?
- A. I think they came back together, but I am not positive about that.
- Q. The troops, you said, had reached a point where they stood in a ravine. Do you know whether the Indians were at the mouth of that ravine; after you had come out, and when you were on the top of the bluff, do you know whether the Indians were at the mouth of the ravine below?
- A. Yes, sir; they did come across below.
- Q. Where was Lieut. Hodgson killed?
- A. He was killed about 50 yards after he had crossed the stream.
- Q. On the upper bank?
- A. On the bank to which we had retired.
- Q. On the upper bank?
- A. Yes, sir: where the bluffs were.
- Q. Do you know whether any effort was made to recover the valuables from his person, and, if so, who made that effort?
- A. Major Reno went down there with a party.
- Q. Did he lead them himself?

A. He went with them.

Q. He was chief in command, of course?

A. Yes sir.

Q. What was the number of the men whom he took with him?

A. I don't think it was more than three or four.

Q. Are you accurate as to that number?

A. No sir.

Q. Who was with him as a noncommissioned officer, if you remember?

A. That I don't know.

Q. Do you remember whether the valuables were recovered from the person of Lieut. Hodgson?

A. Some of them were. I know I heard Major Reno speak of getting his ring.

Q. At that time?

A. I think that was the time. I think his watch was not obtained, because it had been jerked out of his pocket before Major Reno got down there.

Q. But other things were recovered?

A. Yes, sir.

Q. After Major Reno returned from the water's edge, or from the place where Lieut. Hodgson's body was found, what did he do?

A. That I don't know.

Q. If Maj. Reno at that time had been shaking with fear, do you suppose, as a soldier, that he would have taken those men and gone back to the ravine through which he had just come?

A. I don't think he would.

Q. Was it necessary for him to do so if he had not wanted to do so?

A. No; he could have sent some one.

Q. After he returned, what took place then in respect to the union of your battalion with the battalion under Capt. Benteen?

A. I don't know. I didn't receive any orders, and I was not close enough; his companies came up there and were for a time halted there.

Q. Where did he take his position?

A. It was rather on the left of the position, I think, which we then occupied.

Q. Lower down the river?

A. Speaking with regard to the river, it was up the river.

Q. True: I had forgotten the direction of the stream. At that time, how many dead men were there in the command. How many men had you lost by being killed?

- A. We had lost twenty-seven killed, seven wounded, and Dr. DeWolf and one scout and an interpreter.
- Q. Where were the wounded men?
- A. They were there with us.
- Q. They had not been abandoned?
- A. No, sir.
- Q. How long after Capt. Benteen came up did the pack-train come up?
- A. It must have been an hour.
- Q. What was done by Maj. Reno and the officers and men under him, if anything, until the pack-train came up? If any order was given to any company, state what it was.
- A. I can't say in regard to orders. I was not with Maj. Reno and didn't hear what orders were given, but I saw one company move out.
- Q. What company was that?
- A. That was D company, under Capt. Weir.
- Q. In what direction did it move?
- A. It moved down the stream from the position we occupied.
- Q. In the direction in which Custer and his men were afterwards found?
- A. Yes, sir.
- Q. How long after Reno and his men reached the top of the bluffs, did Capt. Weir move out with his company?
- A. That, I don't remember. I can't state, for I don't recollect.
- Q. Could you to your own satisfaction give any kind of an estimate?
- A. No, sir.
- Q. During the time that Maj. Reno was there, and before Capt. Weir moved out, what kind of firing did you hear in the direction in which Custer was afterward found?
- A. Well, in that direction I didn't hear any. I heard some firing to the left.
- Q. Was it volley-firing, or firing such as would indicate that there was a general fight going on?
- A. No, sir, it was not even what you would call sharp firing. It was a few shots - scattering.
- Q. During the time that the pack-train was coming up, what attention, if any, was paid to the wounded?
- A. There was some water obtained, and they were given water. I don't know whether the doctor gave them any medical attention or not.
- Q. Were any preparations made to carry them with their command in case the command should go forward?
- A. Nothing, only the company commander took off some saddle-blankets and laid the wounded men on them, and assigned six men to carry each wounded man.

- Q. Then every one of these wounded men required the attention of six men while the column was in motion?
- A. Yes sir; a least six, and they couldn't carry them far at a time.
- Q. There were seven wounded men at that time.
- A. About that number - five or seven.
- Q. Then you cannot place the time when Capt. Weir moved out, with respect to the time when Maj. Reno came to the top of the heights?
- A. No, sir; it was some little time after (that) Capt. Weir moved.
- Q. How long after Capt. Weir moved out did the pack-train come up?
- A. Well, I think the train came up soon after he started.
- Q. What was done when that came up?
- A. There was one mule loaded with ammunition - and the boxes were cut open and the ammunition distributed to the companies.
- Q. To those men who had been in the timber?
- A. To the three companies that had come out.
- Q. What was then done?
- A. Then the companies were mounted, and we started on.
- Q. In what direction?
- A. In the direction that D. company had started in down the creek.
- Q. At whose orders?
- A. By Maj. Reno's orders.
- Q. Then the entire command started in the direction that company D had gone?
- A. Yes, sir.
- Q. And Company D had gone, so far as you could judge, by Maj. Reno's orders?
- A. I suppose so.
- Q. What was done with the wounded when the march was commenced?
- A. Capt. Moylan had to fall to the rear, and he tried to carry them along. He didn't get very far, though, until he found he was being left behind, and he sent word to see whether he could get assistance from Capt. McDougall - he sent word that he couldn't go any farther.
- Q. Up to this time, had there been any communication whatever between Gen. Custer's command and this?
- A. None that I have ever heard of.
- Q. Had any communication been received by Maj. Reno or any officer under him, as to where Custer was, up to that time?
- A. Nothing only a trumpeter had been sent back and said that he had gone that way.
- Q. To whom was the trumpeter sent?

- A. To Capt. Benteen
- Q. That trumpeter's name was Martin, I believe?
- A. Yes, sir.
- Q. When was the last time that you saw Gen. Custer and his column?
- A. Soon after the order was given to Maj. Reno to move ahead.
- Q. Before you crossed the river to go to the timber?
- A. Yes, sir. As we were moving down, the Indians were in our front and I was looking that way.
- Q. When the command moved out in the direction in which Capt. Weir had been sent, what was the order of the march?
- A. His company, I think, was still ahead, and then companies H and K came next, and after that, I am not positive what the order was.
- Q. Where was Maj. Reno in respect to that?
- A. He was ahead.
- Q. Leading it?
- A. Yes, sir.
- Q. How far did the command move?
- A. I don't think we got more than a mile - that is, I don't think the head of the column got more than a mile.
- Q. That part of the column where Maj. Reno was?
- A. I suppose he was there; he wasn't in the rear.
- Q. In what part were you?
- A. I was toward the rear.
- Q. With company G, I believe?
- A. Yes, sir; I had seven men of company G.
- Q. How did the column come to stop marching?
- A. I thought at the time it was because Capt. Moylan could not keep up and bring his wounded along, but heavy firing had commenced in front with D company.
- Q. That was in advance?
- A. Yes, sir; and I was then assigned to a position on the right on a high point, and from there I could see all over where Custer's battle had occurred, and there were lots of Indians there riding around quietly, no firing, going on. They seemed to be moving back our way.
- Q. In large numbers?
- A. Yes, sir, the whole field seemed to be moving toward us.
- Q. Then you heard the firing of the company under Capt. Weir?

- A. Yes, sir.
- Q. What did that company do?
- A. They dismounted and fought for awhile, and then moved back to where Capt. Moylan was.
- Q. Do you know what order, if any, Lieut. Hare, the acting adjutant of the command after Lieut. Hodgson had been killed, gave to Capt. Weir?
- A. No, sir. I didn't see him start.
- Q. Do you know what report he made to Maj. Reno after the command had advanced about a mile, or what order he had given to Capt. Weir upon his own responsibility?
- A. No, sir, I don't know anything about that.
- Q. How was the firing in front of Capt. Weir's company?
- A. Pretty heavy.
- Q. How were the number of Indians - large or not?
- A. There were plenty of them there and others coming up.
- Q. What would you estimate the number to be, so far as you could estimate it?
- A. Estimating all that I saw, there were several thousand.
- Q. What was the action of company D?
- A. They had halted there.
- Q. But after they returned they came back to the column?
- A. Yes, sir - well, the head of the column had reached near that point.
- Q. What action did Maj. Reno then take after Capt. Weir had returned to the column?
- A. Well, I think the column had moved up to about where Capt. Weir was.
- Q. Then what was done?
- A. There was a general movement back to the position we took and occupied during the afternoon of the 25th and during the 26th of June.
- Q. Under whose order was that movement made?
- A. Maj. Reno's, I suppose.
- Q. How was it made; I mean, was it being done correctly according to the laws of military science?
- A. It was made quietly and actively.
- Q. In a way that now approves itself to your judgment?
- A. Yes, sir; there was no rush. I know my company moved back at a walk.
- Q. Was there any high point of land on the side of the river on which you were that was any nearer to the water than that which Maj. Reno took when he crossed over?
- A. Yes, near the water.

- Q. Where was that?
- A. We had passed over it going to the point where the Indians first engaged Company D.
- Q. But, in respect to the timber - was there any high point nearer the water than that which Maj. Reno took?
- A. Yes, the one passed over and the one D Company had at the point where it was attacked.
- Q. When you returned to the place that you had occupied, when you crossed over the river, what disposition was made of the command?
- A. They were dismounted and formed, not in a circle but as near in a circle as the ground would permit. The horses were put in one of the swales of the ravine.
- Q. Can you give any description to indicate the character of the ravine - was it like a saucer?
- A. Something like that, only with one side out.
- Q. A dismount was made, and the horses were placed in this depression?
- A. Yes, and then the men were deployed some distance around the outside, taking the crest of the ridge and occupying the lower edge of this depression, so as to form a complete chain all round the horses.
- Q. Were the wounded men you speak of brought back by Maj. Reno, or were they abandoned?
- A. They were brought back and placed inside of the horses. There was an open space inside of the horses, in which the wounded were placed.
- Q. Who gave the orders for this disposition of the command?
- A. I suppose it was made under Maj. Reno's orders.
- Q. Did you see him at that time?
- A. I saw him riding round when the men were being placed in position.
- Q. What was his demeanor then in respect to courage?
- A. As good as that of anyone.
- Q. Did you see any evidences of fear about him at that time?
- A. None.
- Q. In your judgment as a soldier, having reference now to the command, and its surroundings, and the force opposing it, was the disposition of the command correct or not?
- A. It was the best that the ground would permit.
- Q. Has reflection altered your view of that?
- A. No, sir; I am still of that belief.
- Q. Were you protected in any way by rifle-pits, or any other artificial protection at the time the command returned to this saucer-like hilltop?
- A. No. There was scattering sage brush, but the men simply laid down on the ground.

- Q. During this time what had been the conduct of the Indians?
- A. They were surrounding us, and as we fell back to this position they followed up the command, and occupied one or two high points, and then swung around and occupied every hill and point that would afford them a position to fire from.
- Q. What time did you reach the points on which you made your stand?
- A. It was some time between 5 and 6 o'clock on the 25th of June.
- Q. In a higher altitude than this?
- A. Yes.
- Q. And at a time when the day was almost at its greatest length?
- A. Yes.
- Q. At what time did deep twilight come on?
- A. It must have been 9 o'clock or afterward.
- Q. The Indians were on all sides and firing?
- A. Yes.
- Q. You had no rifle-pits, and were unprotected by any artificial means?
- A. Yes.
- Q. What, according to your judgment, was the number of effective men Maj. Reno had then in his command?
- A. Between 250 and 280, I guess.
- Q. How long did you say the firing continued?
- A. Until dark.
- Q. Till about 9 o'clock?
- A. Yes.
- Q. What was its character?
- A. It was very heavy.
- Q. Have you ever seen heavier firing?
- A. No.
- Q. It was continuous?
- A. Most continuous. There would be a lull, and then it would start again, and the bullets would come like hail.
- Q. What did the men do during the rest of the night?
- A. They scraped up a little place in the ground to get what shelter they could.
- Q. You said yesterday the command had three spades?
- A. Yes. The men used their tin-cups and knives, and axes were used for chopping the ground. It was very hard and stiff, something like putty.
- Q. Do you know whether the command for the troops to fortify themselves was given by Maj. Reno?

- A. That I do not know. They commenced firing on the opposite side, and as soon as we could get the spades we scraped up places for our protection.
- Q. Did you see Reno during the night?
- A. I do not remember.
- Q. At what time did the fire recommence in the morning?
- A. Before it was clear daylight.
- Q. At what hour would that be?
- A. At that season of the year, it must have been a little before 3 o'clock.
- Q. How long was it continued?
- A. It was continued heavily until after 10 o'clock. There was a good deal of firing from 10 to 12, but during the afternoon there was no continuous firing; but now and then, when we got the men at work they would open fire on us again. Later there were just a few sharpshooters.
- Q. At what time do you fix that?
- A. It was afternoon about 4 o'clock.
- Q. What followed then?
- A. Well, later there was no firing at all, and about sunset, or before sunset - I do not remember exactly which - my attention was called to the village. The Indians were moving on the opposite side of the stream, moving up this gentle slope which runs back to the Big Horn mountains.
- Q. You saw the Indian village defile before you on the opposite side?
- A. Yes.
- Q. How long did it take them to pass the point of view you occupied?
- A. A long time. They were moving over country that was almost level. We estimated the village to be two and a half to three miles long, and half a mile wide.
- Q. What opinion did you form of the number of fighting men in that Indian procession?
- A. At the time I thought there were some four or five thousand. From what I have heard from Indians since I think there were nine thousand.
- Q. What was done by the command during the time you are speaking of - the afternoon and the evening of the 26th?
- A. The position was changed slightly, so as to command the approaches to the water, and to get away from the stench of the dead horses and men lying around.
- Q. Can you indicate the position on the map?
- A. Not on this map.
- Q. How was the command stationed when you took this new position?
- A. Capt. Benteen's company occupied a prominent point where he had been located during the fight (night?). Entrenchments had been thrown up there. Then to his left, running down one of the spurs of the hill to the river, was Capt. Weir's company, Capt. Godfrey's, and mine, and, I think, Capt. French's. On another ridge, running down on Capt. Benteen's right, was Capt. Moylan and Capt. McDougall's company. The command was formed rather in the shape of a

U, with the two ends resting on the bluffs above the river, and within the branches of the U was a ravine, down which the men could go and rush out and get water, but the moment they would step out of the mouth of the ravine they would be under fire from the bank opposite.

Q. Where were the horses?

A. The horses were placed in the head of this ravine and sheltered from fire.

Q. So you remained during that night?

A. Yes, sir.

Q. And how long the next morning?

A. The next morning we remained there until toward 9 o'clock. Then we saw a dust rising down the river, and by scouts being sent out we found it was Gen. Terry, and then there wasn't so much attention paid to this line.

Q. What communication, if any, did you have with Gen. Terry, and under whose orders?

A. When we found out who was coming, Maj. Reno directed me to go down to him and report to him who was up there, and show him how to get up, because the country was very rough.

RECORDER LEE - What date was this?

A. This was the 27th of June.

RECORDER LEE - Then I believe the ruling of this court was that this investigation was to be confined to these matters occurring on the 25th and 26th of June, and entirely to those days. I simply speak of this because the witness is now being examined with reference to events that occurred on the 27th, concerning which the court is not ordered to inquire into the conduct of Maj. Reno. Furthermore, I have not, in the examination in chief of this witness, touched upon any matters of that kind. I did not intend to make any objection to the cross-examination of this witness, though it might occasionally touch upon matters of the 25th and 26th of June, that I had not brought out in the examination in chief, nor do I object in that regard. But to this question I submit whether it is not going beyond the ruling of the court.

MR. GILBERT - Technically speaking, this objection is perhaps correct. The 26th perhaps should conclude the inquiry, but the question we now ask is strictly within the spirit of the ruling that this court has made. That ruling extended the scope of your investigation. Now we ask the question in regard to Maj. Reno's conduct, while he was in command of these troops, and before he was relieved from responsibility, and we say that is a part of that general conduct which is in review before this commission. I will admit further that some of the questions I have asked the witness on cross-examination are not responsive nor in explanation of matters developed in the direct examination. I have asked them, not with any desire to contradict the witness on anything he has stated. He is certainly one of the most important witnesses to be produced by either side - if we can claim to have sides here. The recorder kindly turned him over to us yesterday afternoon, and I knew his sources of information had not been fully developed before this court. Now, I submit it will be but just to have the entire conduct of Col. Reno during the time he was in command there inquired into before this court, so that you would have a full view of everything of importance that occurred during that campaign.

After consulting with the other members of the court THE PRESIDENT said:

"The witness will answer the question."

MR. GILBERT: What was the conversation you had with Gen. Terry at that time? I speak more particularly in reference to your ignorance of where Gen. Custer was and the ignorance of the entire command?

A. In compliance with the orders of Maj. Reno, I mounted my horse and rode down across the ford where we had retreated, and met Gen. Terry beyond the point where our skirmish line had fallen back. I reported to him that I had been sent out by Maj. Reno to show him the approaches to his position. He then asked me who were there. I told him Maj. Reno with seven companies, and he went on to ask me in detail what had occurred; how the fight had commenced, and the result. When I got time I then asked him where Gen. Custer was, and received a reply that gave me to understand that they had all been killed.

Q. Up to the time you made this inquiry of Gen. Terry did you know where Custer was?

A. No, sir; I did not.

Q. Was there any knowledge on the part of Maj. Reno, or any officer or soldier of his command, as to where Custer was?

A. None whatever. We were looking for him back the first night he was away, and we didn't understand why we hadn't seen him.

Q. Now as exhibiting the degree of feeling on the part of the command, you stated yesterday there was some swearing in regard to Custer among the command under Reno. What was the character of that?

A. Well, they thought that Custer had sent us in, and had gone off and left us to look out for ourselves; that he had made an attack and probably been defeated, and he had gone down the river to meet Gen. Terry.

Q. Did you go over the country between the position that Reno held, and where Custer and his men were found?

A. Yes, sir. I went over it on the 28th of June.

Q. Do you know whether Capt. Benteen had been sent over it before?

A. He was sent over it on the morning of the 27th of June, soon after Gen. Terry arrived and told him about it.

Q. That same day?

A. Yes, sir. Capt. Benteen was told to saddle up, and told to go and see if he could identify the bodies.

Q. Who gave that order?

A. I do not know from whence it emanated. Gen. Terry and Maj. Reno were together.

Q. On Lieut. Maguire's map there is a dotted line leading along the high land there on the same side of that stream. Does that represent to your judgment the course that Custer took with his men?

A. That I am unable to say. That entire country was cut up by pony tracks and I can only form an estimate from the men we found dead, where Custer had fought. The line to the right indicates, probably, as near as we will ever know.

Q. Which line do you mean now?

A. The line leading from "B" up

Q. "B" is marked there as a ford?

A. Yes, sir.

Q. Did you examine the neighborhood at that ford?

- A. Not particularly.
- Q. Did you see at that ford any indications, by blood or otherwise, that there had been any struggle there?
- A. No, sir.
- Q. If there had been an attempt to cross at that ford would there not have been something, in your judgment, to indicate it?
- A. There would have been dead horses or dead men there.
- Q. Were there any dead horses around there?
- A. There were, but not at the crossing. They were further back.
- Q. Where was the first dead man found?
- A. It was back some two or three hundred yards, at the point indicated on the map.
- Q. Where did you find the first of Custer's men?
- A. That was the first.
- Q. Where did you find the next?
- A. After crossing the first ravine as we moved down the river.
- Q. Where did you find the next?
- A. On the ridge, following that dark line on the map to the top of the ridge. There were some few found there until you reached the top of the ridge.
- Q. How many dead men did you find?
- A. That I am unable to state. The way they were buried was the companies were formed in columns of fours and moved in parallel columns, and each company as it moved along would bring the dead it found, and after they had completed this duty the number that each company commander had buried was reported to me, and from that the sum total was made up.
- Q. You could not tell from your own knowledge?
- A. No sir.
- Q. Who made that disposition of the troops?
- A. Maj. Reno.
- Q. Where was the company under Capt. Calhoun found?
- A. That was found on top of the last ridge; not the one on which Gen. Custer was killed, but the one that ran at right angles to it.
- Q. Marked on the map by the letter "D"?
- A. Yes, sir, about that place.
- Q. Did Capt. Calhoun's men, from the position in which they were found lying, indicate that the line had been drawn up in order of battle?
- A. There was some indications of a skirmish line.
- Q. Had you seen before you reached that point any indications of a skirmish line?
- A. None. I afterward saw in the ravine some men lying in skirmish order, but they were at the bottom of a deep ravine, and I don't know how it was.
- Q. What company were they members of?

- A. Of "E" Company - Lieut. Smith.
- Q. After leaving Calhoun's then whose did you find?
- A. Capt. Keogh's.
- Q. In what order were they?
- A. They were lying half way down the northern side of the slope.
- Q. Between Custer and Calhoun?
- A. Between Custer and Calhoun, but half way down the slope, and they appeared to me to have been killed running in file.
- Q. Was their position such that it indicated that they had been brought into skirmish line?
- A. I don't know whether they were in skirmish line or not. They were killed at intervals, but, from their position, I don't think they could have been in skirmish line.
- Q. How far from Calhoun's men were those men found?
- A. Between Custer and Calhoun's men.
- Q. At what distance?
- A. The first was probably not more than twenty or thirty yards, and they were killed at intervals.
- Q. They were scattered along?
- A. Yes, sir; as they went toward Custer.
- Q. After you passed Capt. Keogh's men where did you next find dead men?
- A. His men occupied the most of the ground well on toward Custer.
- Q. Sprinkled along?
- A. Yes, sir.
- Q. Where was Custer?
- A. He was near that point marked "E" on the map.
- Q. In what position were those men found about Custer?
- A. They were right around. Four or five of them were piled up in a heap beside a horse, and the body of Gen. Custer was lying rather across one of the men.
- Q. Were there any indications of a prolonged struggle?
- A. They had struggled, but I do not think for any great length of time. They had apparently tried to lead the horses in a circle on the point of the ridge, and had killed them there, and apparently made an effort for a final stand.
- Q. How many men were gathered around Gen. Custer?
- A. Well, there were about twenty or thirty, but not right around.
- Q. Where did you find the men of the other companies?
- A. They were scattered all over the hill, south and east of Gen. Custer.

- Q. Did you see any evidence anywhere of any company being drawn in skirmish line - in a form which indicated a prolonged resistance except the men in Calhoun's company?
- A. No, I did not, because they were not killed in order, but were scattered all over the ground - not in a line but irregularly.
- Q. Would that have been the position of the men, providing they had been drawn up in line of battle, and made a concerted resistance?
- A. No, sir.
- Q. With respect to cartridge shells, did you find any?
- A. At one or two places I saw little piles of twenty-five or thirty.
- Q. Where was this?
- A. They were near where Capt. Calhoun was killed.
- Q. Did you find any elsewhere?
- A. A very few. You would find them scattered around, but whether they had been used by the men or the Indians we could not tell.
- Q. Now judging by the number of cartridges at the position in which you found these men separated from each other, and at irregular intervals, did you think that the struggle with Gen. Custer and his command against the Indians lasted any considerable length of time?
- A. No, sir. I think the Indians met him as he came down to this supposed crossing, and did not give him time to make a stand.
- Q. What was the character of the country for the purposes of protection - was it such as would enable him to make a prolonged resistance?
- A. No; his position was on a ridge. There was no way of his protecting himself. If he got behind the ridge to defend himself at one point he would expose himself at some other point. The land was a series of hills, and there were one or two points a little higher than the point he held. There were no possible means of sheltering himself on the ridge he occupied.
- Q. Judging from the number of empty cartridges, and from the character of the ground on which these men fell, and from the position they occupied toward each other, what do you think was the duration of that fight?
- A. Not much more than half an hour.
- Q. From the point where you last saw Gen. Custer and his command to the point where you finally found his body, what was the distance?
- A. It must have been between six and seven miles.
- Q. Can you fix the period when you last saw him?
- A. It was immediately after we received the order to move forward.
- Q. What period of time, in your judgment, would it require for a command equipped as his was to move from that point to the point where his body was found, having in view the character of the country?
- A. It would require more than an hour. They could not move at a gallop all the way.
- Q. When Custer had marched away what number of men were in his command?
- A. About two hundred and twenty-five.

Q. And all Custer's men were killed as far as you know?

A. Yes.

Q. How much fewer (probably "greater" was meant W.A.G.) in number were those under Maj. Reno after Col. Benteen had joined him, deducting the number of dead and the number of wounded?

A. After the union of the forces, Maj. Reno must have had somewhere in the vicinity of two hundred and eighty men.

Q. I understand that to be the aggregate of available men with Maj. Reno?

A. Yes, after he was joined by the companies of Capt. Benteen and Capt. McDougall.

Q. After you took up the position on the hilltop, in that saucer-like depression, do you know whether the command was assailed by the whole number of Indians?

A. That I cannot answer.

Q. By what number of Indians do you suppose you were assailed?

A. There must have been several thousand, judging by the space they occupied, and the quantity of firing that was done.

Q. Between 6 o'clock in the evening and about 9, when you say the firing ceased, was the command protected by any kind of fortification whatever?

A. None whatever.

Q. Was there any other command save that of Maj. Reno that crossed the Little Big Horn river?

A. Not to my knowledge.

MR. GILBERT - Now here arises a little embarrassment on my part. There is the letter of Mr. Whittaker which you have had introduced, and it contains matters not only against Mrj. Reno, but indirectly against Capt. Benteen. If this entire record is to be considered by the court, of course I wish to negative, by cross-examination, the charges against Maj. Reno and Capt. Benteen both. If Capt. Benteen's conduct is to pass directly in review before this court, there are one or two acts of his which will always be memorable in the history of arms, and I would feel that I had done injustice to him if I should permit this witness to leave the stand without asking him in regard to Capt. Benteen's heroic charge to get water for the wounded men. You will see the difficulty of my position, and I submit it now for your advice and decision. This letter says - I have not read it, but I have heard what its contents are - that Gen. Custer would have achieved a victory if it hadn't been for certain things on the part of Maj. Reno and Capt. Benteen. If this entire letter is admitted, of course Capt. Benteen's conduct will be before the court.

RECORDER LEE - The order is for an inquiry into the conduct of Maj. Reno, and although a great many people's and officers' names may be mentioned in connection with this inquiry, and although it may be necessary to detail what a great many officers did as bearing some relation to the conduct of Maj. Reno on those two days, I still hold that, as far as Capt. Benteen is concerned, whether his action was praiseworthy or the opposite, it is not to pass under the review of this court.

MR. GILBERT - Technically not, but this court has the care of the reputation of a brother soldier, and if this matter is to be developed according to this letter, then I ask that the real part Capt. Benteen sustained in this matter should be brought before you. I cannot leave this case standing on one leg. If this part of the letter censuring Capt. Benteen is stricken out, it will be satisfactory, but I cannot negative a part of this letter and

leave the other part to stand if it is to be a matter of consideration before this court. As a matter of justice to Capt. Benteen, I submit it to the court.

THE COURT was cleared and closed, and after mature deliberation was reopened and the decision of the court announced as follows:

"The court decides that it is appointed to investigate the conduct of Maj. M. A. Reno, of the 7th Cavalry, and will confine its investigation to that officer, and will not permit an inquiry into the conduct of any other officer, with a view to praise or censure."

MR. GILBERT - Then that relieves us of one part of this investigation.

The cross-examination continued:

Q. I wish you to search your memory through, and recall the events of those two days, and state in what point, if any, Maj. Reno exhibited any lack of courage as an officer and a soldier.

A. None that I can recall, or can find fault with.

Q. Was there any point at which Maj. Reno showed any want of military skill in handling his command?

A. No. I do not recall any.

Q. What was the condition of the forces - the horses and the men - at the time the major received his orders to cross to the attack?

A. They must have been pretty tired.

MR. GILBERT (to the court) - I do not wish to inquire as to any transaction before this time, but in order to fix the condition of the horses I would like to understand precisely what they had gone through, if the court sees proper to admit me to do so.

THE COURT assented and Mr. Gilbert asked:

Q. Why do you say the horses were very much exhausted?

A. We left the mouth of the Rosebud on the 22d of June, and made a march of twelve miles that day. The next day, we made a march of thirty-three or thirty-five miles.

Q. That was the 23d?

A. Yes. There was not much grazing to be had, and very little grain to feed horses upon - not more than a pound or two, the regular allowance being twelve pounds. The next day we made near thirty miles, and went into camp. There was not much grass, for the ponies had eaten it up. We started again at 11 o'clock that night and moved on until about daylight. The horses were stopped again without anything to eat. We moved on again at 8 or 8:45, having gone about ten miles during the night. From that point we moved on into the fight.

Q. Can you fix the number of miles?

A. During the whole time?

Q. In respect to this last day in which you gave no time whatever?

- A. On the 24th we moved about thirty miles during the day, and during the night about eight or ten miles. I cannot tell the time, for I could not see my watch. That would be about forty miles, and the next day we moved anywhere from twenty-five to thirty-five miles.
- Q. Grazing you say was scarce?
- A. There was hardly any. A number of ponies had been round there and had clipped the grass almost like a lawn-mower.

The Court then, at 1:30 P.M. adjourned to meet at 11 O'clock A.M., Friday, January 17, 1879.

FIFTH DAY

Chicago, Illinois - Friday, Jan'y. 17, 1879, 11 o'clock, A. M.

The Court met pursuant to adjournment.

Present

All members of the Court, the Recorder; and Major Reno and his Counsel.

The proceedings, as far as they had been copied were then read and approved.

THE EXAMINATION OF LIEUT. WALLACE BY MAJOR RENO WAS THEN CONTINUED as follows:

- Q. Did Major Reno lose any time in moving from the hill-top in the direction in which Gen. Custer was afterwards found, after the packtrain came in?
- A. No sir, I don't think he did. The ammunition had to be distributed after the train came up, and it is my impression now that he moved on as soon as it could practicably be done.
- Q. Bearing in mind the belt of timber from which you retired, the river you had to cross, and the hill you had to rise, was that point on the bluff that Major Reno occupied as well suited for protection as any other he could have taken under those circumstances? I don't ask you to swear to a geographical fact, but to give your opinion.
- A. In my opinion it was.
- Q. Since yesterday I have read this letter of Mr. Whittaker, and there is one point about which I wish to ask a question. What opinion have you, as a soldier, of the wisdom of separating the 7th cavalry regiment into battalions?

THE RECORDER OBJECTED to the question because it is shown that the separation was made by Gen. Custer, and it is not for this court to give any opinion upon the conduct of Gen. Custer, much less this witness.

MAJOR RENO REPLIED - We wish to call the attention of the court to the 3d subdivision of Whittaker's letter and ask if the court is to consider that in the shape it now is: if it is we think it ought to be met.

THE COURT was then cleared and closed and after mature deliberation was reopened, Major Reno and his counsel being present, and the decision of the court was announced by the Recorder that the Whittaker letter is only before the court

as a part of the application of Major Reno, and the letter will only be considered in so far as the matter therein contained is covered by the order convening the court. The question will therefore be disallowed.

THE RECORDER THEN RE-EXAMINED LIEUT. WALLACE as follows:

Q. You have stated that it was about one mile from where Major Reno crossed the Little Big Horn in the advance that Lieut. Cook gave Gen. Custer's order to Major Reno to charge the Indians.

A. I think not, sir.

Q. State the distance.

A. The way you ask the question, I understand that Lt. Cook gave the order after Major Reno crossed the Little Big Horn.

Q. You stated it was about one mile from the river before Major Reno crossed it in his advance that Lt. Cook gave Gen. Custer's order to Major Reno to charge the Indians. Fix as definitely as you can what time of day that was.

A. Approximately it must have been about a quarter after two. The exact time I can't tell.

Q. State how you fix it approximately.

A. I said before, I looked at my watch about the time Gen. Custer called Major Reno over to his side of the little stream. It was then about 2 o'clock, whether a little after or a little before I don't know. Taking the distance we passed over after that, it was somewhere in the neighborhood of 15 minutes after two o'clock. The exact time I can't give.

Q. Did you note the time when you looked at your watch?

A. Not at that time: I did note it afterwards.

Q. Are you sure the time of your watch was the true time of day, when you looked at it, or may it have been an hour or more slow or fast?

A. I am not sure about that. It may have been fast or it may have been slow. I never have claimed that it was the local time of the place.

Q. Refresh your memory and state how much time elapsed from the time Lt. Cook delivered that order to Major Reno till Major Reno had been joined by Capt. Benteen's command on the hill; and what, according to your calculation, was the time of day when those commands united there.

A. It must have been an hour and a half approximately.

Q. Then it would be about what hour in the afternoon?

A. Somewhere about 4 o'clock or after. That is simply my own estimate, without looking at my watch.

Q. I understand you to testify that the last you saw of Gen. Custer's column was when Lt. Cook delivered to Major Reno the order referred to: is that correct?

A. Yes sir.

Q. And that it was about 4 o'clock that day when Major Reno was joined by Capt. Benteen on the hill?

- A. Yes sir, about 4 or after 4.
- Q. Now state to the court, from what you afterwards knew as to the route Gen. Custer's column had taken, and the nature of the ground passed over by Gen. Custer's column as afterwards ascertained by you, where Gen. Custer's column must have been, in reference to the point "B" on the map, or in reference to the place where you found the dead horse near the river, at the time Major Reno and Capt. Benteen united their forces on the hill.
- A. This trail from "B" up is simply an estimate. If that represents the line of their march he must have passed beyond where the first dead man was found. His fight must have been going on at that time if it was not after.
- Q. You said yesterday you knew a certain man and another one you had heard of, and had those two men been killed in the bottom you would have known it. State how you would have known it.
- A. The man I knew, McIllargy, belonged to Co. "I", but had been on duty with Major Reno during the campaign, and naturally would have gone into the fight with him. He says he sent him back, and he must have done so, or he would not have been with his company.
- Q. You have testified that the men in Major Reno's command had 100 rounds of ammunition each - 50 on their persons and 50 in their saddle pouches. Now from what you stated yesterday as to the probable number of rounds the men had expended on the skirmish line, state, on the basis of 115 men, with one-fourth as horse-holders, how many rounds were there in the entire command of Major Reno when he left the timber for the opposite side of the river.
- A. There is no getting at a correct estimate of the quantity of ammunition each man had on the skirmish line: some fired more than others. One man would fire all the ammunition he had, and another would reserve his ammunition and take careful shots. But say there were 115 men, one fourth would be 28, that would leave 2800 rounds of ammunition those men had; but what the others had would be simply a wild estimate in which my opinion would be no better than anybody else's.
- Q. Do you mean you can't tell anything approximately about that in regard to the other men?
- A. It would simply be a guess. You go into an action with a lot of men, and one man will fire more than another, and unless you inspect their ammunition you can't tell.
- Q. Were there any complaints among the men on the skirmish line, or anything said about the ammunition giving out - I mean all they had?
- A. No sir. I heard no complaints of that kind. I know that some of them had expended what they had in their belts.
- Q. How near to the ford where Major Reno's command first crossed, did Lt. Cook and Capt. Keogh go with you?
- A. I don't know where they turned back; - I did not see them turn back. I saw them within half a mile of the ford.
- Q. Were there any troops with them, indicating that Gen. Custer was going to follow Major Reno's command?
- A. No sir, Capt. Keogh's company was with Gen. Custer and Lt. Cook was the Adjutant.
- Q. What was the relative position of Gen. Custer's and Major Reno's commands?
- A. I don't know: I did not see Gen. Custer's column at that time. It must have been to our rear, for if it had been to our right or left or front I would have seen it.

- Q. Could it have been to your right and rear or to your left and rear?
- A. It could not have been to our left and rear: it might have been to our right and rear as we commenced to cross the stream.
- Q. State whether or not a command going into a battle could not be practically supported in the attack in some other way than by having a column immediately behind it.
- A. Yes, I guess it could.
- Q. At the time this order was given Major Reno to charge the Indians, did you not know, beyond a reasonable doubt, that Capt. Benteen's column of three companies must be to the left and rear, and would probably be up and join in the fight?
- A. I knew he was to the left and rear, but what his orders were or what he would do I could not tell. I did not expect much assistance from that direction.
- Q. State whether the support spoken of by Gen. Custer's order may not have referred to Capt. Benteen's column.
- A. That I don't know. I simply imagined from what was said, that it was coming from Gen. Custer. That was simply my own idea.
- Q. Was the route taken by Major Reno at the time Gen. Custer's order was delivered, or immediately thereafter, the most direct and practicable one to the hostile Indian village?
- A. I think it was the most practicable one, as it was the one traveled by the Indians - it was on their trail.
- Q. How was it in regard to directness?
- A. It was not a straight line, but I know you get the best road by following the Indian trails in that country.
- Q. State whether you saw in the vicinity of the river, a trail leading to the right in regard to the one Major Reno's command followed down to the ford.
- A. I can't say positively, but I have an idea that I did see one leading to the right - rather over the hill and to the right - not in the direction of the village.
- Q. Where was that?
- A. That was back nearly at the point where Major Reno received his order.
- Q. Had you passed that point you speak of when you last saw Gen. Custer's column?
- A. We passed it soon after leaving his column, while his Adjutant and Capt. Keogh were with us. The trail we followed was the most direct one, I think.
- Q. State whether or not Gen. Custer's column was on your right and whether you saw it after passing that point.
- A. I have stated before that I did not see his column after we started forward.
- Q. In testifying as to the character of some of the men who went into that fight with Major Reno, saying that many of them were recruits and poor horsemen, do you mean to convey the impression that the command was in any way inefficient or unreliable?
- A. Not exactly that; but there were a few of them would have been better soldiers if they had received a little drill before going into the fight.

- Q. How did that command fight the Indians, mounted or dismounted?
- A. We fought them on foot till we started back.
- Q. When you saw that cloud of dust you speak of, state whether it indicated a hostile force mounted, or the Indians driving their ponies.
- A. That is something I can't tell.
- Q. Then explain what you meant in your testimony by saying that it appeared to be mounted men.
- A. Simply because they were raising a dust. Dismounted men would not make it.
- Q. Would ponies being driven make it?
- A. Ponies would make it.
- Q. With the exceptions as indicated in your testimony yesterday, state whether or not Lt. Maguire's map represents with reasonable accuracy the principal and important features of the battlefield.
- A. No, I don't think it does. I think it is the best map I have seen, still I don't think it is located right at all: I would not know it to be the same piece of country.
- Q. What do you refer to; the topography, or the relative positions?
- A. The relative positions are pretty good. I don't think it represents anything else.
- Q. Look at the map and state whether the points marked "D" and "E" are correctly indicated.
- A. That is the best part of the map. That I think is about as correct as the topography of the country would admit.
- Q. Was Major Reno's command, before it quit its position in the timber, near enough to the Indians to use their revolvers with any good effect?
- A. Before it quit the timber, no sir, unless it was a few isolated cases, and I did not see them.
- Q. State how often you saw Major Reno in the timber and how often you saw him on the skirmish line.
- A. He was there when the skirmish line was formed. Exactly how long he stayed there I can't estimate. He was there a few minutes and went into the timber. I did not see him again till we were ready to start out; and then I did not see him, but heard his voice simply.
- Q. State whether any men were wounded in crossing the bottom from the timber to the ford, in the march or retreat of Major Reno's command to the hill.
- A. I don't know: if they were wounded so they fell off their horses, they would be killed. There were several wounded when we got on top of the hill; where they received those wounds I don't know.
- Q. State if anybody stopped on the crossing, or the command was halted or any part of it to assist the wounded men.
- A. I tried to pick up one of my wounded men, but the Indians killed him before I could get assistance to him.
- Q. Did you notice any other cases?
- A. No sir.

- Q. State whether any halt was made to determine when the men fell from the saddles - whether they were killed or wounded.
- A. That was the only case where I saw a man fall from his horse.
- Q. State whether or not any wounded men were brought in from the bottom to the point of crossing or the place on the hill where Major Reno's command went.
- A. When we got to the top of the hill, there were several wounded: how they got there or where they received their wounds I can't testify.
- Q. State if you know who was the first officer who crossed the river on Major Reno's retreat to the hill.
- A. That I don't know.
- Q. State whether or not there was any halt made at the river.
- A. None that I know of. I was in the rear, and when I got across they were still moving up the hill.
- Q. State whether there was any force of soldiers on the other side covering the crossing or protecting it. If so describe it.
- A. None that I know of.
- Q. I believe you testified that 27 men were killed in crossing that bottom.
- A. That is about the number: that includes one or two killed before we left the timber - that is, one I know and one I heard of.
- Q. Do you know whether they were killed in the first instance, or that the bodies of that number were found.
- A. The bodies of that number were found.
- Q. At the time Major Reno's and Capt. Benteen's united on the hill, how many wounded men were with Major Reno's command?
- A. About 7 I think.
- Q. State if you know by whose order Capt. Weir went down the stream from Major Reno's position on the hill.
- A. I don't know: I was not near Major Reno when Capt. Weir started and don't know who gave the order.
- Q. Describe the position Capt. Weir occupied after going down there as to elevation, as far as you know.
- A. It was a high point.
- Q. Was it higher or lower than the one occupied by Major Reno's command?
- A. It was higher.
- Q. You stated that the whole column moved down that way after the pack train came up.
- A. Yes sir.
- Q. How long was that after Capt. Weir moved down?
- A. That I don't know.
- Q. Did Capt. Weir move before or after the pack train came up?

- A. It is simply an impression that he went before.
- Q. Do you know of your own knowledge that Major Reno was down to that position occupied by Capt. Weir's command, or do you know of your own knowledge that he took any portion of his command there, or ordered any portion of it there?
- A. When the general move was made, when we started from where we halted, Major Reno was at the head of the column when we moved out. I took position with my company near the rear of the column. Whether Major Reno continued at the head of the column I don't know. I did not see him come back.
- Q. How long was that particular column you speak of?
- A. There were three companies, marching in column of twos: probably in each company there were 20 files.
- Q. Give the approximate length of the column.
- A. 150 or 200 yards.
- Q. Were you moving with the column?
- A. I was in the column towards the rear.
- Q. How far did you move?
- A. Till the head of the column halted, which was probably three-fourths of a mile or a mile.
- Q. How near were you to Capt. Weir's company?
- A. Within 200 yards of it, I guess.
- Q. Was Capt. Weir coming back, halting or moving on?
- A. At that time they were skirmishing in front.
- Q. Did that column of Major Reno's join in the fight or skirmish there?
- A. We prepared to take part in it. My company was sent to a high point to the right: another company came up on my left and assignments were made. The command then occupied two almost parallel ridges with no way of defending the space between them.
- Q. The command was separated there?
- A. Not exactly: it was in two lines with the end next to the Indians open; and the command was given to fall back to a better position. Where it came from I don't know.
- Q. What was the interval between you and the company on your left?
- A. Ten or 15 yards.
- Q. It was a continuous line?
- A. Yes sir.
- Q. Did any part of the command actually engage the enemy?
- A. I know there was heavy firing on Capt. Weir's company, and I know Capt. Godfrey's company acted as rear guard when the command fell back and they got a heavy fire. There was no firing on the point I occupied at that time.
- Q. Was there any other firing there?
- A. I don't remember any.

Q. What were the casualties there?

A. The only one I heard of was a man wounded and left, of Capt. Weir's company.

Q. You testified that the village, in moving away, was two and a half or three miles long and half a mile wide - was that the entire village?

A. Yes sir.

Q. State what it included.

A. Everything - warriors, squaws, ponies and everything they had. That is simply an estimate. Several officers were together and we tried to make an estimate of it.

Q. Had you ever before seen a large Indian village moving off over the plain or bottom?

A. No sir, not in that shape. I had seen them straggling along, but never so large a body of Indians as that.

Q. Had you ever seen as many as 2,000 or 6,000 Indians moving in a regular body to a regular destination?

A. No sir.

Q. Then in estimating the number of Indians you saw there on what do you base your estimate?

A. Principally on information received from the Indians when I say 9000 warriors.

Q. At the usual proportion of women and children to warriors, what would have been the population of that village?

A. That is what I don't know. The population of the village I can only get at by the stories the Indians tell - their estimate.

Q. Do you know anything about the proportion of women and children to warriors in a band of Indians?

A. No sir. I have heard several stories, and they state they had 1800 lodges and counted from 5 to 7 warriors to a lodge, and there were several wickypups in which visiting bucks were living.

Q. You testified that the firing you heard was to your left?

A. Yes sir.

Q. From what direction did that sound come with reference to where you found Gen. Custer's body?

A. It was nearer and on the opposite side of the stream from where his body was found. I heard probably not over a dozen shots, and they were not in quick succession.

Q. With reference to the position of Major Reno's command on the hill and the point "B" on the map, what was the direction of the sound?

A. As I stood facing in about the direction Gen. Custer's body was found, the sound was to my left.

Q. Please state again the effective force that was with Gen. Custer, Major Reno, Benteen and Capt. McDougall at the time the command was divided into battalions on the 25th day of June, 1876, and state how you know those facts.

A. I think Gen. Custer had about 225: at least there were about that many reported killed or missing in his fight. Major Reno had somewhere from 110 to 115, including Indian scouts. Capt. Benteen had three companies, and had a force I think a little larger than Major Reno's, for I think his companies were slightly larger. Capt. McDougall had 40 or 45 men in his company, and with the pack train ten men from each of the other eleven companies.

Q. Did that include the citizen packers with Capt. McDougall?

A. I know there were a few citizen packers: I don't know the number. I know each company had to do its own packing with a few exceptions.

QUESTIONS BY THE COURT

Q. I would like to find out the exact distance from where Major Reno's command separated from that of Gen. Custer to where Gen. Custer's body was found, or the first horse was killed, or the first man was found.

A. There (that?) is a part of that country I was never over, so I would have to guess at the distance. I would say it was in the vicinity of six miles.

Q. How much of that distance was parallel to the route traveled by Major Reno, or over the same route?

A. If he separated from, or left the trail at the point I think he did, he traveled over about half a mile of our trail, and then diverged to the right.

Q. At what angle?

A. Almost at a right angle: then owing to the nature of the country the two trails, after separating some distance, would rather tend towards the same point several miles down the river.

Q. Do you know the rate at which his column marched, or probably marched?

A. No sir: I simply know how it was moving the last time I saw it.

Q. Was it trotting the last time you saw it?

A. No sir. Gen. Custer had a very fast walking horse, and many of the men were trotting their horses, while his was walking.

QUESTIONS BY MAJOR RENO

Q. Questions have been asked you in reference to the height of the hill on which Capt. Weir's company was, in comparison with the height of the hill on which Major Reno took position: which was the most advantageous in reference to water?

A. The one on which we made the stand. It was nearer the water. The country was broken: there were ravines coming to the water's edge, and it was through these ravines the men passed out for water.

Q. For the purposes of defense which was the most advantageous?

A. The point we had.

Q. Is not the firing of pistols by a cavalryman a matter of discretion?

A. Yes sir.

Q. Is it not, under such conditions as the men were placed in that timber?

A. Yes sir.

Q. If the 28 horse-holders had not fired any of their ammunition, that would leave 28 men fully supplied with ammunition?

- A. Yes sir.
- Q. Do you know whether some of the men had not already exhausted the cartridges about their persons, and had to go to their saddle-bags for more?
- A. Not from personal knowledge. I understand so.
- Q. Is that your belief?
- A. I heard a company commander say he took half his men back to get ammunition.
- Q. What company commander was it?
- A. Capt. Moylan and Lt. Varnum.

The witness then retired

F. F. GIRARD, A CITIZEN, a witness called by the Recorder, and being duly sworn to testify the truth the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

- Q. State your name, occupation, and residence?
- A. My name is F. F. Girard, and I am an interpreter at Fort Abe Lincoln.
- Q. State if you were in any way connected with the government service on the 25th and 26th days of June, 1876, and, if so, in what capacity?
- A. I was with the expedition on the 25th and 26th of June, 1876 - with Gen. Custer.
- Q. What expedition?
- A. Gen. Custer's expedition.
- Q. Where was this; on what stream on the 25th and 26th of June?
- A. On the Rosebud and on the Little Big Horn.
- Q. With what particular command were you - with what regiment?
- A. The 7th Cavalry, with the Indian scouts.
- Q. State if Maj. Reno was serving with that command at that time?
- A. He was.
- Q. Under whose immediate orders were you serving on the morning of the 25th of June, 1876?
- A. Gen. Custer's.
- Q. State whether or not you afterward on that day were with any body of troops, under the command of any other officer; if so, who?
- A. I was under Maj. Reno part of the time that day.
- Q. Was that before or after you were with Gen. Custer?
- A. I was with Gen. Custer in the forenoon, until he ordered the scouts to Maj. Reno; and then I joined Maj. Reno.

- Q. What enemy was the 7th Cavalry operating against on the 25th of June, 1876?
- A. The Sioux Indians, supposed to be Sitting Bull.
- Q. Where; on what stream?
- A. On the Little Big Horn river.
- Q. Now state what disposition or separation, if any, was made of the command that morning; and by whose orders and under whose command were the different columns placed, if there were any different columns. Go back to the earliest part of the morning if you know anything in regard to that.
- A. I don't know of any disposition being made of the troops early in the morning I was not there. I was ahead of the command until about 11 o'clock. I was present when Maj. Reno's command was ordered off. I suppose the division had taken place in the morning.
- Q. What were the indications in regard to the closeness or nearness of hostile Indians at the time Maj. Reno was ordered off?
- A. How nigh the Indians were to us?
- Q. No. What were the appearances - what had you seen that morning to indicate that there were Indians in your neighborhood?
- A. A few minutes before Maj. Reno received his orders, I rode up a little knoll near where there was a lodge with some dead Indians in it; and from this knoll I could see the town, the Indian tepees, and ponies. I turned my horse sideways, and took off my hat and waved it, and then I hallooed to Gen. Custer: "Here are your Indians, running like devils!" And I rode down from that knoll and joined Gen. Custer, and he was still marching on.
- Q. Describe this knoll or the place you rode up to Gen. Custer and communicated that to him. State about where it was, so that the court can understand its position with reference to the river. How far was it from the Little Big Horn river?
- A. It was where there were some lodges standing, with some dead Indians in them. It was to the right of it, and probably forty or fifty yards from it. I rode up to the right of this lodge where the dead Indians were. It was not on the Little Big Horn, but on one of the tributaries that empties into the Little Big Horn.
- Q. That was how far from the Little Big Horn, say from the point where this tributary empties into the Little Big Horn, if you could judge?
- A. I don't know where it empties into the Little Big Horn.
- Q. State about how far it was from the nearest point on the Little Big Horn?
- A. From that point to where we crossed it, I should say it was a mile, or probably a mile and a quarter.
- Q. Describe the place where you have stated that Maj. Reno's column was ordered off.
- A. I suppose it was twenty-five or thirty yards away from that lodge. That is my remembrance now. It might have been more. I know it was but a very short time after I left the lodge that he received these orders.
- Q. Now state what you know in regard to any marches, or halts of the command that occurred previous to this time, on that day, commencing early in the morning.
- A. How early in the morning?

- Q. You can commence back as far as you like - 1 o'clock or midnight of the night immediately preceding that morning.
- A. About 11 o'clock on the evening of the 24th, Gen. Custer sent after me to report to his camp, and I reported; and he gave me my orders to take an Indian by the name of Half-Yellow Face, and an Indian by the name of Bloody Knife, and to ride at the head of the column with him. At half-past 11 or so we pulled out, and got to the head of the column and waited until Gen. Custer came up; and then he reported his orders to me to be sure to have the Indians follow the left-hand trail, no matter how small it might be - he didn't want any of the camps of the Sioux to escape him. He wanted to get them all together and drive them down to the Yellowstone. I told the Indians what the orders were, and Bloody Knife remarked:

"He needn't be so particular about the small camps; we'll get enough when we strike the big camps," - and the Indians were halted, and I sat there with the General while the Indians were finding the trail. The conversation came up about the number of Indians we would find the next day, between the General and myself, and he asked me what number of Indians I thought we would have to fight. And I told him I thought it wouldn't be less than twenty-five hundred.

- Q. You need not state what was said by you at that time. Describe the marches and halts up to that time.
- A. While we were there, Gen. Custer asked those two Indians if he could cross the divide before daylight, and they replied "no." And he asked them if he could cross after daylight without being discovered by the Indians in the bottom, and they said "no." And he then asked them where there was any timber where they could be concealed during the day where the Indians could not discover them.
- Q. You need not repeat the conversation of Gen. Custer with the Indians. Describe how far the command had marched from the time you say you started off about midnight - how far the command had marched up to the time Maj. Reno's column had pulled off, or been sent or ordered off.
- A. I should say on the night march we made about twelve miles. In the morning from where the orders were to make coffee, to the divide, it was about five more; and from the divide down to the Little Big Horn, where we crossed it, I should say twelve or thirteen miles.
- Q. Did you hear any conversation between Maj. Reno and Gen. Custer, or any orders that were given by Gen. Custer, or through his adjutant, to Maj. Reno, on the 25th of June?
- A. I heard Gen. Custer giving orders to Maj. Reno.
- Q. State what the orders were.
- A. The General hallooed over to Maj. Reno, and beckoned to him with his finger, and the Major rode over, and he told Maj. Reno: "You will take your battalion and try and overtake and bring them to battle, and I will support you." And as the Major was going off he said: "And take the scouts along with you." He gave him orders to take the scouts along, and that is how I heard it.
- Q. Then where did you go?
- A. I joined Maj. Reno.
- Q. Were you ordered to go?
- A. No, sir; I simply heard the order given, and I knew where my duty was - with the scouts.
- Q. State how far this occurred from the place where you crossed the Little Big Horn river.

- A. I should say a mile from the Little Big Horn to where the orders were given to Maj. Reno. I didn't measure any of those distances, so I have to guess at it.
- Q. You are familiar with estimating distances, in traveling through that country, or similar country?
- A. Yes, sir.
- Q. Then to the best of your judgment you believe it to be how far?
- A. I should say about a mile.
- Q. How far was Gen. Custer's column at this time from Maj. Reno's column? How far were the two columns apart, or were they together?
- A. I should say they were almost together. Maj. Reno and his battalion were to the left of the General.
- Q. State how many companies were in Maj. Reno's battalion, if you know.
- A. I could not say positively.
- Q. How many men?
- A. I estimate it about one hundred.
- Q. You stated that they were very near together, and that Maj. Reno's column was on the left of Gen. Custer's. What time was that - I mean what (that?) particular event? Was that at the time the order was given that you refer to?
- A. Yes, sir. I should judge it was about 12 o'clock.
- Q. State what directions the columns took after that, so far as you saw and know about the two, before Maj. Reno crossed the river with his command.
- A. My impression is that we were traveling due north from where we separated from Gen. Custer's command, following an old Indian trail; and we came to a little knoll, and the road went around it; and as we went around this little knoll we lost sight of Gen. Custer's command. I should say that was about a mile from where we separated.
- Q. How far from the river?
- A. This knoll was right on the edge of the river's bank.
- Q. State whether or not you saw anyone before crossing the river, of Gen. Custer's column, after that; and state how it occurred.
- A. Yes, sir: I saw Col. Cook and spoke to him, when we got to this knoll. The scouts were to my left, and called my attention to the fact that all the Indians were coming up the valley. I called Maj. Reno's attention to the fact that the Indians were all coming up the valley. I halted there a little time; I thought it was of importance enough that Gen. Custer should know it, and I rode back toward Custer's command. At this knoll I met Col. Cook, and he asked me where I was going. I told him I had come back to report to him that the Indians were coming up the valley to meet us, and he says: "All right; I'll go back and report." And he wheeled around and went toward Maj. Reno's command. (sic.) An obvious error in transcription which should read "Gen. Custer's command". W.A.G.
- Q. At this point where you met Col. Cook, where was Gen. Custer's column then? Could you see it?
- A. No, sir. This knoll - the trail went in very close behind the knoll, and he may have been only forty or fifty yards from where I met Col. Cook. If he had been further up I could have seen him, but, if he was right behind it, I could not see him.

Q. Now begin at the place where you joined Maj. Reno's column and describe fully and in detail all that occurred, to your knowledge, in reference to Maj. Reno's command, on the 25th day of June, 1876; stating what stream or streams, if any, were crossed; what advance, if any was made; what engagement, if any, ensued; giving time, distance, and description of the ground that was passed over or occupied; and all the circumstances within your knowledge bearing upon this matter, or having any reference to the conduct of Maj. Reno, or the movements and operation of the troops under his command. State this in narrative form, in your own words, and confine yourself to the facts that came within your own knowledge.

A. After Gen. Custer gave the order to Maj. Reno, I called out to the scouts: "We are ordered to go with this party and join them." I joined them, and rode down on a pretty fast gait - sometimes on a trot and sometimes on a lope - and came to the creek which is skirted by the knoll; and I halted there some little time, and when I spoke to Maj. Reno about the Indians coming up above, he halted a second or two, and gave the order "Forward." I met Col. Cook, as I have stated, and as I came back, an Indian scout was waiting there for me, and I could see Maj. Reno's command going down to where they afterward threw out the skirmish line. (Referring to the map). From this ford, marked "A", the march was not made in a direct line. It was made around skirting the edge of the timber, and this point where the skirmish line was drawn, was approached. I halted forty-five or fifty yards back from the edge of the timber, and there were Charlie Reynolds, Dr. Porter, George Hunbein (Herendeen), and Bloody Knife, and myself, and Charlie Reynolds asked me if I had any whisky. He said he had never felt so in all the days of his life, and he felt depressed and discouraged, and he thought it would be well to have something to stimulate him; and I gave him some, and I offered it to the balance, and they refused it. I took a little myself, and told him not to take too much; that he needed a very cool head; that we had plenty of business on our hands for that day. We then dismounted; and just as we dismounted here, this skirmish line was being drawn up. While the skirmish line was being drawn up, the Indians were coming up. They were distant, as well as I could judge from where I stood, about one thousand yards from the left flank of the skirmish line, and in front; not directly in a line with it. We fired a few shots at the first Indians that came up. The firing started with some of our scouts that had left the command and gone into a little valley to capture some ponies; and more Indians were coming up here, and riding around the command. Charlie Reynolds and myself fired a few shots there. It was long range. We put our horses in the timber, and we started up, and when we got to the brow of the hill a soldier hallooed: "Boys, I've got it; I'm hit." I turned around and told him to ride down to the timber; that the doctor was there and he would attend to him. Charlie Reynolds and I turned into the timber and he tied his horse, and I tied mine within eight or ten feet of the foot of the hill; and then the left flank of the skirmish line on the brow of the hill had been swung around, to all appearances, and made the right flank. I didn't see the movement made, but that was what I supposed had been done. I was at the extreme right, Mr. Reynolds was next, Lieut. Varnum next. We stayed there four or five minutes and fired, probably seven shots, and Mr. Reynolds and myself were together and someone gave the order: "Men! to your horses! The Indians are in our rear."

Q. Indians in your rear - where? Over the bottom over which you had come?

A. No, sir. This timber was here, and we were facing the brow of the hill. Charlie Reynolds looked at me and I said - "What damn-fool move is this?" Says he - "I don't know. We will have to go. We will have to get out of here." Reynolds went after his horse, and I looked for mine, but the Indians that had been fighting the troops here had got onto the brow of the hill, and were firing onto the troops, and the Indians on this side - -

Q. The Indians on the right side of the river, do you mean?

MAJOR RENO - The stream runs east and west, in front of our position. I determined it with a compass.

MR. GIRARD - I think this map is wrong. My remembrance of the lay of the country and the course of the stream, and where the skirmish line was, makes me think this map is wrong.

Q. Taking it with reference to the positions as represented on the map, go on and make your statement.

A. The Indians that were firing at me at that time were north of where we struck the woods. Reynolds had mounted and come up to where I was, leading my horse, and I told him he had better dismount, as he would be more apt to be hit on his horse, as the Indians were firing at him, than if he was leading. He dismounted - at this point, fifty or sixty yards east of where this skirmish line was drawn up. At the foot of the hill Mr. Reynolds mounted and I led my horse, and I saw him whip up and start his horse on a run up the hill, and I hurried up and got up on the hill, and could see nothing but a few Indians - no men or troops. As I saw Mr. Reynolds just then, I saw several Indians cut him off and shoot him down, and he fell. He appeared to me to have his leg caught under his horse, and he lost his gun, and in the meantime several Indians had passed between me and where Reynolds was, and I knew I was discovered, and I turned my horse down the hill and hunted a place where I could defend myself. When Mr. Reynolds and myself left the brow of the hill when the order was given: "Men! to your horses, the Indians are in our rear," the troops were mounted and going very fast - pell-mell, as I might say, and I saw some officer going back, and I said: "What are you going to do?" Says he: "Charge the Indians." Says I: "Mr. Reynolds, we don't understand the bugle calls. We'll go out slow, and they will undoubtedly come back to this point of timber." That was the time that the skirmish line was drawn in and the men mounted and started on the retreat to the hill under Maj. Reno.

Q. Was this firing of the Indians from the right or left bank of the stream that you speak of where Reynolds was shot?

A. From the left bank.

Q. State what you saw on the right bank of the stream, if anything?

A. I could not see from where I was. It was all timber.

Q. State whether or not any fire came into the timber from that direction, or from any direction, and what?

A. Yes, sir; after the troops had withdrawn, the Indians set fire to the timber and it was burning up close to where we were sitting. The smoke was very dense.

Q. Now go back from there, to the time that you saw Lieut. Cook near the knoll that you have spoken of, and describe the trail or trails that you saw there, if any, or about that place?

A. The trail, before we turned around this knoll, going to the left of the ford - there was another trail going to the right - quite a large one.

Q. What did it appear to be?

A. A lodge trail.

Q. Are you familiar with Indian trails?

A. Yes, sir.

Q. State what opportunities you have had of judging about those matters?

A. I have been a resident in the Indian country for thirty-one years and I think I ought to know an Indian trail when I see it.

Q. Then you know that was a large Indian trail?

- A. Yes, sir; a lodge trail.
- Q. State whether or not that was the trail that Maj. Reno's command took - that lodge trail you speak of, leading to the right?
- A. No, sir; we took the left hand trail coming around the knoll.
- Q. Which was the larger of the two trails?
- A. I think the right hand trail. That is an impression, simply. I could not say now, it is so long ago.
- Q. Now, from the time that you saw Lieut. Cook at that knoll, state how long it was before you saw Maj. Reno's column across the river, and where it was at that time?
- A. I should say not over three minutes. From the ford, I came back on a lope, and as soon as I met Col. Cook, and told him what my business was, I rode back. I don't think it was over seventy-five or eighty yards from the ford to where I met him.
- Q. Where was Maj. Reno's command? How far from the ford when you got back to the ford?
- A. I should think he was a quarter of a mile from the ford, as I halted there some time with the Indians. The Indians were there waiting for me.
- Q. From the time that Maj. Reno's column had crossed the river state, if you know, how long it was until his command halted and deployed as skirmishers near the timber?
- A. Not over ten minutes.
- Q. Now describe the advance of Maj. Reno's command from the place where he crossed the stream to where his men deployed, and describe as near as you can the character of the ground that was passed over as well as the course of the stream, the nature of the ground on the right of the line of his advance.
- A. From this ford the march was not made in a direct line to these points. It was made in a column skirting the edge of the timber, making a circuit coming around the edge of the timber. The edge of the timber was quite a bend, and the skirmish-line was drawn up out from the outward edge of the bend of the timber.
- Q. State whether there was any enemy opposing the advance of Maj. Reno's column from the river to the place where this skirmish-line was formed; if so, what enemy, in what numbers, and where?
- A. From where this skirmish-line was drawn, there were no Indians up to the point marked "C". This skirmish-line was drawn up before the first Indian got up to it. They were about one thousand yards from it when the first skirmisher was thrown out. I was in the rear of it.
- Q. How far in the rear were you when the skirmish (line) was thrown out or deployed?
- A. Seventy-five yards, probably.
- Q. State what view in front you had in your own front or that of the skirmish-line?
- A. From where we were we couldn't see down the valley; we could see at the foot of the hill about the number of Indians that were coming up. The timber extended out and hid our view.
- Q. How far down the valley could you see in front of the skirmish-line?

- A. Twelve hundred or fifteen hundred yards. There is a bend of the river here that prevented us from seeing any Indians any farther than that.
- Q. You refer to the first shot that was fired. State if you know if that shot was fired by Maj. Reno's command or the enemy, and how you know it?
- A. I don't know who fired the first shot.
- Q. State where that first shot was fired?
- A. That I could not say either.
- Q. Where was Maj. Reno's command when you heard the first shots; what position was it in?
- A. They were drawing up the skirmish line at the time. The Indians were firing at our scouts and our scouts were firing at some Indians, but I didn't pay any attention to them.

Then at 2 o'clock P.M. the Court then adjourned to meet at 11 o'clock

A. M. tomorrow, Saturday, January 18, 1879.

SIXTH DAY

Chicago, Illinois, Saturday, Jan'y. 18, 1879, 11 o'clock A.M.

The Court met pursuant to adjournment.

Present

All members of the Court, the Recorder; and Major Reno and his Counsel.

The proceedings as far as written were read, and during the reading LT.

WALLACE CORRECTED HIS TESTIMONY as found on page 107 as follows: - "I wish to say that Capt. Moylan did not say he could go no farther, but that he could not keep up at the rate we were going: that he needed more men to assist him in caring for his wounded." With this correction the proceedings as read were approved.

THE EXAMINATION OF F. F. GIRARD BY THE RECORDER WAS CONTINUED as follows:

- Q. About how many shots were fired before Maj. Reno's command halted and deployed as skirmishers at that place?
- A. I don't know.
- Q. Describe the character of the firing before his command had deployed as skirmishers before the line was formed?
- A. I think the line was formed about the same time that the Indians commenced firing upon us.
- Q. Describe the position of the skirmish line, where its right rested, and in what direction the line extended, and about how far if you know?
- A. The right was resting on the edge of the timber. I cannot state what distance it extended out into the prairie or the bottom. It was at an opposite angle from the bend of the timber.

- Q. Describe the character of the ground in the immediate front of the skirmish line.
- A. It was perfectly flat, level prairie, with the foot-hills probably ten or twelve hundred yards off.
- Q. When the command halted and deployed as skirmishers, what was the position of the Indians in reference to the line, - in front, to the right or left or rear, and in what numbers and about how far were they from the line?
- A. The Indians were to the front and to the left, going up the valley. First I saw one, then three and four, and beyond that probably forty or fifty coming up the valley.
- Q. How far do you estimate that was away?
- A. The first Indian next us was about eight to ten hundred yards distant. The others I cannot tell - probably twelve to fifteen hundred yards.
- Q. Now state, if you know, what advance was made of that line or command after it deployed as skirmishers?
- A. I did not see that any advance was made. A movement was made while I was going into the timber with Charley Reynolds. During that time the skirmish line acted as though it had swung around on a pivot, the left flank becoming the right. I don't know whether the move was made exactly in that way, but it seemed to me as though it had swung right around on a pivot.
- Q. State how near the Indians came to that line of skirmishers, from what direction, and in what number?
- A. I saw Indians within 200 or 250 yards of the skirmish line after I got onto the brow of the hill. They were coming up the valley, riding round to our left.
- Q. In about what numbers, as near as you can state?
- A. All that I saw during the short time I was on the hill was about from fifty to seventy-five Indians at the furthest, in front of the skirmish line, riding by it.
- Q. State now what village, if any, was in front of that skirmish line, and describe the location of that village as discovered by you at the time or as subsequently brought to your personal knowledge?
- A. The Indian village from that line, I should say, was a mile and a half or two miles down the left bank of the Little Big Horn. The country was level between the two points, and I think there were one or two small dry streams.
- Q. How long did Maj. Reno's command remain on the skirmish line before it swung round as you have described?
- A. Not over ten minutes.
- Q. Describe fully and clearly the character of the timber to which Maj. Reno's command was moved from where you saw it, and go on in this connection and give a full description of that timber with reference to the plain and the village, and also with reference to the river.
- A. That timber, I should say, was seventy-five yards long starting from the river north of the skirmish line, running down to the point marked on the map as "C".
- Q. Describe the timber from that point, representing where the right of the skirmish line rested.

- A. To the rear of where the skirmish line was drawn up is what I call south - from that point down to the river bank I should say it was seventy-five yards long.
- Q. Now, from the point representing where the right of the skirmish line rested describe the timber from that point.
- A. To the rear of where the skirmish line was drawn up is what I call south; from that point down to the river bank I should say was about seventy-five yards long. That was the widest portion of it. Then from the skirmish line on the brow of the hill to the edge of the timber on the outside, or in our rear, I should say was between thirty and forty yards, and at this end of it, where I was cut off -
- Q. Which end do you mean?
- A. That would be the southeast.
- Q. How about the surface of the country there?
- A. There the underbrush was very thick. I led my horse through that on the north side of this timber. The stream passes right underneath and runs right out onto the prairie, going west about two hundred yards from the brow of the hill where this skirmish line was, and there is a perpendicular bank there of about twenty-five feet, and it runs out about two hundred yards, making a bend.
- Q. Was that down stream - following the stream down - the description you have given of the bank?
- A. Yes, sir.
- Q. Now state how long the command remained in the woods or timber after leaving that skirmish line.
- A. I don't think they stayed there either, over ten minutes.
- Q. Where did the command then go?
- A. I didn't see which way they went. I could only judge from the firing, the direction in which they went. From where I went into the timber, as I started to go out with Charley Reynolds, they turned to the left; and I heard the firing in that direction, and I couldn't see anything in front of me when I came up there. The prairie was all open, and I thought it was in an easterly direction.
- Q. Was that direction toward the Indian village or away from it?
- A. It was not toward it. It was not directly opposite away from it, either. It was diagonally across from the village.
- Q. State the formation that you noticed of the troops in the timber, after the skirmish line had swung around to the river, as you have described.
- A. The troops I saw in the timber were in a great hurry to get out. There seemed to be no order at all. Every man was for himself.
- Q. When they were in the timber, after the skirmish line had swung around, as you have described, state whether there was any general engagement with the Indians in the timber.
- A. Not that I could see. There was skirmishing.
- Q. Do you mean with Indians in the timber?
- A. No, sir, there were no Indians in the timber.

- Q. State whether there was any engagement with Indians that were not in the timber.
- A. There was firing all around at the troops.
- Q. State as fully as you can the circumstances under which Maj. Reno's command left the woods, describing clearly the manner of leaving, and all that occurred in regard to that that came under your knowledge.
- A. After I heard the order given: "Men, to your horses, the Indians are in our rear." the skirmish line was withdrawn from the hill, and every man went for his horse. I took my time. My horse was tied fifteen or twenty feet away, and I got him, and was leading him out, and the soldiers were going by me on a lope. There appeared to be no command or order about it. Some officer was with them, and I hallooed out to him: "What are you going to do?" And he said: "Charge the Indians!": and I was not in any hurry to get out, and Charley Reynolds came up and I told him I didn't understand the call, and we would probably be in the way of the movement of the troops. They would undoubtedly come back, and there was no use of us hurrying out, and we would stay there until they came back.
- Q. Now state, if you know, who gave the orders for the command to leave the timber - how you knew that the command was going to leave?
- A. Nothing more than this officer's order, that I have already stated.
- Q. State whether all the command was taken out of the woods at the time Maj. Reno left; if not state, if you know, who were left in the woods?
- A. All that I saw in the woods were Lieut. DeRudio and Private O'Neill and the scout William Jackson and myself, in the woods where the command had been.
- Q. What time of day was it when the command left the woods?
- A. I should say about 1 o'clock.
- Q. How do you know that?
- A. I was sitting in the timber with Lieut. DeRudio, and the command had then been gone for some little time, and I pulled out my watch and it was ten minutes apast 1 o'clock.
- Q. State whether you are sure that your watch showed the correct time, and what evidence, if any you have, of the correctness of your watch as a time-keeper.
- A. I endeavored to keep the time the command was moving by, and before we started I had my watch to the jeweler's for ten or fifteen days, cleaning and repairing, and I thought I had a very good time-keeper.
- Q. State whether you looked at your watch at any other time during that day after this.
- A. Yes, sir; I suppose I looked at it a hundred times that evening, and the last time I looked at it, it was about 9 o'clock, just before leaving the woods, about dusk; getting dark enough so that we could move out with safety to ourselves.
- Q. Your watch then showed it was about what hour?
- A. Nine o'clock, when we left the timber. It was then dark.
- Q. How long had it been dark?
- A. Well, a few seconds. It was twilight. You could see a short distance but not very far.
- Q. Describe the character of the ground along the left or the outer edge of the timber, as to elevation or depression. I refer to the edge of the timber next the plain, not next the river.

- A. The bottom was about twelve or thirteen feet lower than the plain where the skirmish line was, and it rested on the Little Big Horn.
- Q. Then I understand by that, that at the outer edge of the timber the plain was higher or lower than the bottom?
- A. It was higher than the bottom.
- Q. How much?
- A. Twelve or thirteen feet.
- Q. When you were in the timber and before Maj. Reno's command had left it, state whether you saw any hostile Indians on the right bank of the river; if so, how near to Maj. Reno's command in the timber, and in what numbers, and what were those Indians doing?
- A. Those that were in our rear, I couldn't say whether they were on the opposite side of the river or not. I saw ten or fifteen firing from the timber at us, and I supposed it was some of the Indians that had ridden around from the front of us and got into our rear.
- Q. When Maj. Reno's command was in the timber, state whether it was in a sheltered or exposed position, and describe it in that respect.
- A. I should say it was in a sheltered position.
- Q. Describe it, and state why you said it was sheltered.
- A. We had this brush behind us where we could lie down behind the brow of the hill and load and fire; and at the back of us we had the timber. The timber was wide enough so that the Indians could not get sight at us to fire in our rear. The underbrush was very thick.
- Q. Now state in your own words all that transpired after Maj. Reno's command left the timber, as to the movements of the hostile Indians, the sound of firing, if any, from what direction, and pertaining to what troops. Give all the facts and circumstances respecting these matters on the 25th of June.
- A. Ten or fifteen minutes after Maj. Reno left the bottom, I heard the firing on these hills.
- Q. What hills do you refer to?
- A. To the left of where Maj. Reno was. It was to my right.
- Q. On what side of the stream?
- A. On the righthand side, and I could see Indians going up these ravines on the righthand side of the stream. I saw Indians going up there, and I could hear the firing as though they were firing at troops going up there. I knew there was some troops going by, because I had seen them back of that.
- Q. Go on and state any other sounds of firing from that time, and follow it on down, in narrative form in your own way.
- A. I heard continuous firing clear on down, as if there was a general engagement.
- Q. Down to where?
- A. Down to where I afterward went, and saw Gen. Custer's battlefield; and I heard firing to the left of the village, three or four volleys, as if there were fifty or one hundred guns at a volley. Lieut. DeRudio was in the woods with me, and when we heard this firing, he said: "By G-d, there's Custer coming; let's go and join him." I told him to wait; that we had plenty of time; that when the firing got opposite to us we could go out and join him; that he was now too far away.

- Q. This firing that you heard to the left as if by volleys, state in regard to that, whether it was before or after you heard the firing on down the stream where you afterward found Gen. Custer?
- A. It was during the firing down there; after the heavy firing down there, indicating a general engagement at that point, where Custer was afterward found.
- Q. You stated that this firing on the right bank of the river in the bluffs that you heard, which began about fifteen minutes after Maj. Reno's command had left the timber - I wish you to commence there, and go on and describe how long it was that you heard firing in that direction, or following down the stream until it had ceased?
- A. There was a continuous firing all the time the troops were marching down there; not regular volleys, but scattering shots, sometimes three or four, and sometimes only one, and then it was kept up irregularly; and when it got down below there, where Custer's battlefield was, it became heavy. There was a skirmish fire all the way down from where I first heard it.
- Q. What kind of firing?
- A. Scattering shots. I am speaking now of the space above where the first dead man of Custer's command was found. Subsequently, when we went to bury the troops there, there was a horse wounded standing in the stream where we crossed.
- Q. On which side of the stream was the horse standing?
- A. On the left-hand side.
- Q. What kind of a horse?
- A. I have an impression that it was a gray horse.
- Q. Where was that place you found the gray horse in reference to the point "B" on the map?
- A. I would say about where the letter "L" is in "Little Big Horn."
- Q. State how long this firing lasted which you have described as though it came on a command moving down in that way. How long was it from the time you first heard it until it ceased - an hour, two hours, or three, or how long?
- A. The whole firing, from the time I heard it on the bluffs to my right, on the right bank of the river - they were firing there until dark.
- Q. Where?
- A. On the Custer battlefield. Then there were single shots, or one or two at a time. Shall I explain that?
- Q. Yes.
- A. It is customary with Indians, even if they find an enemy that has been killed two or three days, in riding by they will be pretty apt to put a shot into him as he lies there.
- Q. Now state from the position where you were, and heard this firing commencing on the right, how long it was until that firing had ceased, if you could follow its sound?
- A. It was but a short time.
- Q. State approximately how long you think it was, whether half or three-quarters of an hour.
- A. Twenty or twenty-five minutes.

- Q. How long after that firing had ceased was it until you heard these volleys over toward the left in the direction of the village?
- A. I was speaking of the firing down on the line of march; it had ceased. The firing down there (at Custer's battlefield) was a general engagement, and while that engagement was going on this firing here happened.
- Q. After that the firing, you say, was general?
- A. Yes, sir.
- Q. Where?
- A. On what is known as the Custer battlefield.
- Q. In what direction, in regard to where you found Custer's body?
- A. In the same direction.
- Q. How long did that general firing last?
- A. I should judge it to be about two hours.
- Q. This particular firing as of a general engagement lasted how long?
- A. This heavy firing lasted about two hours.
- Q. State what command you joined if any, on the 26th of June, 1876, after leaving this timber where you were left on the 25th?
- A. I rejoined Maj. Reno's command on the night of the 26th about half-past 11 o'clock.
- Q. State whether you had seen the hostile village moving away; if so from where and in what direction was it going and what was its length and width?
- A. The night of the 25th we left this timber, endeavoring to reach Reno's command and got lost, and run into different parties of Indians and lost our arms, and decided it would be safer for us to move up the Little Big Horn and stay there for the night; and came past where Maj. Reno had crossed on the day of the 25th, and from where we were, we could see the command on the hill and heard the firing, and in the evening about 3 o'clock I could hear voices north of where I was in the timber. The voices were outside on the prairie. I crawled out to the edge of the timber and I could see a little valley that the Indians were going up. That was on the north side from where I was.
- Q. State as near as you can what numbers, what was the length, size, and width of the village.
- A. That I couldn't see. I only stayed there ten or fifteen minutes to watch.
- Q. From all you saw of the hostile Indians on the 25th and 26th of June, 1876, state your estimate of the effective fighting force of the village.
- A. I should put it down to between 2,500 and 3,000.
- Q. State what you mean by a warrior or fighting man.
- A. Among the Indians a boy of 12 or 14 is considered a warrior if he is able (capable) of handling a gun.
- Q. State what you know about the river from the point where Maj. Reno crossed it on his advance to the point he reached, with respect to fords, the trails, the depth of the water, the width of the stream, and the banks or bluffs on either side, as far as those matters came within your knowledge at that time or afterward; begin at the ford where Maj. Reno crossed the river on his advance.

- A. During the night of the 25th I crossed the river in two places somewhere between the ford where Maj. Reno crossed it on his advance and where Maj. Reno crossed it going up onto the hill when he was leaving the valley. After that I rode over the country and I saw there were five or six other fords, and when we moved from on top of the hill down to where Gen. Terry's command was encamped in the bottom, I went ahead and helped to take the wounded down, and I found several crossings a little south.
- Q. Above on the stream from where Maj. Reno crossed it on the 25th?
- A. Yes, sir, going up onto the hill. This part of the stream below, and between where Maj. Reno's command was drawn up in skirmish line and Gen. Custer's battlefield I know very little about.
- Q. Now in regard to the point "B" as represented on the map, state what you know about the stream at that point.
- A. That was a watering place. The trail led in to it and I supposed it was a crossing, but when we went down on the 27th I rode in there and examined the opposite bank and found it was miry. I know it was a watering place. The right shore was gravelly and the Indians used it as a watering place.
- Q. Begin at "B" and tell what you know in regard to the river below that, as to ford, trails and banks.
- A. I know of only one ford - the one where we found the horse and where we crossed.
- Q. How far was that from the point "E" or "H" on the map?
- A. I should say from "E" to the ford was between a half and three quarters of a mile, and almost in a due west line.
- Q. Now in regard to any trails there, state what you know or saw.
- A. I noticed only one lodge trail that led down to the stream and crossed the ford where the horse was standing.
- Q. State where that ford is, with reference to the Indian village, as found out by you at the time or afterward.
- A. I think the first sign of lodges I saw after I got across was on the left bank, probably about two hundred yards from the ford. On this bottom at the crossing was a growth of underbrush. On the right bank was some timber.
- Q. From the place where you saw these lodges, state in what direction the village extended, or whether the village was continuous from that point; or whether these lodges were simply detached from the main village.
- A. I could only see where the lodges had been from the lodge-poles and some baggage they had abandoned there. As a general thing the Indians encamp in circles in bands or families, and it was nearly all over the bottom and extended out to the foot-hills and down below this ford. A large portion of this village was below this ford.
- Q. State whether these lodges where you first saw them, near the ford, were at the upper or lower end of the village.
- A. They were not quite to the centre of the village.
- Q. You have testified in effect that it was about 1 o'clock by your watch when Maj. Reno's command left the timber, where he engaged the Indians. Now state how long it was before that, that you last saw Gen. Custer's command or any part of it.
- A. Between ten and fifteen minutes, I should think before; prior to Maj. Reno leaving the timber. I saw Gen. Custer's command, or a portion of it, just as I was going down into the timber.

Q. Where did you see it?

A. In a southeasterly direction from where I was, about opposite the letter "d" in the word "command" in "Reno's command" as shown on the map.

Q. It was about at that place you saw his column?

A. I supposed it to be Gen. Custer's column, as I knew nothing about the division of the command into three battalions. I did not know of Capt. Benteen leaving the command.

Q. State what confirmed your supposition in regard to that, if anything.

A. After my conversation with Lt. Cook at the point "A", Gen. Custer's column had about time to reach the point I saw them.

Q. At what gait did the column you saw seem to be moving?

A. It appeared to be moving very fast.

Q. In what direction was it moving in relation to the stream - up or down?

A. Down stream.

Q. State any other fact or circumstance within your knowledge that led you to believe, either at that time or as found out by you afterwards, that it was Gen. Custer's column you saw.

A. I found out after, that Capt. Benteen joined Major Reno on the hill, and the firing had taken place about the time I said it had; and I was satisfied it was Gen. Custer's command, as no other command passed beyond that point - about half way between Major Reno's position on the hill and the point "B".

Q. State whether you wish to state that accurately, or as indicating about the distance.

A. About half way I would say. I can't fix it accurately.

Q. In regard to that firing on the line of march, as described by you, and which you believed to be that of Gen. Custer's column, state what movements of Indians were made with reference to that firing or with reference to that line of march.

A. I will have to go back to where we crossed the ford first. When we came to this ford and turned the knoll, I had a full view down the valley and I could see Indians coming up. The bottom seemed to be just alive with Indians. As to the number, there seemed to be at least fifteen hundred coming up. After we got into the woods and on the skirmish line, I was astonished not to see any more Indians around there; and having seen Gen. Custer down there and no more Indians attacking us, I think at that time they had discovered him and went there to intercept Gen. Custer, or whoever the command was, and cut him off and go down to the protection of their families.

Q. State whether you saw any considerable number of Indians passing to the left and rear of Maj. Reno's position before he left the woods - passing around to his left and rear?

A. All that I saw was from one hundred and fifty to two hundred. A portion of the time, of course, I couldn't see what was taking place - when I was going from this point in the timber down to the right of the skirmish line.

Q. State whether that large body of Indians that you saw in the bottom had passed around Maj. Reno's rear.

A. No, sir; I think not. It would have taken them a longer time to pass around the timber than it took me to go forty or fifty yards in the timber.

- Q. How near did the Indians or any of them come to Maj. Reno's command before the skirmish line was moved into the timber?
- A. I don't think they had got within two or three hundred yards.
- Q. In what numbers did they come to that distance?
- A. That I could not say; I could not estimate it because I was firing at the Indians myself.
- Q. State whether these Indians you were firing at were the entire body of Indians you had previously seen in the bottom.
- A. A portion of them, but they were a very small party.
- Q. What do you mean by a very small party? Do you mean as compared with the large number?
- A. Twenty or thirty.
- Q. State what became of the large force of Indians you saw advancing when Maj. Reno's command halted and formed a skirmish line; whether they continued to advance or went elsewhere.
- A. I should say that they were the same Indians. As I said before, as soon as they discovered Gen. Custer's command marching down, they abandoned Maj. Reno and undertook to intercept and cut Gen. Custer's command off before it reached the village.
- Q. State whether or not you are familiar with the style of Indian warfare, and their movements in battle, and what opportunities you have had in regard to that.
- A. I have had a good many opportunities of seeing Indians fighting. I have been in several Indian fights, and I have had a good deal of experience in regard to it.
- Q. What period of time has your experience with Indians covered? How many years?
- A. Thirty-one.
- Q. Where would the hostile Indians of the plains be most likely to attack their foe - in the timber, or in the open ground?
- A. In the open ground.
- Q. Where would they be most likely to charge or close in on their foe?
- A. In the open ground.
- Q. State whether or not a command of one hundred men with six or seven thousand rounds of ammunition, judiciously used in the timber, where Maj. Reno's command engaged the Indians, could have protected themselves for any considerable length of time against that particular hostile village, and if so, how long?
- A. Yes, sir, I think they could have held out against the whole number of Indians as long as their ammunition and provisions would have lasted - that is resolute, determined men.
- Q. State, if you know, how much ammunition was in Maj. Reno's command in the woods at that place.
- A. I don't know that.
- Q. State, if you know, from the sound of firing by Maj. Reno's command, about how much ammunition had been fired away before he left the woods. Take it on a general average. You have got to consider the time the command was in there.
- A. I should say between thirty and forty rounds to a man - I mean to a man engaged. I fired during that interval thirteen shots. I lost considerable

time in going from the outer edge of the timber down to the right of the skirmish line.

Q. State about how much time you lost?

A. I don't think over five minutes.

Q. State whether you examined or went over the battlefield of the Little Big Horn; if so when, and what discoveries did you make, if any, with reference to dead bodies of men and horses, and what other evidences did you find showing the fate that befell Gen. Custer's command, or any part of it, and state where you found those evidences.

A. I went down with Maj. Reno's command from this hill to Gen. Custer's battle field, and was there during the whole of the time they were burying the soldiers. I made no discoveries, except this ford. When I came to it I saw from the marks that, as I supposed, Gen. Custer had attempted to cross there, that he had been delayed some little time, and left it. I only judge from the signs I saw at that ford. After that the troops came over, and crossed at this other ford. Then we came up into camp, and I went back to get some articles that I had left in this timber where we were cut off.

Q. State whether you found any dead bodies of men, or horses on the left side of the Little Big Horn river.

A. I saw two on the north side of one of those ravines. There are two that jut out above the village. It was below the first ravine.

Q. How far from Maj. Reno's skirmish line was that, or his position in the woods?

A. A mile and a half

Q. How near were those dead bodies to this ford that you speak of at the river?

A. It might have been half a mile, and it might have been three-quarters - between one-half and three-quarters.

Q. Do you state that as a fact, or an estimate?

A. I state it as an estimate. I saw several dead horses in the village that I suppose belonged to the 7th Cavalry. I saw "U.S." and "7th Cavalry" branded on the shoulders. They were in the village, on the right of some lodges.

Q. Those two dead bodies you saw there - to what command, if any, did they appear to have belonged?

A. One man had on a pair of blue pants very greasy and dirty, and with holes in the knees, and I suppose he belonged to the 7th Cavalry. I had no means of identifying what command he belonged to.

Q. The other man - was he a white man?

A. Yes, sir; he was stark naked.

Q. Were there any other evidences that you saw on that side of the river in regard to these matters on the left bank?

A. No, sir, I don't think of anything else just now.

Q. How far was the point where you saw Gen. Custer's body from the ford you have described?

A. Between a half and three-quarters of a mile, from my recollection of the distance now.

- Q. Do you remember whether there were any dead bodies scattered between the place where you saw Gen. Custer's body, and that ford?
- A. Yes, sir, there were a few bodies between those two points; perhaps one-third of the way from Gen. Custer's body, coming to the ford, I saw two or three lying there.
- Q. You saw Lieut. Cook on the right bank of the river, at a little knoll, near where Maj. Reno's command crossed; and when you returned to the command of Maj. Reno the command had all crossed over and were moving down the bottom?
- A. I think I said there was an Indian scout at the ford waiting for me.
- Q. Now state whether, in returning to Maj. Reno's command, you met any one going back toward Gen. Custer's column.
- A. No, sir, I have no recollection of meeting any one.
- Q. State whether your route was such as to enable you to see anyone going back communicating between the two commands?
- A. I don't think anyone could have been by me without my seeing him.

Then, at 1 o'clock P. M. the Court adjourned to meet at 11 o'clock A. M.

Monday January 20, 1879.

SEVENTH DAY

Chicago, Illinois, Monday, Jan'y. 20, 1879, 11 o'clock A.M.

The Court met pursuant to adjournment.

Present

All members of the Court and the Recorder, and Major Reno and his counsel.

The proceedings of the Court up to date were read and approved.

DURING THE READING OF THE TESTIMONY OF THE WITNESS GIRARD HE MADE THE FOLLOWING CORRECTIONS: On page 133 he desired to change the numbers of Indians he thought would be encountered at from 1500 to 2000, instead of 2500 as there recorded. On page 139 - as to the time Major Reno's command left the woods changed 10 minutes past 1 to 10 minutes past 2 o'clock.

Also corrected the time Gen. Custer gave Major Reno his orders to about 1 o'clock instead of about 12 o'clock.

MAJOR RENO then asked the court to empower the Recorder to subpoena Capt. J. Scott Payne, 5th Cav. and Sergt. DeLacy, Co. "I", 7th Cav. as witnesses in his behalf, stating that Capt. Payne had made a careful examination and map of this whole country, and Sergt. DeLacy was present on the 25th and 26th days of June, 1876.

The court indicated that it would act upon this application during the session to-day.

THE EXAMINATION OF THE WITNESS GIRARD WAS THEN CONTINUED by the Recorder

as follows:

Q. State what order or instructions, if any, were given by Gen. Custer at early dawn on the morning of the 25th of June in regard to halting or moving the command on that morning, and where did Gen. Custer go after giving such order?

A. The command was halted and orders were given to make coffee with small fires, the fires to be put out when the coffee was made; the horses to remain saddled, and we would go into camp after day-light. I had orders to communicate the same to the scouts. After coffee was made I laid down by the side of my horse. I don't know how long I slept, but Gen. Custer woke me up, and told me to take the two scouts that had come in from Lieut. Varnum, and accompany him to where the scouts came from, up on the mountains. As I was getting ready, and had my back turned to Gen. Custer, either Lieut. Cook or Tom Custer came up and asked him if the command should follow. He said, "No, you will remain here until I return." We then mounted and rode on to the foot of the mountain - as far as we could go with our horses, and then dismounted and walked to the top of the mountain and there found Lt. Varnum, Boyer (Bouyer) and Bloody-Knife who had accompanied us.

Q. State when Gen. Custer left the command to go upon that divide, what senior officer remained with the troops.

A. I suppose the next senior officer of the command would be Major Reno.

Q. Did you return with Gen. Custer from that place, and if so, were the troops found where Gen. Custer ordered them to remain?

A. I returned with Gen. Custer to within 40 or 50 yards of the command. The command had then moved out and come about three miles toward us from where we had left them.

Q. State any facts or circumstances showing how far and in what direction the troops had changed position, and whether or not that change had been made by Gen. Custer's orders.

A. I was with Gen. Custer during the whole time, from the time he left until he returned, and I am satisfied no orders were sent back to move the command.

Q. State if you know who ordered the troops to move on during his absence.

A. That I can't say.

Q. Commence at that point on the map marked "C" representing the right of Major Reno's skirmish line, and give a description from that point as near as you can, of the river to opposite the point "B" on the left bank: not only what you saw at the time, but what you saw after, in regard to the timber: whether the timber was continuous or in spots: whether in bends with openings between, and how it was, giving as careful description as you can of it.

A. My recollection now is that but a short distance after making that turn at the perpendicular bank, the timber commences again, but I don't know how wide it is; but there was timber scattered all along between those two points, with openings at intervals.

Q. What was the width of the timber below the point "B"?

A. There were heavy bodies of timber in there and a good deal of down timber - I judge it was from half to three-quarters of a mile wide, winding out and in: at some places more dense than at others, with openings at places. I was in there hunting lodge poles to make litters to carry off the wounded -- below "B" on the left bank of the river.

- Q. Describe in the same manner, as far as you noticed it at the time or afterwards, the timbered bottom on the right bank of the river from opposite the point where Major Reno's skirmish line rested: whether dense or open; and whether the timber extended to the bank and all about it.
- A. From the point "C" to the foot-hills on the right bank of the river, it was quite open with a little scattering timber. Below that the timber was quite heavy, with openings similar to those on the left bank.
- Q. How far did you notice it?
- A. Not far. Above "B" the river runs in close to the foot-hills, and below that it follows the bench. There is no timber on that side very near to the ford where the horse was found standing.
- Q. How near were the bluffs on the right bank of the river to the position occupied by Major Reno on the left bank where he had the skirmish line deployed?
- A. Fully three-quarters of a mile away.
- Q. Following the bluffs down did they come nearer than that or did they tend farther away?
- A. They tended farther away.
- Q. State in what condition were the horses of Major Reno's command at the time he engaged the Indians in the woods on the left bank of the river, as compared with the condition of your own horse, and state why you know it.
- A. I did not notice that the horses were in any way fatigued. They seemed to be riding on the bit: mine was. He was comparatively fresh, and I would not have hesitated to have ridden him 40 or 50 miles the next day. He was my own horse and I had taken good care of him, as far as grazing was concerned. I had no grain for my horse.
- Q. How was it about the use of your horse as compared with the balance of the horses of the command?
- A. I think I did more riding than the average of the command.
- Q. Did you have a change of horses?
- A. No sir. I rode the same horse all the time.

QUESTIONS BY MAJOR RENO

- Q. You do not agree precisely with the map Lieut. Maguire submits and I want to get your understanding of the position. Locate the place that you and Reynolds stopped for a drink of whisky.
- A. I would make this skirmish line a little different. I think the line extended south of west.

The witness then indicated on the map with a pencil by the figure "1" the point asked for.

- Q. Who was with you?
- A. Dr. Porter, Reynolds, Herndine (Herendeen), and Bloody-Knife.
- Q. Then you have no idea, from this map, where you first saw the Indians the time you communicated that fact to Gen. Custer?
- A. No sir, not by the map.

- Q. In what direction was it from "A" where Major Reno crossed?
- A. On a continuation of the line from "C" to "A" back from "A", and it might be a little to the left. That was the general direction.
- Q. After you leave "A", what is the character of the ground up to the point where Major Reno took position on the night of the 25th?
- A. For a short distance it appeared to be level and then broken and rugged.
- Q. Did you pass from the point where Major Reno was on the night of the 25th to the point "A" at any time?
- A. On the night of the 25th about 10 o'clock, I came from above "A" and passed between that and (where?) the lodges stood with the dead Indians in, to where I joined Major Reno's command.
- Q. At what distance was your route from the river at that time?
- A. I judge that from "A" I must have passed to the right of the knoll I described, about 75 yards, and continued on a trail that was there.
- Q. What kind of a trail was it?
- A. It was night and I could not tell. I supposed it was an old lodge trail.
- Q. What do you estimate the distance to be from "A" to the point, where Major Reno was on the night of the 25th?
- A. A mile or a mile and a quarter.
- Q. Then what do you fix as the distance between "A" and "E" by the best practicable route on the right bank of the river?
- A. Between 4 and 5 miles would be my estimate of the distance.
- Q. What is the distance between the point where Major Reno was on the night of the 25th and the point "E"?
- A. I should think it was near 4 miles.
- Q. The point where you saw Adjutant Cook the last time, where was that with respect to where Major Reno was on the night of the 25th?
- A. I did not see Lt. Cook after coming back near the crossing at "A".
- Q. Where did you last see the column of Gen. Custer, that you have fixed for reasons of your own to have been his column?
- A. The column I saw and claim was Gen. Custer's command was about at the point "D" in the word "command."
- Q. Where was the last point you saw it?
- A. It was in that vicinity.
- Q. You did not see it about half way between the point where Major Reno took position and the point "E"?
- A. I did not. I have not said I did.
- Q. What was the character of the place from which you first saw the Indians and from which you brought back the news to Gen. Custer that they were there? Was it high land, a hill, or knoll or what?
- A. It was a little valley as we came around the knoll on the right bank of the Little Big Horn, on the left bank. There was a knoll we had to go around to go across the ford.

- Q. Is that the place you speak of riding on a point of land, seeing the Indians, waving your hat to Gen. Custer and calling out they were running like devils?
- A. No sir.
- Q. Where was that?
- A. It was very close to the lodge where the dead Indians were.
- Q. What was the character of that land?
- A. To the right it was a broken country. It was a small hill 20 or 25 feet higher than where the lodge was standing, and a short distance from it.
- Q. From that point where did you see the Indians - on which side of the river?
- A. There was where I first saw the Indians to say I knew they were Indians. In the morning I had seen them from the mountain-top where Lt. Varnum was. That is, I saw a large black mass moving, which I supposed to be Indians and ponies.
- Q. Where were the Indians at the time you saw them from that little hill?
- A. They were down in the bottom of the Little Big Horn river.
- Q. How far down the valley were they, and on which side of the river?
- A. I should say over three miles from where we were, and I judged them to be on the left bank of the river.
- Q. You were then about a mile and a half away from the ford, were you?
- A. I said about a mile from that knoll to the ford.
- Q. I understood you to say the knoll at the edge of the river was about a mile from where you saw the Indians, and made the announcement to Gen. Custer. Am I right?
- A. Yes sir.
- Q. Then from the ford "A", how far down the valley were the Indians when you caught sight of them?
- A. I should say two or two and a half miles from us.
- Q. They were on the side of the river to which Major Reno afterwards crossed?
- A. Yes sir.
- Q. You came down and communicated that fact to Gen. Custer did you?
- A. I did not come down, I returned to Lt. Cook.
- Q. What did Lt. Cook do?
- A. As soon as I communicated it to him he said, "All right Girard, I will go and report, you go on", and he wheeled his horse and went back, and I joined Major Reno's command.
- Q. We don't understand each other. I am talking about the point of land where you saw the Indians and said to Gen. Custer "here are the Indians and they are running like devils" - you said that did you?
- A. I wheeled my horse side ways and waved my hat to attract attention and hallooed: "here are your Indians, running like devils." I rode down, and I think Gen. Custer and others went up there to see them.

- Q. Are you sure of that?
- A. I am not: I think so.
- Q. Where was Major Reno at that time?
- A. I can't say positively: I saw several officers around Gen. Custer. My impression is he was close there.
- Q. With what officers?
- A. I don't remember: I remember seeing Gen. Custer.
- Q. Did you see Lieut. Hodgson?
- A. I could not place any of them.
- Q. Did you see Lieut. Wallace there?
- A. I did not notice any particular one: he might have been there.
- Q. Major Reno was with the officers?
- A. Yes sir.
- Q. In what position towards Gen. Custer?
- A. I could not give their relative position.
- Q. You don't know whether Gen. Custer was on the right or left?
- A. No, but my impression is that Gen. Custer was to the right of Major Reno.
- Q. You were about a mile from the knoll at the river's edge when you gave that information: what next took place?
- A. Then I rode to the command. We went but a short distance before Gen. Custer called Major Reno, who was then to the left. He beckoned to him with his finger and Major Reno rode over. That being my first trip with troops, I was very anxious to know what was going on, and hear the orders.
- Q. What were the orders?
- A. "Major Reno; you will take your battalion and try to overtake the Indians and bring them to battle and I will support you." And as Major Reno was moving off and had got 6 or 8 or 10 feet Gen. Custer said "and take the scouts with you."
- Q. Did Major Reno have any officer with whom he was riding, go with him to Gen. Custer to receive that order?
- A. That I did not notice: I was watching Gen. Custer.
- Q. Did Major Reno come alone or with some officer?
- A. I can't say: I was not noticing any other party. I was noticing Gen. Custer particularly.
- Q. Did Adjutant Cook deliver the order from Gen. Custer to Major Reno, or did Gen. Custer give it in person?
- A. The order I heard given was direct from Gen. Custer to Major Reno. I do not pretend to say Lt. Cook did not communicate the order first.
- Q. Then Lieut. Wallace, when he says the only order was received through the adjutant, was not correct in his statement?
- A. I can't help what Lieut. Wallace says.

Q. He is not correct, according to your judgment?

A. I have no judgment to give of that: this is simply my own testimony.

Q. What did Major Reno do then after he received that order?

A. He started; and as I had heard the order, it was not necessary for me to receive it from Gen. Custer or anyone else. I communicated it to the scouts that we were to follow that party, and fell in. We got to the ford about the same time.

Q. In advance or at the same time?

A. A little to the left I think.

Q. A little behind or before him?

A. At one time I was within 8 or 10 feet of Major Reno.

Q. At what time was that?

A. In going down the valley, between where he received that order and the ford; and I noticed there were several scouts to my right and some to my left. I am not positive whether there were any between Major Reno and myself or not. There may have been one or two.

Q. Where were you when you reached the edge of the river, in reference to Major Reno?

A. There I think I was a little in advance and to the left, he going to the right had to make a larger circuit around that knoll than I had.

Q. He was at some distance from you when you reached the river was he not?

A. I should say he was 12 or 15 feet from me.

Q. What was he doing?

A. Coming to the ford.

Q. Rapidly or not?

A. I think he was coming at a fast trot.

Q. Was he in advance of the column or not?

A. I think he was.

Q. Was he alone or not?

A. I think he was not alone: there were plenty following right around him.

Q. Were there any officers with him?

A. I did not notice.

Q. You noticed nobody but him?

A. He was the commanding officer and I was watching him.

Q. Before you passed around the knoll you passed a heavy Indian trail?

A. Yes sir, there was a trail that turned off to the right.

Q. You passed that before you reached the knoll?

A. Yes sir.

- Q. On passing that trail you were in full sight of Gen. Custer?
- A. I did not look back, but I should say it was.
- Q. What did Major Reno do when he got to the river?
- A. I called his attention to the Indians that were in the bottom. He looked at me, looked at the valley, and gave the order "Forward".
- Q. What language did you use to him at the river's edge?
- A. I addressed him as Major Reno.
- Q. What else?
- A. I called his attention to the Indians coming up the valley to meet us saying, "Major Reno, the Indians are coming up the valley to meet us".
- Q. Who was with him at that time?
- A. I did not notice.
- Q. Was he stopping there on that side of the river at that time, or was he moving?
- A. He was just coming up to the river at the time; he was in motion, I believe. I had halted, I think; I am not positive.
- Q. How far were you from the river at that time?
- A. I judge 15 or 20 feet.
- Q. You had stopped and Major Reno was still riding?
- A. I did not say positively I had stopped: I had halted, I think, when I spoke to him.
- Q. You did reach the edge of the river at that point, 15 or 20 feet in advance of Major Reno?
- A. About the same time I should say.
- Q. You halted and he was still riding when you made that remark?
- A. I did not say so. You make me say things I have not said.
- Q. Tell just what Major Reno was doing when you halted there: was he riding or not?
- A. He was moving. His horse was going and mine was going. I checked my horse, and may have halted when I spoke to Major Reno and called his attention to the Indians.
- Q. Did Major Reno halt or not when you told him that?
- A. I think he checked his horse.
- Q. Major Reno was then in advance of the command?
- A. I think he was ahead of it.
- Q. How far was he ahead of the command?
- A. I guess they were all near together.
- Q. Did the others check up when Major Reno halted?

- A. There seemed to be a momentary halt.
- Q. Was that because Major Reno checked his horse?
- A. I don't know.
- Q. What did you then do?
- A. I stood there and saw part of the command cross, and then rode back as I have stated, to notify Gen. Custer.
- Q. Had Major Reno told you to take that knowledge back?
- A. No sir; I thought it of sufficient importance for Gen. Custer to know it without orders.
- Q. Where were the Indians with respect to Major Reno's command when you started back?
- A. They were coming up the valley.
- Q. How close and in what numbers?
- A. I judge about two miles and a half away, and in very large numbers.
- Q. So large as to excite your apprehensions of Major Reno's ability to meet them?
- A. Yes, sir.
- Q. That was your reason for sending back word to Gen. Custer?
- A. No, sir. I knew that Gen. Custer was laboring under the impression that the Indians were running away; and if he knew they were coming to meet us, I thought he would do something, I did not know what. I thought it was of importance enough for him to know it.
- Q. Did it pass through your mind that he would divide his command?
- A. No sir.
- Q. Did you have a thought on that subject?
- A. I thought probably it might change his plans.
- Q. In what respect?
- A. By pressing forward; and if there were any parties out, he might call them in; or he might have recalled Major Reno for all I knew.
- Q. Did you think it possible that Gen. Custer would cross to the support of Major Reno?
- A. I did not.
- Q. This action of yours was based upon the large number of Indians you saw coming up the valley?
- A. Yes sir, knowing the impression Gen. Custer was laboring under when we started.
- Q. You halted, saw part of the command cross the stream; then turned and met Lt. Cook. How far from the river's edge was that, at the point "A"?
- A. As I said before this map don't come up to my idea. That might have been 60 or 70 feet from the river, and from "A" two or three hundred feet.

- Q. From the point at which you turned back how far was Lt. Cook?
- A. I met him from the point "A", about 75 yards, I think.
- Q. Did you meet him at once or did you have to wait?
- A. No, he was coming around as we met.
- Q. In what direction was he coming?
- A. Making around the knoll, coming toward us.
- Q. You had some conversation with him?
- A. A few words.
- Q. What were they?
- A. He spoke to me, saying "Hello, Girard, what is the matter?" I said I had come back to report to Gen. Custer that the Indians were coming up the valley to meet us, and I thought he ought to know it. He said "all right, go on, I will go and report."
- Q. Did he turn back?
- A. Yes sir.
- Q. Was he afterwards found where Gen. Custer was found?
- A. I did not see him: I heard he was.
- Q. What did you then do?
- A. I turned my horse and came to the ford. About that time all the troops were over except one scout, whom I had told to wait there for me. We crossed and overtook the troops, and went down at the left of them.
- Q. Did you halt on the bank with that scout and have some conversation?
- A. No, I crossed over immediately - the troops were going on.
- Q. How far from "A" towards "C" were the troops at the time you came back to the ford?
- A. I judge they were four or five hundred yards, possibly a quarter of a mile from "A".
- Q. How long had you been gone from "A"?
- A. They were crossing when I left: I rode about 75 yards and stopped a few seconds, or possibly a minute, and rode back. By the time I got back they were probably 500 yards away.
- Q. Did you follow after the troops?
- A. Yes sir.
- Q. Where did you overtake them?
- A. I got opposite them about half way down.
- Q. On which side?
- A. I was on the left of the troops.
- Q. Away from the timber?

A. Yes sir.

Q. Did you ride with them the rest of the way?

A. I was at no time within 200 yards of any company: I kept out of the way.

Q. Where did you stop?

A. The scouts were scattered over the bottom. The first halt was made where Reynolds, Herndine (Herendeen) and myself stopped.

Q. How far in rear of the skirmish line were you there at that place?

A. I judge it was between 50 and 75 yards.

Q. The skirmish line was formed at that time, was it?

A. Yes sir, it was.

Q. You galloped to the point "1"?

A. Not at first. I galloped till I overtook the troops.

Q. Then did you go faster or slower?

A. Slower; to allow the troops to get ahead of me.

Q. When you got to the point "1", did you dismount at once?

A. The troops had got around in front of me; I was riding behind them. Reynolds, Dr. Porter, Herndine (Herendeen) and myself had got together one by one, and we dismounted at the point "1".

Q. Then you accompanied these troops till they got about half way between "A" and "C"?

A. From where I joined them, I accompanied them side by side till I checked my horse, and allowed them to cross in front of me.

Q. When you checked your horse were you half way or more between "A" and "C"?

A. I judge a little more than half way.

Q. How much slower from that point to the point marked "1" did you ride than the troops did?

A. My impression is I went at a trot and walked part of the time.

Q. How many minutes, do you suppose?

A. At short interval: probably half a minute or a minute. I simply checked my horse.

Q. Your gait from the point where you ceased riding with the column, was a minute or half a minute slower to the point "1"?

A. I did not go slow that whole distance: I checked up about that time.

Q. You were a minute or a minute and a half later reaching the point "1" than they were?

A. The time I checked my horse was the time the command got in front of me.

Q. How much were they in front of you: a minute or a minute and a half?

A. I can't come down to seconds.

- Q. When you got there the skirmish line was formed?
- A. When I dismounted they were.
- Q. You were then what distance behind?
- A. From 40 to 75 yards.
- Q. Were the troops dismounted?
- A. Yes sir.
- Q. Where were the horses?
- A. The men were leading them into the timber.
- Q. What was the position of the skirmish line at the particular period when you dismounted?
- A. I could see them deploying as a skirmish line, and I called Reynolds' attention to the fact that they were forming a skirmish line, when we dismounted.
- Q. How far did they advance after they dismounted?
- A. I did not see them advance at all.
- Q. Do you know whether they did or did not advance?
- A. Nothing more than I have stated, that they appeared to me to have swung around, making the left the right flank. They may have marched in; the movement I did not see.
- Q. If they had swung around would they not have exposed their backs to the Indians?
- A. I don't know that it would be necessary to turn their backs to make that movement.
- Q. Then do you mean to say the right of the line was stationary?
- A. No sir.
- Q. Where was the right of the line at that time?
- A. Resting on the brow of the hill in the timber at "C".
- Q. They remained there did they?
- A. They fired some shots from that point.
- Q. Did they remain there?
- A. Some time.
- Q. The change was not an advance of the skirmish line, but only a change as to the position of the line itself?
- A. It seemed so to me.
- Q. It was to get the men in the timber, was it not?
- A. I suppose it was.
- Q. Do you mean to say the line did not advance beyond "C"?

- A. I can't state positively.
- Q. Do you know whether they did or not?
- A. I said I did not know.
- Q. Then are you sure you were right when you stated there was no advance of the line after the men had dismounted?
- A. I did not answer there was no advance made of the line.
- Q. Now do you to-day know whether or not there was any advance?
- A. I do not.
- Q. How long did these men remain on the skirmish line?
- A. I judge about 10 minutes.
- Q. They they were withdrawn into the timber, were they?
- A. They changed their position and came on the brow of the hill.
- Q. They were withdrawn, were they?
- A. From being a skirmish line on the plain, they were a skirmish line in the timber.
- Q. Then the skirmish line was in position when you were at figure "1".
- A. Yes sir.
- Q. Was that the time these men were back on the edge of the timber, or the brow of what you call the hill?
- A. About that time.
- Q. What was done then - what did the troops do?
- A. I have stated they were on the brow of the hill fighting the Indians as skirmishers.
- Q. How long were they there?
- A. I estimated it to be about 10 minutes - while I was going and tying my horse, going up 12 or 15 feet and firing 6 or 7 shots.
- Q. During those 10 minutes, were they doing anything else than firing?
- A. I was not watching the troops.
- Q. Could you hear them doing anything else than firing? Could you hear the horses being used in any way?
- A. No sir, not during those 10 minutes.
- Q. What followed after those 10 minutes passed?
- A. The order was given, "Men to your horses, there are Indians in our rear."
- Q. Who gave that order?
- A. Capt. Moylan.
- Q. How far was he from you at the time?
- A. He was somewhere within 40 or 50 feet of where I was standing, probably not so far.

Q. Do you know from whom he received that order?

A. I do not.

Q. Did you see Major Reno at that time?

A. I did not.

Q. Then what followed?

A. The skirmish line withdrew and went to the timber for their horses.

Q. They withdrew at that time?

A. Yes sir, when the order was given.

Q. Where had they been before?

A. On the skirmish line.

Q. Where was the line then?

A. On the brow of the hill.

Q. How far from the line were the horses?

A. I can't say; I did not see the horses.

Q. Where were you at that time?

A. At the extreme right of the whole skirmish line on the brow of the hill - the extreme right hand man.

Q. You were nearest the river of all the skirmishers?

A. I judge I was.

Q. How long were they in leaving the timber after the order to retreat had been given?

A. Probably they occupied a minute or a minute and a half.

Q. How long did it take Major Reno's command to go from "A" to "C"?

A. I don't think it took them over 7 minutes - probably five.

Q. They were 10 minutes on the skirmish line?

A. Yes sir.

Q. And 10 minutes in the timber?

A. Yes sir.

Q. And a minute after receiving the order, they were back on the other side of the river - you have told this story a good many times have you not?

A. Not a great many times.

Q. What do you call a great many times?

A. I don't think I have told it a dozen times.

Q. Has it not been your chief subject of conversation to all parties?

A. With friends I have discussed it several times.

Q. Have you not declared the fight to be at 1 o'clock instead of at 12?

- A. I took notes at the time or shortly after.
- Q. If you will answer my question you will have an opportunity to explain. Have you not always declared it was 1 o'clock instead of 12 when you were at the timber?
- A. I may have said one, and I may have said two in conversations: I would say about.
- Q. Could you have said 12?
- A. No sir.
- Q. Not at any time?
- A. No sir.
- Q. Could you have said it was about 12 when you crossed at "A"?
- A. I might some time or another have said so.
- Q. You have to-day altered your statement of the time. You say you had some papers or letters in your possession. On Friday or Saturday last you made your statement; now where did you get those papers or letters?
- A. You said you would allow me to make an explanation. I made notes a short time after, of all the circumstances where I was connected with the movement of the troops, and had them at home and still have them. Before starting here, I tried to find them but could not. On the 28th of February 1877, I received a letter from a certain party, and in reply, I hunted up my notes, refreshed my memory, and wrote what I knew about the whole affair. Sunday I got information that letter was here, and I applied for it and got it, and refreshed my memory as to date.
- Q. What ever stories you may have told between the time you sent the letter which you so mysteriously saw on Sunday -
- A. There was no mystery about it.
- Q. Well; which came into your possession on Sunday. Whatever time you may have fixed for the action on the part of Major Reno, have been incorrect unless you said it was one o'clock he was in the bottom?
- A. That part was not correct.
- Q. You had a very accurate watch at the time you were in the bottom?
- A. I professed to have a very good watch.
- Q. Are you sure now that your memory in other particulars accurately repeats what the accurate watch indicated?
- A. Yes sir.
- Q. You are sure?
- A. Yes sir.
- Q. You altered not merely the time when Major Reno was in the bottom, but the time when he crossed the ford: what was the occasion for the second alteration?
- A. Such a long time has intervened since these circumstances happened, and I have not looked at any memorandum, that it was an impression I had that the crossing was at such time. I was positive it was 10 minutes past 1 or 2 when I looked at my watch, and I thought it was 10 minutes past 1.

- Q. You have altered the other movements to correspond with the time you fixed for the presence in the timber?
- A. Yes sir.
- Q. That is a matter of calculation?
- A. I never fixed the time there; I said "about".
- Q. The time Major Reno received the order from Gen. Custer: Have you altered that at all?
- A. No; not that I remember. I thought the correction of one would be sufficient for the other.
- Q. When you last saw Gen. Custer's column where was it?
- A. At about the letter "D" in the word command was where I last saw what I supposed was his command.
- Q. Where were you at that time?
- A. On the point of going into the timber at "C".
- Q. Just after you left Reynolds when you and he had that meeting together?
- A. Yes, sir.
- Q. Where was the skirmish line then, in position or not; was it on the plain or about at the edge of the timber?
- A. My impression is they were still on the skirmish line as we started to go into the timber.
- Q. You were then about at the letter "C"?
- A. That is the point.
- Q. That was the last time you saw the column that for reasons of your own you are satisfied was that of Gen. Custer?
- A. Yes sir.
- Q. Did you not say you saw it for the last time 10 or 12 minutes after Major Reno left the timber?
- A. No sir.
- Q. In no part of your testimony?
- A. No sir.
- Q. If you did state that, it could not be the truth, could it?
- A. I say I did not state that.
- Q. Did you tell Major Reno of that fact - of having seen that command?
- A. Not there. I told him afterwards, in a subsequent conversation, that I had seen Gen. Custer's command, and he said make a note of it and remember it.
- Q. Was it on any day on which the 7th Cavalry was fighting Indians that you had that conversation with Major Reno?
- A. No sir.
- Q. Was it long after?
- A. It might have been 3 or 4 days after.
- Q. That was the first time you told Major Reno that?

- A. Yes sir.
- Q. What do you fix as the distance between the ford "A" and the letter "D" where you saw the column of Gen. Custer?
- A. I judge the distance between the two places to be a mile and a half or two miles.
- Q. At what gait was the column moving?
- A. That I can't say: it appeared to be going fast.
- Q. What do you fix it at?
- A. I simply looked back and saw they were moving, and went into the timber.
- Q. Have you no estimate in regard to the rate of speed?
- A. I could probably fix the estimate that they were going at a fast trot, by the cloud of dust.
- Q. What was the character of the country between "A" and "D"?
- A. Rolling and broken, with ravines.
- A. Difficult for horsemen?
- A. No sir.
- Q. Could he go from A to D or rather from the knoll where you met Lt. Cook to D. in a direct line?
- A. No, sir; you would have to make a circuit.
- Q. Could a man go from the point where you saw that column, that you supposed to be Gen. Custer's, to the point in a direct line - the point where you saw Gen. Custer's command the next to the last time?
- A. No sir; I should say not.
- Q. What in your judgment would be the length of time required to pass over that distance, at the rate at which you saw the column moving, from the point where you last saw the column on its way down the stream?
- A. When I went down to Col. Cook, I did not see the command. I don't know where it was. I knew it was in the rear, but how far back I couldn't say. It would depend upon the rate the troops were going. If they had been going at the rate at which they were going when I last saw them, I think it would have taken them fifteen or twenty minutes.
- Q. How long after you left the ford where Reno crossed on his advance, did you see that column?
- A. Probably ten or twelve minutes.
- Q. What became of "Bloody Knife"?
- A. I didn't see him, sir.
- Q. Do you know whether he was killed or not?
- A. I heard he was killed. I understood he was killed by the Cheyenne Indians.
- Q. At whose side. Do you know whether it was at Maj. Reno's side, or not?
- A. I don't know.

- Q. Where were you when the first man was shot?
- A. The first man I knew of being shot was to my rear and left, leading horses.
- Q. How long after you went into the timber?
- A. I hadn't got into the timber yet. I was ten feet or so from the timber. I saw mounted men leaving the timber going out, and that is all I saw of Maj. Reno's command. At that time I heard firing into them, on their way.
- Q. Then seeing this column that you supposed to be Gen. Custer's when the men were on the skirmish line, and it required about ten minutes for them to be withdrawn and placed on the edge of the timber, and ten minutes longer to be in the timber, and one minute to remain there before they started back, where would the column under Gen. Custer have probably been when Maj. Reno reached the top of the hill?
- A. It would undoubtedly have been beyond this point where Maj. Reno went up the hill at about a point I will mark "2" with pencil. I should estimate the distance to be two to two and a half miles.
- Q. At what rate did Reno's column move to the ford on the retreat - at a trot or a gallop?
- A. I didn't see them go.
- Q. Did you see Maj. Reno's column mount the hill-top at all?
- A. No, sir, I did not.
- Q. What was the distance between the right of the skirmish line, and the hill-top?
- A. I should judge it to be nigh on to a mile: about a mile.
- Q. How long in your judgment would it take the men whom you say left the timber pell mell, to go from the skirmish line to the top of that hill, and crossing at this point where Maj. Reno crossed, and taking his route up that hill-side?
- A. I don't know, sir. It would have taken them but a short time. I should think about four minutes to reach the top of the hill, from the skirmish line.
- Q. Then you give about fourteen minutes for the command under Col. Custer to go from the point D to the point "2".
- A. It would depend on the rate they were going. I should say ten or twelve minutes.
- Q. What is the character of the country?
- A. It is there on the divide; no bad ravines after you get to the top of the hill - none but very small ones. I think he crossed at the head of them. The country is such that he could have proceeded at a rapid trot.
- Q. You didn't see Maj. Reno's column moving out but you heard firing?
- A. I heard firing after Reno's command left the bottom going upon the hill.
- Q. State whether or not with a considerable of firing, a column on top of the hill could have heard the firing from Maj. Reno in the bottom then?
- A. I think they ought to hear it.
- Q. Would it not be as audible to them as firing on the top of the hill would be to a column in the bottom?

- A. I should judge more so.
- Q. Did the point where you last saw what you supposed to be Gen. Custer's column command a view of the timber, and of the plain?
- A. I think it did. I passed there in the night, and had it been the daytime, I could have said positively whether it did or not.
- Q. You saw the column at that point; now the column of course could have seen the position in which you were?
- A. Yes, sir.
- Q. Wouldn't it be easier for them to look downward, than for you to look upward?
- A. They were more apt to see us than we were to see them. When I saw this column the last time, I was on the point of going down into the timber.
- Q. What are the duties of an Indian interpreter?
- A. My duties were to communicate between the scouts, and whoever was in command of them, and with the commanding officer; and with any Indians that might come in. Any news I received through the scouts I reported.
- Q. Your duties were not then those of a scout?
- A. I have never been a scout, sir.
- Q. And you have lived thirty odd years in the country?
- A. Yes, sir: I will be thirty-one years in the Indian country this coming November.
- Q. Married, are you?
- A. I am, sir.
- Q. To an Indian woman?
- A. A white woman, sir.
- Q. Have you been married to an Indian woman?
- A. Yes sir, I have been.
- Q. This was the first expedition of troops that you ever accompanied?
- A. Yes, sir.
- Q. You said to Charley Reynolds in the timber: "What kind of a d-d move is this?"
- A. Yes, sir.
- Q. Why did you think so?
- A. Because I thought it was safer in the timber.
- Q. Why did you think it safer in the timber?
- A. I saw the Indians in the prairie; and if the command moved out into the prairie, I thought the whole command wouldn't last over five minutes. I thought it was like running into certain death.
- Q. And you thought that was an excess of bravery, if anything?

- A. I didn't know at the time what the intentions of the troops were. As I understood at the time, we were to charge; and it was my supposition if they charged they would return there.
- Q. Then for the troops to move out of the timber was not an act of cowardice?
- A. No, sir; not that I know of.
- Q. You said to Reynolds after they had charged they would return?
- A. Yes, sir. I didn't know what was the object of the move, whether it was simply to charge to drive some body of Indians out of a certain place or position, and it would require the whole force of troops to do it. In my judgment it was safer for the troops to remain in the timber.
- Q. What would have been the effect of moving in the other direction - down through the village?
- A. I should have thought if a move was made in that direction, it would simply have resulted in the loss of some few men, before we reached the next body of timber, but we would have had probably equally as sheltered a position there.
- Q. You would still have had to take a sheltered position there?
- A. From the number of Indians, I should say yes.
- Q. In any event, you would have had to shelter yourselves under cover of the timber?
- A. I should have considered it policy to do so, but I am not a military man.
- Q. Was Mr. Reynolds a military man?
- A. No, sir; he was a scout.
- Q. He is the one who lost his head?
- A. Yes, sir.
- Q. And you did not?
- A. No, sir.
- Q. He was unnerved, was he?
- A. Since you are on that subject, I will say that Mr. Reynolds and I were bosom friends and camped together, and twice on the expedition out, he came and told me that he had a presentiment of his death - that he would never return from that expedition - and I advised him to go and see Gen. Terry and get from him leave to stay out. If I was in the same position I would do it; and he went to Gen. Terry, and Gen. Terry shamed him out of it.
- Q. Then Reynolds was unnerved in the timber?
- A. Before he went into it.
- Q. Did you see company D, Capt. Weir's company, move down that highland on the right side of the river?
- A. I did not, sir.
- Q. What troops, if any, save that of the column under Gen. Custer, did you see on the top of the hill or highland on the 25th?

- A. The only command I saw on the hill was on the day of the 25th. I did not see Col. Benteen come up. I was in the timber when he came up, and not looking in that direction. I saw Maj. Reno's column on that hill-top on the 26th.
- Q. On the 25th, in the afternoon of which Col. Custer was probably killed, did you see any of Maj. Reno's column on that hill-top?
- A. No, sir. I saw no motion of troops in the direction of where I last saw Col. Custer's column, except his column.
- Q. If troops had moved out in the afternoon, say at 2 or 3, or 3:30 or 4 o'clock, and moved to the point "2", wouldn't that satisfactorily account to your mind for much of the firing you heard in the afternoon - troops moving from this point where Maj. Reno stood?
- A. No, sir, it would not. There was heavy firing in the afternoon at other points than in that direction.
- Q. Where?
- A. Here on the hill where Maj. Reno's command was. I couldn't fix the hour when that firing commenced. I should judge now, never having given the subject a thought before, that it was between 3 and 4.
- Q. Between 3 and 4 was the heavy firing?
- A. Yes, sir, heavy firing. I know there was a long space of time that there was no firing. I heard a few shots in the bottom - one, two, or three.
- Q. You fix between 3 and 4 o'clock as the time of that heavy firing from Maj. Reno?
- A. About the time it commenced. It continued until the evening about dusk; a little before 9 o'clock I think.
- Q. Then before three and four this firing commenced, and continued heavily?
- A. Heavily.
- Q. Do you suppose a man surrounded with a fire of that kind, as close to him as it was to the force under Maj. Reno, would be likely to hear a noise made in another direction?
- A. I think not. He would not be very apt to.
- Q. What period of time do you fix during which there was no firing?
- A. A couple of hours I should say.
- Q. From what time?
- A. After Maj. Reno left the timber, we could hear firing up on the top of the hill. A short time after, it ceased entirely; and then again I heard a few shots fired in the valley, and everything remained quiet except a shot now and then, but I couldn't tell in what direction. This continued until the engagement commenced again in the evening.
- Q. Was there much firing on Maj. Reno's column when he was in the timber?
- A. Oh, a lively skirmishing.
- Q. Was the presence of the Indians such that there was reason to expect a prolonged fight there on the part of the Indians?

- A. Yes, sir. I can't say when the first shot was fired by Reno's command. When I was dismounting I heard a few shots, but I can't say whether it was in front of the skirmish line or outside. Some of our scouts had gone outside after some ponies.
- Q. Do you know whether there was any firing on the skirmish line?
- A. I do.
- Q. Much or little?
- A. I did a little firing. I did not see the troops at that time, but I heard considerable firing while they were in the timber. I do not know how much ammunition each man expended, but I should estimate between thirty and forty rounds to the man that was engaged. I don't know how many rounds they had when they went into the fight.
- Q. Have you any unkind feeling toward Maj. Reno?
- A. I have not, sir.
- Q. Not a particle?
- A. Not a particle, sir.
- Q. Did he dismiss you from your position of interpreter?
- A. He did, sir.
- Q. Prior to this battle?
- A. He did, sir.
- Q. And you have no unkind feelings toward him on that account?
- A. None at all, sir.
- Q. Who reinstated you?
- A. Gen. Custer.

THE COURT WAS THEN CLEARED UPON THE APPLICATION OF MAJOR RENO for additional witnesses made this morning, and after mature deliberation was reopened and the decision of the court was announced that the application would be granted.

The court then at 2 o'clock P. M., adjourned to meet at 11 o'clock A. M. tomorrow, Tuesday, Jany. 21, 1879.

EIGHTH DAY

Chicago, Illinois, Tuesday, Jany 21, 1879, 11 o'clock A.M.

The court met pursuant to adjournment.

All members, the Recorder; and Major Reno and his counsel were present.

The proceedings of the last session were read and approved.

WITNESS GIBBARD CORRECTED THE RECORD as the same appears on page 174 in

answer to the question, Have you been married to an Indian woman, by making the answer read - "I never was married to an Indian woman: I have had Indian women."

THE EXAMINATION OF THE WITNESS GIRARD BY MAJOR RENO WAS THEN CONTINUED AS FOLLOWS:

Q. I wish you would fix on this map the place where Charley Reynolds was killed.

A. Reynolds was killed at a point back of the point "1" and in a southeasterly direction from it, at about the point I now mark "3".

Q. Where were you at that time?

A. At the edge of the hill.

Q. Would the letter "C" indicate about the point you were, as well as any other?

A. Yes sir.

Q. Reynolds was killed trying to overtake Major Reno's command, was he not?

A. Yes, sir, I suppose so.

Q. How far from the ford "A" was the point on the top of the hill or mountain where Gen. Custer went, and on returning found the command had been moved?

A. I judge it to be between 12 and 13 miles.

Q. When he came back the command was already in motion without any order being given by himself?

A. When he returned from the mountain top the command had moved from where we had made coffee that morning, about 3 miles.

Q. In the same direction in which it afterwards continued to move?

A. Yes sir.

Q. Did you mean to infer or to have the court to infer that it was by Major Reno's order the command moved forward?

A. Not at all, from my testimony.

Q. Do you know whether there was any aide-de-camp to Gen. Custer there?

A. Lt. Cook was his adjutant.

Q. Do you know whether there was any officer acting as aide-de-camp?

A. No sir.

Q. Do you know in what capacity Capt. Tom Custer was acting?

A. I don't know: I suppose he was in command of his company.

Q. Do you know whether he had any other duty to perform than to command his company?

A. I do not.

Q. Do you or not know by whose order the command was moved while Gen. Custer was on the mountain top?

A. No, sir. I never pretended to say I did know.

Q. Was the order of march changed after Gen. Custer returned to the column?

A. We simply followed down the valley.

Q. The same order was observed after he joined the command?

A. The line of march: yes, sir.

Q. Yesterday you were asked if you thought it possible that Gen. Custer would cross to the support of Major Reno, and you answered, no sir. Did you have any thought whatever upon the subject of what would be the action of Gen. Custer, after he received the information you had given to Lieut. Cook?

A. I thought probably it might hurry him up, or change his plans, if he had any.

Q. Did you think he would go on the right hand side of the river?

A. I don't know that I gave the subject a thought at that time.

Q. Were you not astonished to see his column go in that direction?

A. I don't know but I was a little disappointed, though I am not a military man.

Q. Were you not astonished?

A. No, sir, not really astonished.

Q. Have you not said you were astonished?

A. I have said I expected he would support us; but I did not know how he intended to support us.

Q. Have you not said you were astonished on seeing him go in that direction?

A. I may have said so.

Q. Have you not said so often?

A. I think not.

Q. Did you say so to any officer?

A. I can't say to whom I addressed my conversation.

Q. Did you ever say so to Col. E. W. Smith or Gen. Terry's staff?

A. I am not sure.

Q. Have you any children by Indian women?

THE RECORDER OBJECTED TO THE QUESTION because its only object must be to attempt to degrade the witness in public estimation, and asked the Court to instruct the witness he might answer the question or not as he chose.

The Court instructed the witness he need not answer.

Q. How many miles had the horses belonging to the command traveled within the three days preceding, commencing on the 22d of June and ending at the ford "A" on the 25th?

A. I never measured it and would have to guess at the distance. The 22d I heard they traveled 12 miles; the 23d about 30 miles; the 24th about 35

miles; the night march on the 24th about 12 miles to where we halted to make coffee; from there to the divide I estimate at 5 miles, and from there to "A" where Major Reno crossed the river, I estimate the distance to be 13 miles, making a total of 107 miles. This is the first time I ever figured on that distance.

Q. Was your horse any better or worse than the average cavalry horse?

A. I think he was a tougher horse for that purpose. He was part Canadian.

Q. Did you not have very much better opportunities for grazing your horse than the Cavalry had?

A. Yes sir, I had.

Q. Was it not their practice to ride in order, and remain together during the march?

A. Yes sir.

Q. Did you not have opportunities by virtue of the office you held of going off the line of march and get good grazing for your horse?

A. Yes, sir, I went wherever I wanted to for grass.

Q. You had better opportunities of taking care of your horse than the cavalrymen?

A. Yes, sir, in the way of grazing.

Q. Were the bodies you found on the left bank of the stream mutilated or not?

A. They were scalped.

Q. Were either of them headless?

A. I think not. That is my recollection now; though seeing so many I can't recollect certainly.

Q. How long after Major Reno's command left the timber did Reynolds attempt to follow him?

A. That would be getting me down to seconds. I can't say, it was immediately after.

QUESTIONS BY THE RECORDER

Q. You have testified that you were with Gen. Custer all the time, from the time he left the command where coffee was made in the early morning of the 25th, till he returned and met the command; and you were satisfied the command had been moved forward without any command from Gen. Custer. Now state any fact or circumstance which led you to believe that was the case.

A. On our return, about two miles from the mountain top where Lt. Varnum was with the scouts, and about three miles from where we had made coffee, on coming up a little rise, we looked ahead and the command appeared to be coming toward us. Gen. Custer, not addressing his conversation to me, but rather seeming to express his thought aloud, put spurs to his horse, saying "Who in the mischief -".

MAJOR RENO HERE STOPPED THE WITNESS AND OBJECTED to his stating any conversation with Gen. Custer in the absence of Major Reno as not within the scope of this inquiry.

THE RECORDER SAID: I wish this witness to detail the facts and circumstances by which he knows Gen. Custer did not order the command forward: and whether it was by order of Major Reno or some one else may be shown hereafter.

THE COURT DIRECTED THE WITNESS TO CONTINUE HIS ANSWER, which he did as follows:

moved that command:" and with that started in a fast lope and I followed. The first man he met was Col. Tom Custer, probably 60 yards ahead of the command, and the first question the General asked him was: "Tom, who moved the command?" His reply was, "I don't know, the orders were to march and we marched."

- Q. You have testified that when yourself, Reynolds, and Herndine (Herendeen) halted in the little sway, near the skirmish line of Major Reno's command, you saw a few Indians about 1000 yards away. State how you arrived at that distance.
- A. The Indians were riding around on those foot-hills to the left of where the skirmish line was formed. They had got about opposite the line and were firing at our scouts who were going into the ravine to try and capture some ponies. We were firing at the Indians, and some one, I don't remember who, said let us all fire through different sights; and some took 800, some 1000, and some took 1200 yard range, holding a coarse sight on them, and every bullet fell short of them.
- Q. Were there any other Indians nearer to Major Reno's command at that time; if so, how much nearer, and in what numbers?
- A. No sir, they appeared to be about the same distance. They were riding along one and two and three together, I can't give the numbers: I don't think I saw over 40 or 50.
- Q. Did you report to Adjutant Cook at the time you met him at that knoll, anything in regard to Major Reno's command having then crossed the river?
- A. No sir, not a word.
- Q. You have testified that you thought if Gen. Custer knew the Indians were coming up, he might want to recall Major Reno. State whether that is a mere supposition of yours; and if not, state what produced that impression on your mind.
- A. It was simply a supposition of my own.
- Q. State from what you saw then or learned after, whether the Indians you saw coming up the bottom to meet Major Reno was the whole fighting force of the village or only part of it.
- A. I should judge from the number that it was the whole fighting force.
- Q. State whether any trumpet or bugle calls were sounded at or about the time Major Reno's command left the woods on the retreat.
- A. I heard none.
- Q. State from the time you first heard the scattering shots on the right bank of the river, on what you believed to be Gen. Custer's line of march, how long it was till the sound of firing became general.
- A. I believe I said 15 or 20 or 25 minutes.
- Q. State how long that general firing lasted.

- A. About 2 hours.
- Q. What was the direction of the sound of that general firing - I don't mean the exact point of the compass, but whether from up or down the river.
- A. From down the river - a southeastern direction.
- Q. Had that general firing down the river ceased before you heard the firing as of a general engagement around Maj. Reno's position on the hill?
- A. The general heavy firing had ceased, but as I said before, I heard firing there till dark.
- Q. How long had the heavy firing down the river ceased until you heard heavy firing around Major Reno's position on the hill?
- A. I can't fix the time. There was an interval of perhaps half an hour.
- Q. State whether or not you heard scattering shots around Major Reno's position on the hill during the time the sound of general firing was going on down the river.
- A. I heard a few shots, but I could not tell whether they were on the right or left bank or in the bottom. On the line of Major Reno's retreat there were several soldiers killed, and as the Indians would pass by them I could hear them firing into the dead bodies of the soldiers, and I could hear them talking distinctly.
- Q. When you heard firing in the direction of where Gen. Custer's body was afterwards found, in what direction was the wind blowing?
- A. From the direction of Gen. Custer's battlefield. The way I remember it is when sitting in the brush in the timber where Major Reno's skirmish line had been formed, the Indians set fires in the little openings in the timber, and the smoke came over us from the north, passing in the direction from which we had come in the morning.
- Q. What are the general duties of an interpreter in his relations to the commanding officer, whether at a post, or in the field?
- A. As I understand it, I am under the direct command or order of the Post Commander, whoever he may be. If there is an organization of Indian Scouts, I am under the command of whoever commands the scouts. If there are any Indians arriving at the Post, I make it a point to get all the news they have, and report it to the commanding officer; and all communications he has to make to Indians are made through the interpreter.
- Q. State whether his duties are of a confidential or public nature.
- A. They are often confidential.
- Q. Under what commanding officer were you serving when you were subpoenaed here as a witness?
- A. Under Gen. Sturgis, 7th Cavalry.
- Q. State in what capacity you have been employed by the Government since you have been in the Indian country, and name the officers under whom you have so served.

MAJOR RENO OBJECTED TO THE QUESTION as entirely foreign to this inquiry.

We have only asked such questions as will tend to show the bias of this witness towards Major Reno. The question was then withdrawn.

Q. State if you know for what reason you were discharged by Major Reno or what reasons were given at the time by Major Reno himself.

MAJOR RENO OBJECTED as an improper subject of inquiry.

Without clearing the court, the objection of Major Reno was sustained.

Q. You have testified that the command traveled 107 miles from June 22d up to the time you reached the point "A" on the map. Now state how much more than that, if any, your horse had traveled during the same time.

A. I don't think I had ridden more than 8 or 10 miles more than the command.

Q. How was your horse supplied with grain, as compared with the horses of the command?

A. I don't know how the horses of the command were fed. I had a little grain to start with and fed it sparingly to make it last.

QUESTIONS BY MAJOR RENO.

Q. What was the character of the country at the base of the mountain to the top of which Gen. Custer went and saw the Indians?

A. On the side we went up was a little ravine with timber in it, and part of the way up there was a spring.

Q. What was the character of the country over which the command moved from the point where Gen. Custer left it that time, to the point of his return to the command?

A. Smooth and level, a little rising.

Q. What was the character of the country on the other side of that?

A. That I could not say.

Q. Was it hilly or not?

A. I think on the right it was not hilly: on the left it was mountainous.

Q. Was it necessary to go to the top of the mountain to obtain a view of the Indian encampment or village?

A. That was the intention and object.

Q. What was the height of that mountain above the route traveled by the command?

A. I should say several hundred feet.

Q. Did that mountain top command a good view of the Indians?

A. We had a good view of the Indians and ponies: we could not distinguish one from the other. We saw a large black mass.

Q. Where was the next point after that where you saw the Indians?

A. At this knoll near the lodge with the dead Indian in it.

Q. How far from the mountain top was it to that knoll?

A. I should say 11 miles or so.

Q. How many Indian Scouts crossed the ford and went into the engagement with Major Reno?

A. That I don't know.

Q. Those persons on the left after ponies, were they Indian Scouts?

A. Yes sir.

Q. You were with Reynolds at that time?

A. Yes sir.

QUESTIONS BY THE COURT

Q. About the point "B", you speak of having been over the ground over the left bank of the stream to get lodge poles. Are you certain there was no crossing there - that it would not be possible to make a crossing there?

A. I did not examine it on that side of the river. When we moved down with the command to bury the dead, I noticed a well beaten road led to it, and that the opposite bank was miry, and the bank was about 18 inches higher than the water. I found there had been no horses or animals across there. I knew it must be miry or the Indians themselves would use it.

Q. Do you think it had been used as a watering place from the right bank, with the Indian village on the left bank?

A. Yes sir.

Q. There was no possible way of getting out on the left bank?

A. I think not with animals.

The witness then retired.

LIEUT. CHAS. A. VARNUM, 7TH CAV. a witness called by the Recorder, being first duly sworn, to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

Q. State your name, rank, regiment, and where serving.

A. Charles A. Varnum, 1st Lieut. and Q. M. 7th Cavalry, serving at Fort A. Lincoln, D. T.

Q. On what duty were you on the 25th and 26th days of June, 1876, and with what command?

A. I was 2d Lieut. 7th Cavalry at that time, in command of a detachment of Indian Scouts, with the 7th Cav. under Gen. Custer in the vicinity of the Little Big Horn River, Montana Territory.

Q. Of what troops or companies did Gen. Custer's command consist on the morning of June 25, 1876?

A. It consisted of 12 companies of the 7th Cavalry, and the detachment of Indian Scouts which I commanded.

Q. Was Major M. A. Reno, 7th Cav. with that command?

A. He was, as second in command.

Q. Against what enemy if any was that command operating?

- A. Against the hostile Sioux Indians.
- Q. State whether or not the 12 companies of the 7th Cavalry were together on the morning of the 25th of June, 1876.
- A. They were.
- Q. At that time what were the indications if any, of the proximity of hostile Indians?
- A. I was not on the trail exactly on the morning of the 25th, but was detached, scouting. The indications were the statements of our Indians that they could see the village.
- Q. State if you know, into what battalions the command was divided on the 25th of June, and what officers were assigned to the command of those battalions.
- A. I was not present with the command when the division was made and do not know, except as appeared after.
- Q. State whether or not Major Reno had command of a separate battalion on the 25th of June.
- A. He had.
- Q. How many companies were in his battalion and what was its effective strength?
- A. I don't know what command was assigned to Major Reno. I only know what was under his command when I met him. He then had three companies with him. The number of men is a matter of opinion only. I think the companies averaged about 40 men each.
- Q. Do you know what orders were given by Gen. Custer or his adjutant to Major Reno on the 25th of June 1876 with reference to attacking or pursuing the hostile Indians?
- A. I did not hear any: I was not present.
- Q. Was there any separation of the command; and at what point did the separation of Maj. Reno's command from Gen. Custer's occur?
- A. The command of Maj. Reno was passing Gen. Custer and his staff at the time I reported to Gen. Custer. That was about a mile from where Major Reno afterwards crossed the Little Big Horn. I started on and fell in with the command as it went. I think one company of the battalion had crossed the river when I reached it.
- Q. Describe with as much particularity as you can the movements of the three companies of Major Reno's command, from the time it separated from Gen. Custer's column, to the time those companies came within sight of the Indian village or within sight of the Indians; and state what orders if any were given by Major Reno during that particular period of time.
- A. I do not know whether the Indians had been seen by Major Reno's command at the time it separated from Gen. Custer or not. I had seen the Indians in the bottom for an hour or more before the separation took place, as I was on the high bluffs. The three companies moved out in column of fours at a rapid gait. I rode at the flank at a rapid gait to overtake the head of the column, crossing the river as I have stated.
- Q. After separating from Gen. Custer's column, where did you last see it before crossing the river?
- A. I did not see it again after I left it. Probably I might have seen it, but I did not look for it.

- Q. When Major Reno's command went down to this ford, how far was it ahead of Gen. Custer's column at the time it reached the ford, judging by the gait both were going?
- A. When I left Gen. Custer he was at the head of his column moving at a walk. Major Reno pulled out at a trot. From what I have seen of the country since, Gen. Custer must have turned off, so that it is impossible for me to tell what was their relative positions. They may have been traveling in the same general direction or not, I don't know.
- Q. What time of day was it when the village was first seen by you, and how far was Major Reno's command from the village, and how far was Gen. Custer's column from it?
- A. I had seen the village before the commands separated.
- Q. Describe fully and clearly the location of the village when it was seen by you; the topography of the country around it in reference to the stream, the hills and mountains around it, as it appeared at the time or as subsequently ascertained by you.
- A. The village was situated along the left bank of the Little Big Horn, and owing to the lay of the land; that is, the bends of the stream, and the timber around on the left bank, it was impossible unless you got out on the plain to see much of the village. I could see some of the teepees, but it was impossible to see the whole extent of it; and never having been over the ground since where the village stood, I don't know the lay of the country there.
- Q. From the view you had of the village or of the Indians, what was your opinion at the time as to the size of the village; that is, the effective fighting force; and state to what extent those impressions were confirmed by events that transpired after.
- A. I don't think I ever made an estimate of the strength of the Indians till it was over. There were more Indians than I ever saw before. I had seen immense numbers of Indians from the top of the bluffs while out scouting, and knew there was a very large village there.
- Q. Begin at the right bank of the Little Big Horn, where Major Reno separated from Gen. Custer, and give a detailed description in narrative form, of the successive movements of Major Reno's column; the orders given by Maj. Reno or executed under his direction, stating every circumstance within your knowledge as to his conduct as the commander of troops up to and including the 26th of June 1876. In answer to this question, give a description of the ground passed over by Major Reno's command, the stream or streams crossed, the engagements had, and in short, every circumstance having any relation to the conduct of Major Reno or his command on the 25th and 26th days of June 1876.
- A. As I said before, I left the head of Gen. Custer's column to overtake the battalion that was passing us to get ahead of the troops themselves to scout again, and the head of the column soon after crossed a little tributary of the Little Big Horn. I was about the middle of the column as it passed there, and I was forced off the trail and didn't join the command until it was just crossing that ford. One company had got across the ford at the time I got across myself. There were eight or ten Indian scouts with me at the time, and as soon as the column passed I was joined by Lieut. Hare, who had been detailed to assist me in scouting. We started out fifty to seventy-five yards ahead of the command. The bottom opened out wider as we went down the stream. There was quite a large body of the Indians some little distance off, and they were running away from us and then running back, running back and forth across the prairie and toward us, and in every direction, apparently trying to kick up all the dust they could; and it was so covered with dust it was impossible to discover the number of Indians there. At times they were apparently running away from us and then halting and circling around and making a heavy dust. I noticed all of a sudden that they stopped and turned

backward; and I turned my head around and glanced back to see the cause, and I noticed the battalion deploying from column into line, and I supposed at the time that they supposed they were going to halt, and turned back on us at that time. The command then moved forward again in line and we rode on, I suppose, fifty yards in front of the line; and as we went down the bottom we worked out toward the bluffs, toward the left of Col. Reno's line. The Indians let us come closer and closer as we came down, and we could see about half way down to where the final halt was made; and we could see a number of Indian tepees, and as we worked out toward the left, we could see quite a number of tepees, and they evidently were circling amongst themselves; and when they got down opposite the village they didn't uncover the village much. We went on down possibly two miles, and the line halted and dismounted. I was not present and didn't hear any of the orders, and don't know what orders were given. When the line halted, I rode with Lieut. Hare, in toward the line; and the Indian scouts, as they generally fight in the Indian fashion, were gone I don't know where; and my old company that I belonged to was in the line, Capt. Moylan's, and I went back and reported to him and told him I should stop with his company during the fight. The line was then deployed perpendicularly to the general direction of the river, and the skirmish immediately commenced between the Indians and the troops. When I had been on the line ten or fifteen minutes, I heard somebody say that "G" company was going to charge a portion of the village down through the woods, or something to that effect. I heard some of the men calling out "G company is going to charge." I was on my horse and I rode down into the timber to go with the company that was going to charge the village. In the timber there is a little glade or opening, and I know in riding in onto this opening I could see the stream in one direction, so we must have been near the stream; and I could see the line of the opening in front, and I supposed there was a detached portion of the village on the other side of the stream, and that was where they were going. I heard no order. It was just a rumor that I followed, and I saw Col. Reno there. He was right with "G" company, evidently deploying it, or assisting to deploy it to go through the woods. The company was on the down stream side of the opening and I said: "I am going to charge!" or something like that, and I rode to where the colonel was, and the colonel asked me if I had just come from the line in front, and I told him I had, a few moments ago. In coming down there I was delayed by the narrow intricate paths in the first edge of the timber, getting through there with my horse, and he said: "I wish you would go back there, and see how things are going on, and come back and report to me." I turned back on my horse, and was riding across this opening when I met Lieut. Hodgson, and asked him if he had just come from the line, and he said he had; and I told him Maj. Reno wanted to know what was going on on the line, and if he would report to him, I would ride up and come down again a few moments afterward. I was with him a few minutes afterward. He thought his horse was shot, and he was anxious to know about it, and that delayed us a minute; then I went up on the line. I went up through the paths to where the line was. The line at that time appeared to have fallen back to the edge of the timber; that is, it was lying on the edge of the timber instead of being perpendicular to it. The command was lying in the timber, and I could not see all of the men. I saw Capt. Moylan the first when I got on to the edge of the line, and he called out - I don't know that he intended to speak to me - that the horses that we had dismounted from, were beyond the left flank of our line; that the Indians were circling into the timber toward his left flank, and would cut off our horses, and that all our extra ammunition was there, and that something must be done. I told him that I would bring them up, and I went back. In order to go down the line, I had to go down into the woods to this opening, and I rode down to the left of the line and called out for "A" company men to follow me with their horses; and then, I guess, the whole of the other companies followed me. I went up with my own company, and we came right in the rear of where Capt. Moylan was. This was about at the rear of his own line. I dismounted then, and went up on the line, and as I did so I heard Capt. Moylan call out that his men were out of ammunition, and he ordered that each alternate man should fall back from the line and get ammunition out of their saddle-bags and return to the line, so as to let the others go back and get ammunition from their saddle-bags. Then I got up to the right of the line and met Mr. Girard and Charley Reynolds, and stopped and talked with them I guess about a minute, or two or three minutes.

Then I heard from the woods cries of "Charge! charge! We are going to charge!" There was quite a confusion, - something about a charge down in the woods, and I jumped up and said: "What's that?", and started down into the woods and grabbed my horse. Everybody was mounted. I didn't hear any orders. I just understood the men calling that they were going to charge, and I grabbed my horse and mounted him, and this being in the bushes and the men mounting just outside of the bushes kept me in, and I couldn't get out until the men had passed. As soon as they passed so that I could get out, I got into the path myself and came out with the men. The head of the column was then about a couple of rods or something like that from the edge of the timber as I came out, and I let my horse have his head and pretty soon overtook the head of the column. I had a very fast horse. As I came up with the head of the column, it was probably about half-way from there to the ford at which we crossed soon after. I came up on the left-hand side of the column, and I didn't see any officer at the head - that is, as I came up, understand. I supposed there had been a charge started, and that the first men out of the woods had struck some Indians and wheeled and started for those, and the others might have followed them. I didn't know what was up, and I yelled to them first to stop, and my horse was plunging and I plunged by, and I saw Major Reno and Capt. Moylan. Not seeing the command at all on the left, I supposed they were not there; and then they went on from there to the river and crossed the stream. Immediately on the other bank of the stream is a very high bluff, that went up probably, I should judge, one-third of the way, as I remember it now, and I know that the horses were pretty well played out. They were all panting, and climbing that perfectly steep hill, they could hardly make it. I don't know exactly what did happen at that time at the head of the column, because my orderly that had been with me was very badly shot, and his horse was shot, and his horse fell with him there, and I stopped to pick up a loose horse and mount my orderly. The head of the column halted there, or there was a sort of a delay there, and somebody said they were going to move up on to the hill, and there was no use of stopping there; so we went up to the top of the hill. When we arrived on the top of the hill I found there were several men wounded there, and two or three of them were of my old company, the first sergeant and one or two others, and I stopped with them for two or three minutes, getting them off their horses. A few moments afterward a column of troops was in sight coming down the stream toward us, and we stopped there until they came up, which was probably ten or fifteen minutes. My statements in regard to time are more or less a guess. In ten or fifteen minutes, Col. Benteen came up with his command of three companies. At that time a great number of the men had been in the saddle I suppose for a long time, and they took their canteens and ran right down to the stream to get some water. I don't recollect seeing Col. Reno there. We were all about there. I don't remember him exactly until he came up from the river. He had been down to the river, and when he came up from the river he spoke about finding Lieut. Hodgson's body at the foot of the bluffs, and that his watch was gone, but that he had some remaining little trinkets that were on Lieut. Hodgson's body. At this time I don't think that Capt. McDougall's company with the packs was in sight. I may be mistaken about it, but I don't think he was, as I remember that Lieut. Hare started out soon afterward to go and hurry them up. We waited there then for five or ten minutes, when Col. Reno told me to take a detachment and go down and bury Lieut. Hodgson's body. There was nothing there to bury it with, and I told him I would have to wait until the packs came up. We remained there until the packs came up, about three-quarters of an hour afterward. I then got two spades from the packs and started with about six men to go down to the river and bury the bodies. About two-thirds of the way down I saw a lot of men coming out of the woods, and I stopped to see what was up.

There was a citizen and quite a number of soldiers who came from the woods dismounted and were climbing the bluffs, coming up out of the bottom. There was timber immediately in the rear of where the fight had occurred, down in the bottom. As I started with the men to bury the bodies, somebody, I think Lieut. Wallace, called to me that they wanted me to come back, and I then started immediately up the hill. I got up the hill, and it was very hard, slow work - it was bad lands there - and when I got up there most of the command had started on to move on down the stream along the bluffs, with the exception, I think, of Capt. Moylan's company, and possibly some

of the others. He had most of the wounded. I think they were all of his company, and the men that he had left when he got out of the bottom were hardly sufficient to carry them. There were very few men there belonging to A company after the fight, and they moved very slowly. I stayed with him some time, and think Capt. McDougall's company, B, sent a platoon to assist him in carrying the wounded. I started along with A company for a while, and as that was near the river, I started up ahead again. I had no command at all. About a mile and a half from there I joined Capt. Weir's company. That was on the far point of a long range of high bluffs which ran along the right bank of the Little Big Horn. I went on to where his company was dismounted and firing at Indians, who seemed to be coming from out on the prairie and turning back. It was quite long range, but there was a good many shots being fired at him, and he was firing away - a slow firing - a shot now and then at quite a little distance. All the Indians in the country seemed to be coming a little distance off, as fast as they could travel in that direction. Soon after this, we turned and gradually dropped back. I didn't see the troops leave that farther point, but I went back to Capt. Moylan and helped with the wounded a little while. I rode back slowly to the rear, and the troops gradually fell back to a point, I think a little farther up the stream than where we touched the bluffs. It was quite a slow movement, as one or two of the companies were dismounted. They got their horses and fell into line, and dropped back into the position that was selected, and on which we afterward fought.

The firing was kept up. The entire force seemed to have turned back against us, and we had to fight falling back dismounted to cover the retreat onto the position where we were located afterward. The firing was kept up as long as we could see, until night - a very heavy firing on us; and the men fortified as well as they could with tin cups and sabres (sic: an obvious error in transcription. Probably "spoons" was the word used. W.A.G.) and the next day we continued the fight nearly all day, and the day following was joined by Gen. Terry.

- Q. State if you know at what hour of the day Major Reno's command separated from Gen. Custer's column to go across the ford.
- A. Any statement I may make in regard to time would be a guess on my part. The last time I know anything about was 8 o'clock that morning. I was then on top of the mountain, having been sent there the night before. I have very little to base an opinion of time upon unless I connect it with some one else's statement. I have thought of it a great deal, and I think it must have been 2 o'clock. I base my opinion a good deal on other people's opinions, compared with my own as to time.
- Q. Can you locate the time with reference to any particular object: a knoll or teepee?
- A. The separation must have occurred soon after we passed a teepee which stood on a tributary of the Little Big Horn.
- Q. State if you can how long it was after the separation till Major Reno had effected a crossing of the river.
- A. Probably 10 or 15 minutes.
- Q. Had the whole command got over in that time?
- A. Yes sir, I think so - in 15 minutes.
- Q. State whether there was any delay at the crossing or in crossing: if so how much and for what purpose?
- A. I don't know about any delay. The water was quite deep there and the river was probably 25 or 30 feet wide; and in a column of troops getting across there is necessarily some delay; they can't keep closed up in the water. How much of a stoppage I can't say.

- Q. Did you notice that any of them stopped to water their horses, or anything of that kind?
- A. No sir, everything seemed to be moving rapidly.
- Q. State in what condition the men and horses were at that time as regards efficiency - whether the horses were comparatively fresh or entirely played out, or any fact about that matter and also about the men.
- A. I had not ridden with the column since the morning of the 24th: I had been in the hills all the time. As for myself I was completely exhausted, and nothing but the excitement of going into action kept me in the saddle at all.
- Q. State what had brought on the exhaustion in your case.
- A. It was riding 30 miles on the 24th, then being sent back 10 miles, making 50 miles, then I rode 20 miles more that night and did not get to the point I was sent to till 2 O'clock in the morning, and as soon as Gen. Custer came up with the command I was in the saddle again. I was almost constantly in the saddle from 5 O'clock on the morning of the 24th except a short time on the morning of the 25th.
- Q. State the relative distance you had traveled as compared with that of the command.
- A. They had traveled about the same distance I had except about 20 miles on the afternoon of the 24th, and the difference between going along on the trail and riding out in the hills.
- Q. How far was the crossing where Major Reno's command crossed the river and the nearest part of the Indian village, as you observed it at the time or after?
- A. I have always stated the distance to Major Reno's skirmish line was about two miles, as near as I could judge, and from there it was about 800 yards to where the nearest teepees were in a bend of the river. Then the main bulk of the village was below that. There must have been quite a solid lot of teepees in that bend.
- Q. Describe if you can, the route of advance of Major Reno's command from the crossing, as compared with the course of the stream, up to where the men were dismounted and deployed as skirmishers.
- A. They moved down the valley of the stream, following its general course; not a straight line but nearly a direct course. The river is very crooked.
- Q. After Major Reno's command crossed the river, how much time elapsed till they were halted and deployed as skirmishers?
- A. Fifteen or 20 minutes I should think; may be more or less.
- Q. At what gait did the command travel across the bottom from the crossing to where the men were deployed as skirmishers?
- A. I think at about a fast trot, I am not certain. I was moving ahead and did not notice that particularly. I was moving rapidly and they were close behind me.
- Q. Did Major Reno's command encounter any opposition going from the crossing to where it was halted?
- A. There was no absolute contact between his command and the Indians.
- Q. State as near as you can, in reference to the point of time established in your own mind, at what time of day it was the men were deployed as skirmishers.

- A. It must have been half past 2 o'clock. That is assuming my other statement is about correct.
- Q; What was the character of the ground from the right of Major Reno's command to the river at the time it was first deployed as skirmishers?
- A. The timber was very heavy along the edge of what is called the 2d bench with dense underbrush, and little paths made by animals through it; then rather an open glade with grass in places, then flows the river, with small trees down near the river. That is as I noticed it at the time.
- Q. About how far was it from the right of his line to the river?
- A. I could not see through and don't know. It may have been 100 yards.
- Q. State whether or not Major Reno charged the enemy when he was within engaging distance, or did he at any time give such order, and if so was it obeyed.
- A. I was not near enough to have heard the command if it was given, and can't say.
- Q. When the command was halted were the Indians firing on it?
- A. I believe a few shots had been fired before the command was deployed. There was a sort of engagement between the scouts and the Indians. I don't know who commenced the firing or where: I know there were some stray shots.
- Q. Was that immediately before the command deployed, or about that time?
- A. About that time.
- Q. There was no firing by Indians on the line at the time the command was halted and deployed?
- A. No sir, except those few shots, that I know of.
- Q. Where were those few shots?
- A. At the left toward the bluff. Lt. Hare I think fired a few shots.
- Q. Describe the nature of the ground in the immediate front of Major Reno's command when it was halted and deployed as skirmishers.
- A. It was open prairie. I learned after that there were ravines beyond, but as far as I saw then it was open, the same as the bottom we had passed over.
- Q. How long after Major Reno's command had been halted and deployed as skirmishers before any engagement began there - any firing of consequence?
- A. They commenced firing as soon as they got in shape, both from the troops and the Indians.
- Q. What advance, if any, was made by Maj. Reno's command after the engagement commenced?
- A. There was no advance made that I know of.
- Q. State as near as you can, the number of Indians that engaged Major Reno's command at that place, and whether during that engagement there was any increase or decrease in the number of Indians, and what movements if any were made by the Indians with reference to Major Reno's command at that place.
- A. It is almost impossible to estimate the strength of mounted Indians. There was a very large force there soon after the command was dismounted, and

there was a large force circling around us all the time, and passing around to the left and rear. I was on the line about 15 minutes and then went into the timber as I stated before. When I came out I was only on the line 3 or 4 minutes and I did not pay very much attention to it. There was very heavy firing going on on both sides: I was lying in the edge of the woods with Girard and Reynolds and was anxious to get a drink out of Girard's flask, and was paying more attention to that than to the Indians.

- Q. How far did the Indians seem to be away at that time?
- A. The heaviest force of Indians was toward the immediate right of the line as that covered the village. I think they were about 300 or 400 yards from the line, and then there were others here and there running around at long range.
- Q. About what number of Indians were in Major Reno's immediate front, firing on him when you were on the brow of the hill?
- A. I don't believe there were less than three or four hundred, and there may have been a great many more.
- Q. Before you left the line to go back into the woods as you have testified, how many Indians were engaging the line and at what distance from the line?
- A. The number actually firing I can't say. It was a very heavy fire coming from the Indians and up the valley, the whole valley seemed to be covered with them. How many Indians that dust covered it is impossible to estimate. That dust more or less covered the main force of the Indians. As a rule they fire from their horses and they were scampering around, pumping their Winchester rifles into us.
- Q. How far was the dust from you so as to obscure the Indians?
- A. The heavy dust was 800 or 1000 yards off.
- Q. State how long the engagement lasted there from its commencement there in the woods till Maj. Reno's command fell back or left the woods.
- A. I would estimate it at half an hour. That is a mere estimate.
- Q. Up to the time the command left, state if you know, how many of Major Reno's command had been killed or disabled.
- A. I know of the first sergeant of my company, and my orderly being shot. With the exception of those two, I don't know.
- Q. You were on the line before it went into the woods?
- A. Yes sir.
- Q. Did you see when there, any casualties?
- A. No sir.
- Q. Did you see any casualties on the line while on the brow of the hill?
- A. If there had been any I would not have known it, because if any of the men had been shot they would have dropped into the woods and I would not see it.
- Q. Did the first Sergt. get with the command up on the hill?
- A. Yes sir. He may have got his wound about the time he started out; at any rate he came in on his horse. Nor do I know when Strobe was shot.
- Q. State if you know what cause led to the retreat of that command from the timber at that time.
- A. I have stated all I know of the circumstances of their leaving. I don't know that I know anything beyond that.

- Q. State whether or not there are trumpet or bugle calls for cavalry for assembly, advance, retreat, charge etc.
- A. Yes sir.
- Q. Were any trumpet or bugle calls sounded from the time Major Reno's command left that skirmish line during the 25th and 26th of June?
- A. I do not recollect any bugle calls till the evening of the 26th.
- Q. If there had been any would you have heard them?
- A. Undoubtedly I should have heard them, but it is possible I might have heard them and not recollect it; but I don't think I heard any.
- Q. Then state if you know, in what way the order to charge or fall back or retreat, or whatever it was, was communicated to the command.
- A. I have no idea whatever. I was on the line and heard some of the men yelling "They are going to charge!" "They are going to charge!" or something like that; and I made for my horse and mounted him.
- Q. State whether you felt at that time that the command was in any especial or great danger, if so describe it.
- A. It was not a very safe place. I don't know exactly how you mean. I only know what I have stated: I don't know anything special. I might say that at the time that movement was made, a great many bullets had commenced to drop into the woods from the rear. I did not see any Indians there, and whether the bullets were from the bluffs above or from below I don't know. The bottom near the stream was heavy underbrush.
- Q. Were those shots high or low?
- A. Shots coming into the woods it is difficult to tell. I could hear the bullets chip the trees as they would strike, but from where they were coming I could not determine because there was a heavy fire in front.
- Q. Do you know whether or not any effort was made to ascertain where that fire from the rear came from?
- A. I don't know about that.
- Q. Do you know whether any attempt was made to dislodge them from that position?
- A. My first knowledge of any firing from that direction was just before we left.
- Q. State if you know whether either at the time that command left the woods or on its way to the crossing of the river, there was any point designated for the command to rally or retreat to, and if so state who designated it.
- A. I don't know of any.
- Q. How far was the point to which Major Reno's command retreated from the river, where he crossed it on the retreat?
- A. Probably about 400 yards in a straight line, up a steep hill.
- Q. How far was the crossing from where the command was stationed in the woods?
- A. About three fourths of a mile.
- Q. From the time the head of the column left the woods on that retreat or charge, about how long did it take the troops to reach that crossing?
- A. Assuming my estimate of the distance is correct, they were not more than six or eight minutes.

- Q. When the command left the woods, what number of Indians did you see in the immediate front of Major Reno's command while the command was going to the crossing?
- A. As I said before the heaviest force of Indians were covering their village. When we came out I was not at the head of the column, and have no idea how many Indians were in front. When I came out there were a good many Indians scampering along with their Winchester rifles across their saddles firing into the column. As I came down, there is a sharp bend in the river and there were a good many in there next to the river. I soon got to the head of the column, probably about half way to the crossing, and by the time I got there, the Indians in our front had run off.
- Q. When you started to go out of the timber how many Indians did you see to your left?
- A. Probably 15 or 20, maybe more. And on that point of land about half way from the skirmish line to the crossing, there were some clumps of bushes and there were Indians running around in there. I have understood since there were several bodies found near there.
- Q. Did the command make any halt on crossing the creek to succor the wounded or drive the Indians?
- A. There was no halt made till we were across the river.
- Q. Did the command on its retreat engage the Indians, or was the command engaged in firing at them?
- A. A great many of the men were using their revolvers.
- Q. Describe the manner of getting into the river.
- A. There was only one way to get in and that was to jump in. It was a straight bank. The other side was a little better, but my horse nearly threw me as he jumped up on the other side.
- Q. State if any of the men or horses fell back into the river there.
- A. I only know from hearsay.
- Q. How near to the river did the Indians pursue the command there?
- A. I can't say. When I got across, I started up a ridge to the left of the command and some of the men called to me to come back, and I came back. Evidently they saw Indians I did not see, because Dr. DeWolf started up that same ridge and was shot. When I got to the column I found my orderly, Strode, wounded; and I stopped to assist him, and did not notice what was behind.
- Q. State whether or not that crossing was covered during the retreat.
- A. Not that I know of. I know of no deployment to cover it. About the time the greater part of the command had crossed, there were but few shots around us, no heavy firing at all, except the instances I have related, and, I think there was another man killed there: a corporal of Co. "A" was killed there and another man near Dr. DeWolf.
- Q. Was that at the time of crossing or after?
- A. After we crossed: that firing must have come from the hill above us. I know Dr. DeWolf was shot from the hill above us.
- Q. There were Indians on the hill in the position you were going to?
- A. Yes sir.

Q. What is the formation for a charge of cavalry?

A. That depends on what you are going to charge. The battalion might have charged drawn up in line or drawn up in column of fours, depending on what the object of the charge is. If there was a charge to pass through a body of Indians I think in column of fours would be a good formation with the number of men at his disposal. That would give the men an opportunity to use their revolvers - they could not use their carbines.

With a large force of Indians in front, would that be a good formation to pass through them?

A. That would depend on the number of men: I would not like to string out a regiment in that way.

Q. How did the command go across the bottom on the retreat?

A. I think from what I saw it was started in a column of fours. But take a lot of horses many of which had not been drilled before, as ours were, and form a charge in column of fours, and by the time you go 100 yards the men will not all be in their places.

Q. Describe the gait at which Major Reno's command went across the bottom.

A. It was a good fast gallop. I don't think the head of the column was making as fast as it could. I was not long in getting to the head of the column, and I had to saw on my horse's mouth to keep him down to the gait they were traveling; but I had a good horse.

Q. Was your horse excited at the time?

A. If he got a chance to run he was generally excited.

Q. When you saw the command going across the bottom how did it impress you; as a flight, a retreat, or a charge?

A. When I started out of the woods I did not know what was up. I had heard talk of a charge. My impression at first was that they were going to charge somewhere; but seeing no officer as I got to the head of the column, I spoke to some of the men to know what was up, but just then I saw the commanding officer, and said no more.

Q. Give as careful a description as you can of the stream where Major Reno's command crossed it on the retreat, as to its width, depth of water, banks on either side, and as to its practicability as a crossing.

A. There were about $4\frac{1}{2}$ feet of water in the stream. The banks were probably 4 or 5 feet high; the stream was probably 20 feet wide. The time I passed over it with these troops was the only time I was at it, but that is my recollection now.

Q. From the time you joined the head of the command going to that crossing, were there any Indians between the command and the crossing?

A. I did not see any.

Q. Were there any immediately to the right or left?

A. There may have been to the right; I don't know. I did not see any to the left, after passing that point I have indicated.

Q. Were you in position to have seen them if they had been there?

A. If they were to the left, yes. If they had been to the right I might not have noticed them.

Q. If they had been within 100 yards of the right would you not have noticed them?

- A. I might not unless they had killed or wounded some one. I don't think they followed us to the river. That is they were not at the head of the column.
- Q. From the time the command reached that crossing on its retreat till it got on the hill, what was its condition : was it cool, calm and easily handled or otherwise?
- A. Everybody I saw was considerably excited. They were considerably excited when they went in, for that matter.
- Q. State as a matter of fact whether the command was in a condition to be handled; whether the men seemed to have any confidence or not.
- A. It is difficult for me to state anything about that, because for a long time before that I had not served with the command and knew but a few men even of my own company. I had been detached and absent a long time.
- Q. Was the command demoralized to any degree when it reached the top of the hill?
- A. It was demoralized to a certain degree. They had left a great many behind them. The organization was not as good as when it went in there. A great many men were gone from the organization.

Then at 2 o'clock P. M. the Court adjourned to meet at 11 o'clock A. M. tomorrow, Wednesday, Jany. 22, 1879.

NINTH DAY

Chicago, Illinois,
Wednesday, Jan. 22, 1879, 11 o'clock A. M.

The Court met pursuant to adjournment.

Present

All members of the Court, the Recorder, and Major Reno and his counsel.

The proceedings of the last session as far as written were read, corrected and approved.

THE EXAMINATION OF LIEUT. VARNUM BY THE RECORDER, WAS CONTINUED as follows:

- Q. Describe as near as you can, the point to which Major Reno's command retreated across the river, to the top of the hill. State its adaptability as a defensible position, before the arrival of Capt. Benteen's column.
- A. The position was immediately on top of the high bluffs, and must be pretty near the position on which we afterward fought. I can't state whether it was such as would have been within range of higher points or not. I think it was a very good defensible position.
- Q. How high was that point above the level of the water there?
- A. I judge about 100 feet high.
- Q. State how it occurred that the men were halted or rallied at that point - who stopped the men there?
- A. I don't know.
- Q. Were you there?
- A. Yes sir.
- Q. Were you there when the men were coming up the hill?

- A. I don't remember what time I got on top of the hill. I stopped on the side of the hill a while with the wounded man, and whether I got up with the head or the rear of the column, I don't recollect.
- Q. At the time you stopped on the side of the hill was there any halt of the command, or did it go past you?
- A. The command stopped there, and I am pretty certain it was Major Reno (who) said that place on the side hill was no place to form at, we had better go to the top of the hill. I was talking to Capt. Moylan, and I am not certain whether it was he or Major Reno said that.
- Q. State whether there was any point or place on the left bank of the stream which, in your opinion as an officer, could have been occupied by Major Reno's command for defense or attack. If so, describe that place or point with reference to the position which was occupied by his command where it engaged the Indians: whether it was the same place or some other place; this before the retreat began; and state fully the facts upon which your opinion on that matter is based, showing the practicability or impracticability of Major Reno's command remaining in or going to such place, either to defend himself against the Indians or to attack them.
- A. The position we were in in the timber was as good a place as any on the left bank of the stream, as far as I can judge now. I don't know much about the country up or down the stream from that. I don't know the size of that piece of timber, but it does not seem to me that he had men enough to cover the entire position which he would necessarily have to cover to keep the Indians out of it. It does not seem to me now that he had men enough to hold that entire piece of timber.
- Q. How did it seem to you at that time?
- A. As far as the front of the line was concerned, on the 2d bench, at the edge of the timber, it was an excellent position to lay and fight the Indians. I did not go to the rear, and what advantages the Indians would have in coming into the timber on our rear, or what precautions it would be necessary to take to keep them out, I could not judge without seeing it.
- Q. Was it a cut bank or a slope to the river on the same side Major Reno's command was?
- A. I don't know: I never was down to the river.
- Q. You said you could see through and see where the river seemed to wind around. Was that below or above or to the right of Major Reno's position?
- A. That was down stream from the open glade I spoke of.
- Q. State whether the river in that direction came around his right flank or in that direction?
- A. I don't know how far that bend makes, whether he could have run his line to the river or not.
- Q. Did the river come in the vicinity of the right of his line as far as you saw it?
- A. I only saw it diagonally to the right of Co. "G"; and whether it actually came to the right of Major Reno's position or not, I don't know. There was dense timber there and I was not down in it.
- Q. State whether that position in the timber threatened the village, and to what extent: and whether it would create a diversion and hold any number of Indians in his front.
- A. Any body of men placed near an Indian village like that is certainly threatening to the village. It certainly created a diversion to the extent of the number of Indians necessary to keep us in the woods. They were bound to have that number in front of us.

- Q. How many did they keep there as near as you can get at it?
- A. I think from what I saw, that the Indians were withdrawn from us very near the time we left the woods. I don't think there had been a great many withdrawn till we left. It seemed that whatever attack was made somewhere else, was made about the time we left the woods.
- Q. State whether it seemed as though the entire force of the village was there in your immediate front, confronting Major Reno's command, up to about this time you speak of.
- A. No sir, I don't think the entire force of the village was attacking us in the woods. I don't think the entire force of the Indians were ever attacking us, because after we got on the hill we could see parties of Indians a long way off.
- Q. I refer to the large mass of them.
- A. I judge the main fighting force of the village was against us there after we dismounted. How many I can't estimate.
- Q. State in your opinion as a military officer, when Maj. Reno's command had retreated from that place near the village as you have described, having the river between his command and the village, from the position thus taken he was in a condition or situation to threaten the village or make any diversion against the Indians in support of any other attacking column; and state your grounds for such opinion.
- A. As long as we remained at that position on the hill we were certainly in no position to threaten the village. We were out of range of it, and could certainly create no diversion while we were there.
- Q. Was the command in any condition to create any diversion at that time?
- A. No sir, it was not.
- Q. State where you last saw Gen. Custer's column or any part of it. Describe that as fully as you can, either by the map or otherwise.
- A. These bluffs on the map do not look right to me at all. At the time I saw the command I speak of, I did not know it was Gen. Custer's command or any part of it, inasmuch as I did not know what companies he had with him. But I saw, about the time Major Reno's command dismounted in the bottom, just as I joined it from the left and front, looking on the bluffs across the river to our right, I saw the gray horse company of the regiment moving down along those bluffs. As I know now the gray horse company was with his command, I know it was Gen. Custer's column.
- Q. Did you see anything more than that at that time?
- A. No sir.
- Q. How long did you look in that direction?
- A. I just looked up and saw it. We had plenty to do there and did not look any more.
- Q. Did it appear on the crest of the bluff?
- A. It was back from the actual edge of the bluffs. The head and the rear of the column were both behind the edge of the bluffs in a sort of hollow, and I just happened to catch sight of about the whole of the gray horse company.
- Q. State as near as you can, how far that place was from you; not as you judged then, but as you became satisfied afterwards.

- A. That is difficult to answer. I think they were a little farther down than where we struck the bluffs (when) we came up on them, and not quite so far down as the figure "2" in pencil on the map. They were probably three-fourths of a mile from where we were.
- Q. State at what gait that column was moving if you noticed.
- A. Gen. Custer generally rode a very fast walking horse that made nearly the whole column trot to keep up with him, and that is my impression of the gait they were moving at.
- Q. State as near as you can how long it was after you saw that gray horse company till Capt. Benteen joined Major Reno's command on the top of the hill.
- A. About an hour, I think.
- Q. Bearing in mind the location of the Indian village, and the course Gen. Custer's column was taking the last time you saw it; and connecting those facts with the time that had elapsed when Major Reno and Capt. Benteen united their forces on the hill, state your own belief, or the general belief, as to what point Gen. Custer had reached in reference to the Indian village or the point "B" on the map when Reno's and Benteen's columns united.
- A. Gen. Custer must have been in action before that time. I don't know where he would have been; but taking into consideration what I learned since, not what I thought at the time, he must have been engaged by that time.
- Q. State whether you examined the route or course Gen. Custer took when in the immediate vicinity of the village on the right bank of the river, and how near did his trail come to the point to which Major Reno retreated on the right bank of the stream. Describe Gen. Custer's route with reference to that point, with reference to the village, and state what developments came under your observation as to the fate of Gen. Custer's command.
- A. I can give very little information in answer to that question. We started on the 28th to go down and bury the dead; and in going down I was on a trail which I supposed was Gen. Custer's, and when we got to a high hill that had a pile (of) stones and Indian medicine bags and other things on it, I went there to see what they were, and rode off the trail and circled around and came back on the trail, I suppose near the point "B" on the map. That point was all cut up by pony tracks, and was evidently a watering place. I went in and watered my horse. Soon after that, I had gone out to a ravine and had seen 2 or 3 dead bodies, when I received orders from Major Reno to go on some bluffs well out from the river with the Indian Scouts as a look-out, while the men were deployed to bury the dead, and I remained there during the burial.
- Q. How far from the place where you watered your horse was it to where you found the dead bodies?
- A. I can't give any sort of an opinion. I just remember seeing one body and someone called out "here are some more"; and I was just starting to go there when Major Reno directed me to go on the hills as I have stated. It seems to me it must have been 800 or 1000 yards. That is an approximation on my part entirely.
- Q. How near to the river was it?
- A. I can't locate it any better by that than from the watering place.
- Q. State whether the trail which you supposed to be Gen. Custer's led down to the river.
- A. That I don't know. I left the trail some distance back, and when I came to that watering place, I did not come on the trail but over a bluff.

- Q. Where were the first evidences you found showing that Gen. Custer's command had engaged the Indians, and describe those evidences fully.
- A. The first evidences were the dead bodies I speak of.
- Q. Were there any evidences showing there had been a struggle there?
- A. No sir, only the few dead bodies along in those ravines.
- Q. How far was that place where you found the dead bodies from Major Reno's position on the hill, as near as you can tell.
- A. I judge about 2 miles.
- Q. Describe the elevation between Major Reno's position on the hill and the point where you found the dead bodies.
- A. There were points a little higher than the one where we were, especially pretty well down the river; and I think the general lay of the land, the whole surface of the ground, was higher than the position where we fought on the hill.
- Q. Does it get higher going down stream?
- A. Near where it is the highest it goes right down in a ravine to the river.
- Q. State whether you heard the sound of firing in the direction you had seen Gen. Custer's column marching, after Major Reno's command took position on the hill; if so describe the firing; its character and duration and to what command it pertained, and all you saw or heard with reference to it.
- A. About the time, or probably a few minutes after Capt. Benteen came up, I heard firing from a way down the stream, and spoke of it to Lieut. Wallace. I don't recollect any except that one time.
- Q. Describe your manner of speaking of it.
- A. I had borrowed a rifle of Lieut. Wallace and had fired a couple of shots at long range; and as I handed the rifle back to him I heard the firing and said "Jesus Christ! Wallace, hear that! and that!" Those were my words.
- Q. How long was that after Capt. Benteen's column came up?
- A. Very soon after.
- Q. Describe that firing.
- A. It was not like volley firing, but a heavy fire - a sort of crash, crash! I heard it only for a few minutes.
- Q. To what command did that fire pertain?
- A. It must have pertained to Gen. Custer's command at the other end of the Indian village. It was from that end of the village where Gen. Custer's body was afterwards found.
- Q. State whether that fire impressed you with anything in regard to Gen. Custer.
- A. I thought he was having a warm time down there - a very hot fire evidently.
- Q. Go back to the time when Gen. Custer's and Maj. Reno's commands separated, preparatory to Maj. Reno's advance, and state from the course the different columns had taken, as known by you then or afterwards, whether or not it was generally expected or believed when Major Reno's command first engaged the Indians, that any troops would join support or cooperate with him in his attack upon the Indian village? If so what troops were expected and what grounds existed, if any, for expecting it?

- A. I did not know anything about it. I saw a battalion going into the fight and I went in with it. I don't know what was expected by anybody.
- Q. You have testified about Gen. Custer's column going down the right bank of the river about the time the skirmish line was formed. You must have had some impression about it.
- A. I don't know what the expectation was on the part of others, but when I saw a command going on the bluffs, of course I saw some battalion was going to attack the lower end of the village, either from the bluffs or into the village; but how large that command was I did not know.
- Q. After Capt. Benteen's column had united with Major Reno's on top of the hill, who was the senior officer then present?
- A. Major Reno.
- Q. From the time Major Reno's command first got on the hill and took position there, describe particularly the character of the engagement, if any, that there ensued, as to the number of Indians engaged, the severity of the fighting, on the 25th of June, 1876.
- A. When we first came up there, there were quite a number of men firing, and I knew from the sound of the shots that there were some Indians around, but no large bodies that I know of.
- Q. What was the style of the firing?
- A. Just scattering shots here and there. If an Indian came within range he would be fired at.
- Q. What was the range of your guns?
- A. I don't know the range of a Springfield carbine, but I think they will shoot pretty accurate for 1500 yards.
- Q. Follow that matter down and state in regard to any fighting in that position.
- A. There was no other firing going on except what I have described.
- Q. Was there an attack on Major Reno's position on the hill that afternoon any time?
- A. Yes sir, as I described before. I went to the position of Capt. Wier's company at the far point of the ridge down stream. At that time his men were firing at pretty long range: - I should say 700 or 800 yards - at Indians here and there. At that time I could see all over the plain towards where I afterwards knew the Custer battlefield had been, and it was just covered with Indians in all directions, coming back towards us.
- Q. How much time had elapsed from the time Maj. Reno had got on the hill till that whole body of Indians you speak of were coming back near enough to begin firing?
- A. I should think about 2 hours.
- Q. From the time Major Reno first got up there till the Indians got around him and commenced a general engagement on his position, how long was it?
- A. Before the entire command on the hill was actually engaged, we had to fight our way back. They had dismounted a skirmish line to cover the retreat and the formation of the lines at the position where we made the stand.
- Q. From that time up to the time there became a general engagement, how long was it?

"The word "was" probably omitted in transcription.

- A. Capt. Godfrey's company and another company were fighting dismounted some time before; the whole command was actually engaged, and it is hard to get an estimate of the time. I should think from the time I was with Capt. Wier on that point, back to the time the position was taken on the hill and the line formed where we remained that night, was an hour and a half. That is taking in the time of the retreat, and formation of the line in position at the time of its deployment into line, and getting the packs in.
- Q. From the time you saw Capt. Wier on the far point to the time Major Reno first took position on the hill was how long?
- A. About 2 hours. I may be away out of the way in these estimates of time.
- Q. Where was Major Reno, what was he doing, and what orders did he give if any, from the time his command took position on the hill up to the close of the 25th of June 1876.
- A. I was not near enough to Major Reno to hear him give any orders. The only time I was in position to hear him give an order at all was when we were coming back from that far point I speak of; there was a halt and I heard him say he was going to select a position to make his fight a little farther on. We were moving up stream at the time. That is the only thing I can recollect.
- Q. Did you see him frequently during that time?
- A. I probably saw him, but I don't recollect.
- Q. Did he seem to be directing the movements of the men and exercising the functions of a commanding officer in a great degree?
- A. He was with the command and was evidently giving orders from his selecting a site for his position. I was not with any organization, but was riding around, and what orders he did give I did not hear and would not know about.
- Q. From the fact of your riding around would you not be more apt to see the commanding officer than if located at any particular point with his company?
- A. Yes sir, I suppose so.
- Q. State whether, after Major Reno's command had taken position on the hill; that is, after Capt. Benteen arrived, there was any solicitude or uneasiness on the part of that command or any part of it as to Gen. Custer's column; if so, state what it was.
- A. I suppose everybody felt as I did - wondering what had become of him or where he was. I don't know that there was any special worry: he had 5 companies with him. I don't think there was an idea or thought in the command that he was in the fix he was.
- Q. You testified to certain facts about Maj. Reno and his three companies in the timber; and yet, do I understand you there was no feeling of uneasiness in the command as to the movements of Gen. Custer? I want to get just exactly what the feeling was in the command, and how you felt at that time.
- A. There certainly was just that feeling with us. I was thinking: "Has he got in the same fix we are in? What has become of him? Has he been thrown off?" But the idea of the command being cut up and wiped out as it was, I didn't think of such a thing. I don't know as there was any such feeling as that. It was: "What in the world has become of him? Has he been corraled as we are? Has he been thrown off toward the mouth of the river where Gen. Terry's command is". I can't describe exactly what I felt. There was no feeling that he had been completely used up the way he was. I know I had no such feeling, because when Gen. Terry came up, I know the first thing that I and some of the others asked was: "Where is Custer? Do you know what has become of Custer?" My impression was that he had been thrown off so he would connect with Gen. Terry's command, he being on

the side of the village toward that command, I knowing that command was coming up; and when Gen. Terry's command came up, I saw cavalry down in the bottom, and I supposed that was Gen. Custer's command; that he had struck them and hurried them up.

Q. You described certain firing that you heard in that direction. How did that impress you?

A. Well, that he had got to the other end of the village, and struck this force of Indians that we had been fighting, and that he was having a siege of it, too.

Q. The absence of Indians in that interval of time after Maj. Reno left the woods, and the fact you have testified to of seeing on this plain, or the Custer battlefield, or whatever it was, these vast numbers of Indians coming up, did you reflect and put one thing with another, and see what inference you might draw from that?

A. As we were forming in that position on which we retreated, there was such heavy firing there - that is, we had to catch it so hot immediately afterward - that I don't believe, until after the formation of our lines, anybody gave much thought to it.

Q. Did the fact of your seeing these Indians leaving you and going in that direction before the command took that position impress you in any way?

A. Why, the idea of Custer being killed never struck me - it never entered my mind.

Q. What do you mean by "Custer?" Do you mean his command?

A. Yes, sir. I mean his command. Anything of that sort didn't seem to enter my mind at all; and, as much as I thought of it, I thought they had got rid of him now, and they were coming back for us. They first caught us and then him. They had thrown us back and now they had struck him and driven him off and were coming back to give us another dose. That was the idea that struck me.

Q. State, if you know, what was the object of that movement down the river after Col. Reno and Capt. Benteen had united their forces.

A. I supposed the object of it was to move in the direction of Gen. Custer; that is, knowing that his command had gone that way, that we were to go and unite with him.

Q. Do you know whether that was the object?

A. I don't know.

Q. Did you hear any orders given by Maj. Reno or anyone in regard to it, or did Maj. Reno say anything about it?

A. I didn't hear any orders from any person whatever.

Q. You simply supposed the command had gone down there to see what had become of Gen. Custer?

A. Yes, sir. I don't know of anything else that the movement could have taken that direction for.

Q. You went to Capt. Weir's command and started back from there with it?

A. I didn't start back with him. There was some other company moving near them. It seems to me that it was Capt. French's company that was there at the time Capt. Weir was there. I may be completely wrong about it, but it seems to me there was some company there. I rode along on the flank of that company, and then stopped with Capt. Moylan when I got back to his company.

- Q. State how far the column came with reference to this position of Capt. Weir's on that point.
- A. The entire command did not come up to where Capt. Weir was. There must have been another company there. I know there was another company there with Capt. Weir, and the others I don't think were dismounted at all. These two were dismounted and the others came up to very near there, and then the orders to go back or the movement started. Capt. Weir started to withdraw his company, I know; and then the remaining portion of the command turned their horses' heads around and went back as he withdrew his line. There was no deployment of the remainder of the line at that position that I know of now at all. They moved up, not in a solid column; each company was a little separate. Some of them might have been along side of each other, and when they came up to near that place - all the companies did not come to the point where Capt. Weir was. They may have gone up after I turned back, but I think not; and then they turned and went back.
- Q. State what you saw at the time, or which subsequently came to your knowledge, whether the same Indians that engaged Major Reno in the bottom on that day, also engaged General Custer's command or vice versa; and what were the evidences that such was the case?
- A. They turned from us and went somewhere else. They went back to the other end of the village, and, as General Custer was at the other end of the village and had the fight there, the probability is they were in that fight. I have no doubt of it myself, but that is only my supposition.
- Q. From the time Major Reno took his position on the hill until dark on the 25th of June, state whether it was clear or cloudy or calm or windy; if windy, state in what degree and in what direction the wind was blowing with reference to the Custer battlefield, and position of Major Reno on the hill.
- A. There was certainly no heavy wind blowing. I don't recollect any. If there had been a heavy wind I would have remembered it; but I think it was a little bit cloudy. It was a little cloudy and I think it sprinkled a little that night - just damp.
- Q. State as far as you know what orders or instructions were given on the night of the 25th of June by Major Reno, describing fully the conduct of that officer as commander of the troops, as far as it came under your observation or notice.
- A. The line was first formed. I laid right down on the line with the men while the firing was going on and until it ceased; and as soon as it ceased I was asleep or in a very few minutes afterwards. I was exhausted and soon fell asleep and I didn't know anything until the bullets commenced to fly around the next morning, and then I got up. I was lying on a little knoll when the morning came, and it was rather exposed; and I started over to Capt. French's line, and I laid down in the trench with him. The men had been fortifying during the night, and that was the first sight I had of how they had been throwing up their fortifications, or rather digging out the little holes they did; and that was the first time I noticed exactly where Major Reno was. He was down on Capt. Weir's line to the right. I think there were one or two companies intervening between where he was and where Capt. French's company was. I presume most of that day I laid with Capt. French, or for some little time, there in that hole. I think we were there two or three hours anyway. In fact the Indians were firing very rapidly at us, and we just laid still and made no reply to them whatever - just let them shoot - until they would stop to make a rush on us, and then we would get up and open on them and they would go back; and that thing alternated for a long time. About 9 or 10 o'clock I first went to Capt. Moylan's line - on that day I did go to Colonel Reno. I endeavored to get some scouts to try and get outside of the lines with a dispatch, and I finally got two or three Crows to say they would go if the Rees would go; and I went over to see Colonel Reno to get a note, and I think he wrote four copies of the note, and I tried to send it out with the scouts. That was probably on the afternoon of the 26th. The note was not taken out. The Indian scouts did not get through the lines at all. I don't think they made any attempt to, at all.

Q. Did the Indians charge your position on the hill?

A. I don't know exactly how to describe the movement. They would lie behind a ridge from two hundred to four hundred or five hundred yards off - as the hills lay around us. There was one place where I don't think they were one hundred yards off - 75 or 100. We had to charge on them ourselves, and drive them out of there, and clear around the line it varied to 500 yards. They would lie just behind the ridge and it would be just one line of smoke around the whole line. We would just lie still and let them go on, and when they would suppose they had hurt us, they would get ready and try it on again. They would come up and charge us. They would sit back on their horses and ride up and we would pour it into them, and they would fall back. That was kept up all day long.

Q. By whose orders did you charge to get the Indians out of their positions?

A. I don't know anything about that. Capt. Benteen had come over and was speaking about his line; about having extended his line over further, and he said he had to charge to drive them from the other end of his knoll, or something like that, and he said "That cuss up there," or something like that, "is shooting right into you. We want to skip them out." And everybody says: "Is it a go?" "Its a go", and everybody got up and made a rush.

Q. Who led the charge? who said it was a go?

A. Almost everybody; we were lying on the line, and he said that about this particular Indian on the point of this knob - some such remark. I don't know that there was any special remark, but it was, "Is it a go", or some such remark, and then everybody got up and it was a rush; it was not a charge. We ran to this point. We probably went up 15 or 20 yards, and everybody scattered out of there. We could see the whole outfit skipping out to the hills beyond.

Q. Describe the condition of Major Reno's command on the night of the 25th, and state the causes, if any, you can give for the condition of the command in regard to the number of wounded and other matters, showing in what shape and condition the troops were?

A. I don't know how many wounded we had that night. I didn't go down to where Dr. Porter was with the hospital until sometime on the 26th. There may have been 20, but I don't know how many exactly. The horses and the pack animals were all corralled in a circle, all in together, by tying the reins of about a dozen horses together, and tying them to the legs of the dead horses. They were put in a corral. The corral was covered by Capt. Moylan's company behind the pack saddles; and on his left was Colonel Weir's company and I think Capt. Godfrey's company, and Capt. French's company and Lieut. Wallace's company and Capt. McDougal's; that is, commencing about the centre of the line, and that took it around to the left, until Capt. McDougal's left rested on the river. On the up-stream side is a little knoll that is higher than the ground where most of us lay, and on that ground Capt. Benteen got his company in line. I don't think the command was in a condition to do any very hard work, more than they were forced to do under the circumstances, and probably the majority of them slept that night.

Q. Now in regard to the courage of the command?

A. I think there was plenty of that with the officers and the troops and everybody. There didn't seem to be any signs of fear or anything of that sort.

Q. State whether or not Capt. Benteen's column could have united with Maj. Reno's command in that timbered place you spoke of?

A. It depends on one thing. From where I saw Capt. Benteen's command, if he had crossed the ford to come up, I don't know how to locate the time he had to come if he had come up. At the time we left the timber the Indians turned from us. Now, if we had remained there, and Col. Benteen had

started to come in there, what force they would have put against him is a problem, and the Indians are the only ones that know anything about that. When Capt. Benteen came up, he came to us coming down the stream on the right hand bank. From what I understand of the direction in which he came, he would not have come in that direction; he would have joined us probably by that trail on which Col. Reno went into the woods. I suppose, of course, that not only the firing, but when he was coming up there with the Indians, would have attracted him and he would come in there, unless he had different orders. Whether the Indians would have force enough to have attacked him as soon as they saw him coming, and attacked him on the bottom, and prevented him from uniting with us, is a question I cannot answer. If they had sent enough down there, they might have sent him in the timber and have prevented him from uniting with us. As the facts were, he certainly could have crossed the river and joined Maj. Reno, because the Indians turned and went the other way.

- Q. Now, in the event that Major Reno had been thus strengthened and reinforced and in that timber, state whether his position would have been more advantageous and threatening to the Indians, than the position he did take on the hill, and whether or not such position in the timber would have contributed in any way to a junction of his command with that of Gen. Custer, or contributed in any way to the safety of the command?
- A. If Col. Benteen had joined Col. Reno in the bottom I suppose you would have taken any troops behind, those of Capt. McDougall, - they, of course, would have united in the bottom, - they, of course, could have held the woods for some little time. By putting their forces into the bottom they would certainly have held the bottom for some time, especially as they had the pack train with the ammunition. I mean the position we went out of in the timber. Of course the presence of our troops as near as we were to the village, would necessarily have kept a force of Indians in our front to fight us; whilst we were there, they could not leave their village. That is almost within range of it, and it would have kept a force of Indians there; and as far as forming a junction with Gen. Custer in that direction is concerned, why, we would have had to have formed it by going through the village; either he coming to us or we going to him through the village. I don't believe either party could have gone through the village.
- Q. State about the timber down along that left bank below Col. Reno's position.
- A. I don't know much about the timber below where we were, because after we buried the dead I came back along this same bank through the timber and went right through the bluffs on the other side of the river. I just rode straight across the village, and I don't know the lay of the land there.
- Q. State whether you saw any evidences of any Indian camp being on the right bank of the Little Big Horn river, and if so, where?
- A. There had evidently been a village upon that tributary of the Little Big Horn, that we came down in going to the fight. There was an old tepee there and a piece of another tepee; and from the signs around there I should judge there had been a village there, but I don't know how old. I didn't stop to look at it. I should judge that tepee was about a mile from where Col. Reno crossed the river on his advance.
- Q. You saw Col. Reno coming back from the river after he had taken that position on the hill?
- A. Yes, sir.
- Q. Was there any special danger in that trip to the river?
- A. Well, there was some scattering Indians on the bottom, but no large force there.

- Q. When Maj. Reno's command halted and deployed as skirmishers, state whether the Indians were halted or advancing, or running away from the command at that time?
- A. They were evidently attempting to create the impression that they were running away at any rate; and we could see them in among the dust. You could see them not only riding away, but riding back and forth across the valley and mixing up among themselves, and kicking up a dust. I could see the dust receding from in front of us.
- Q. Could you tell whether those were mounted Indians or whether they were ponies being driven?
- A. I could not tell.
- Q. State whether the Indians drove their ponies in any direction, when you got sight of the Indians on the morning of the 25th?
- A. When I first saw the Indian ponies I was away back from the river, five or six miles or more than that from Maj. Reno's crossing. I saw them from the high bluffs over there; at that time they were driving the ponies into the village evidently getting the horses to saddle up. The next time I saw the pony-herd was on the 26th. I think I must have seen it on the 25th from the bluffs above, but I don't recollect it. At the time Maj. Reno's command left the woods, the bulk of the hostile Indians were about five hundred yards from the command. There were several hundred Indians near the village. The largest body of the Indians were nearest the village.
- Q. State how many Indians you saw on the bottom, when you left the woods to overtake the troops going out, in the vicinity of the route Maj. Reno took on his retreat: I mean within range, say one thousand yards.
- A. I should think in the timber, next to the side I was - that is, next to the river - there were probably twenty-five or thirty Indians; that includes those that I saw on the point or the bend there; and from what I could judge, there were about one hundred or one hundred and fifty on the other flank at different distances, scattered around riding around there.
- Q. State what was the conduct of Maj. Reno at the battle of the Little Big Horn in regard to courage and energy and efficiency; whether such as would inspire his men with confidence or the reverse; and state any facts and circumstances in support of your opinion of the conduct of that officer.
- A. I can hardly answer that question.
- Q. It will have to be answered unless objected to.
- A. I certainly have got nothing to say against him and nothing particular for him either one way or the other. That is the whole sum of my answer. What I saw of Col. Reno is what I have described and where I have seen it. I have told where I saw him and what he was doing. In the bottom I saw him with a gun in his hand going with a company of the 7th cavalry to charge the Indian village. He was deploying the line and forming it; and on the top of the hill I just saw exactly what I have said. Certainly there was no sign of cowardice or anything of that sort in his conduct, and nothing specially the other way. I didn't see anything special to say on either side.
- Q. That is your answer to the question then is it?
- A. Yes, sir, as near as I can answer it.
- Q. Were you impressed at the time in the same manner as you speak now?
- A. Yes, sir, that was my opinion then.

- Q. When was it, if at all, that the mass of the Indians in the bottom appeared to be moving up the bottom to meet Maj. Reno's command - before the skirmish line was formed - at the time or before?
- A. At the time the skirmish line was formed they kept a certain distance in front of us. When his command was deployed from column of fours into line, the body of the Indians seemed to turn back toward us. When we started on again they went on again. They kept a certain distance from us all the time, and when we finally halted and dismounted, they turned back again.
- Q. State whether you were in a position to see what was going on down the bottom, and describe that position?
- A. I was about fifty yards ahead of the column with Lieut. Hare and some of my scouts.
- Q. State whether or not the retreat from the timber was hasty, precipitate, disorganized; or the reverse?
- A. It was hasty so far as we were concerned, and the rear portion of the column was scattered. Probably the first half of the column was closed up. It was as close as a column of fours moving at a gallop will keep together.
- Q. Do you refer to the front or to the whole column?
- A. The rear part of the column was strung out to the rear. Take it as a whole, and go away back to the last that came out of the woods, I should think with reference to them, they were certainly disorganized - that is, the tail end of the column.
- Q. State whether or not you really knew at that time from the orders of any officer, what was going to be done - I mean at the time you left the skirmish line to catch your horse, when you heard those men speak of charging.
- A. I didn't know anything about what was going to happen, except that I heard the men hallooing about a charge down in the woods.
- Q. What had been the casualties, as far as you knew, or as far as you afterward ascertained, at the time that you left the skirmish line to get your horse, and before the men had time to mount?
- A. There was some man in "A" company that was left down in the woods that was killed before the command left. I heard people speaking about this man, but I don't remember who he was; I don't know where Sergt. Heyn and this man Strode were shot. One was shot through the knee. He was on his horse when I saw him, but whether he managed to get on the horse with a ball in his knee or not I don't know. That is all I know about the casualties. I don't know whether Strode and Heyn were shot in the timber or not. The movement from the timber on the retreat, I knew was a retreat to get out of there and to get on higher ground somewhere. When I got out on to the prairie, I was satisfied they were getting away from the Indians as fast as they could.
- Q. Was the command driven from the woods by the enemy? Did the enemy enter the woods before the command left it?
- A. I don't know whether there were any Indians in the woods or not at the time. I didn't see any in the woods at the time. When we first got a chance to talk about it, when we got on the hill, I heard there were Indians behind us in the woods. I heard some of the men say that. They must have meant the timber or bottom that we were in. When I went down to get the horses I had no trouble in getting them. There were no Indians in there where the horses were. Some of the men who had been left as horse-holders were probably firing. They would have been on the skirmish line, too. The line on the left of it was under the same hill that the

horses were. All I had to do was to ride down the skirmish line, to and beyond the left of the line. Capt. Moylan said the Indians were getting in on his left, and the horses were not covered by the skirmish line, and they would probably get in there. I did not see any Indians there when I went to the horses. I didn't see any horses being hit there.

- Q. What was your object in trying to overtake the head of the column when it was retreating? Why did you ride so rapidly to overtake the head of the column?
- A. I had no special object in mind in going to the head of the column at all. I was foot-loose to go where I liked, and there was the head of the column there, and it was retreating, and I had no more special object than to go where the head of the column was; and if there was anything to be done, to help do it; and I had to saw the mouth of my horse to keep him from going ahead of the column. At the head of the column I said something - "this won't do; this won't do. We have got to get into shape," - or something like that; I don't remember the words. My idea was, thinking that there was no officer there when I got up to the head of the column, to take command of the head of the column myself, and see that it was conducted by somebody. But just as I was saying it, I discovered Maj. Reno there himself, so that my supposition was entirely wrong of thinking there was no one there.
- Q. Before the advance had reached the summit of the hill on the retreat, state what efforts you or Maj. Reno made to check the retreat of the men, and what either of you did for that purpose.
- A. I have been told that I said something, but I can't recall it myself. I don't remember of saying a word. I stopped to get a horse for my orderly, and two or three men there helped me to put him on his horse, and I don't remember anything I did or anything anybody else did.
- Q. State what were the feelings of the command when it reached the summit of that hill, or in going up there; were the feelings those of triumph and courage and exultation, or those of despondency and demoralization? Was the condition that of a command that had been defeated, or that of a command that had made a successful charge?
- A. I can't speak for anyone else. I can only speak for myself.
- Q. Well, then, speak for yourself.
- A. I felt as though I had been pretty badly licked.

The Court then at 1:30 P.M. adjourned to meet at 11 A. M. to-morrow

Thursday, Jan'y. 23d, 1879.

TENTH DAY

Chicago, Illinois, Thursday, Jan'y. 23, 1879, 11 o'clock AM.

The Court met pursuant to adjournment.

Present

All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

THE EXAMINATION OF LIEUT. VARNUM BY MAJOR RENO was then entered upon as follows:

- Q. Please take the map and fix the point where the men were deployed on the skirmish line and its general direction.

- A. As this map does not appear to me to be correct, I can't fix it on the map. That square space being the opening in the timber, I should put the skirmish line about the center of that opening as shown on the map. The map may be correct and I may be wrong.
- Q. Does the line you have drawn with your pencil represent, according to your judgment, the angle of the line?
- A. Yes sir; it was about perpendicular to the general direction of the river.
- Q. Where were you in reference to the skirmish line at the time it was being deployed?
- A. Just as it was being deployed, I came right with the men as they were deploying.
- Q. Was that the time you saw the gray horse company on the other side of the river?
- A. Yes, sir.
- Q. How long, according to your judgment, did the line remain in the position in which it had been deployed?
- A. With reference to that I can only answer that when I came back from the opening in the timber to the skirmish line, the men in the immediate vicinity of where I struck the line were lying in the edge of the timber. I suppose the whole line had dropped back into the timber, but at what time that happened I don't know.
- Q. What length of time do you compute it to be?
- A. I can't tell.
- Q. Can you give a judgment of what length of time the men were on the skirmish line before being withdrawn into the timber?
- A. I have no idea. I must have been on the skirmish line myself from 10 to 15 minutes.
- Q. When you left the skirmish line were the men in the position in which they were deployed?
- A. They were.
- Q. After they had been withdrawn to the timber how long do you suppose they stayed there?
- A. That depends on when they fell back in the timber.
- Q. How long were they in the timber all together? Have you any estimate to give?
- A. It could not have been more than 10 or 15 minutes I think.
- Q. How long was it from the time the men were deployed in line till they left the timber on their way back to the river?
- A. I estimate that at about half an hour.
- Q. Did I understand you to say that a prolongation of the skirmish line across the river would strike the point where you saw the gray horse company?
- A. Yes sir, I think it was about that point.
- Q. Where do you fix that point on the map?

- A. I can't fix it on the map. Assuming that the position of Major Reno's command on the hill is correct, it was probably a quarter of a mile below that, or something like that.
- Q. Then according to your recollection of the country, a prolongation of Major Reno's skirmish line across the river would strike the bluffs about a quarter of a mile below where the stand was made on the night of the 25th.
- A. I don't pretend to lay down a rule and say the prolongation of the skirmish line would strike that particular spot where the column was; but as I rode in the rear of the skirmish line and looked up, there about in front of me was the gray horse company.
- Q. Did you not go rather on the right flank of Maj. Reno's command than in the rear of the skirmish line?
- A. That is what I say. As I came in from the left of the line and rode around in the rear, I looked up. There it was in my front, which would be about at the right flank of the line as it was deployed.
- Q. What was the character of the country on which you saw the gray horse company?
- A. It was up on the bluffs we afterwards retreated to and when we had our fight. It was rather rough. That is, the top was uneven and rolling. It was a high bluff.
- Q. Much higher than the point from which you saw it?
- A. Yes sir: I think the bluffs were 100 feet high.
- Q. That was the last view you had of that column or any part of it?
- A. That was the last view I ever had of it, and that was just a glance.
- Q. Major Reno deployed his skirmish line and they remained 10 or 15 minutes in position?
- A. Yes sir.
- Q. These men had dismounted at the time?
- A. Yes sir. I think they were just coming from their horses at the time I rode up.
- Q. Was that point at which the line was deployed visible from the point where the gray horse company was visible to you at the time you saw it?
- A. It must have been.
- Q. Did you tell Major Reno, while in the timber or at any time during the general engagement, about seeing the gray horse company?
- A. No sir.
- Q. Where was Major Reno in reference to yourself at that time?
- A. I don't know: he must have been on the line as the men were just deploying.
- Q. You spoke of seeing Major Reno with a gun in his hand; did any of the officers enter that fight with sabres or swords?
- A. Not that I know of. I almost know there was not a sabre in the command.
- Q. What was the gait you fixed at which the gray horse company was moving down the river?

- A. I think they were moving at a trot. That is an impression only; not a very fast trot.
- Q. What was the general appearance of the point "B" in the river, as to its being a ford or not?
- A. I should call that place a ford. I did not attempt to cross the river there, but I should call it a ford.
- Q. What do you estimate the distance from the point "B" and the place where you saw the gray horse company?
- A. I should put it at something less than 2 miles. All my testimony in relation to time and distance is very uncertain.
- Q. How long do you suppose it would take a command going at the rate that appeared to be going to go from the point where you saw it, to "B".
- A. Taking into consideration the uneven nature of the ground, it must have taken them 25 or 30 minutes, assuming that my distance is about correct.
- Q. Do you know whether the gray horse company was at the head, the middle or the rear of that column?
- A. I have no idea.
- Q. What was the character of the country between the point where the gray horse company was and the point "B", with reference to access or approach to the river, on the right bank?
- A. Some parts it must have been just about impossible to get down with a company of cavalry; and at other points you could go down quite well.
- Q. Would it not be as easy for a column of mounted men to go down the right bank to the river, as for any number of mounted men on the left bank to rise to those heights?
- A. Certainly it would be fully as easy to go down as to get up.
- Q. How long after you saw the gray horse company as you have stated, till Major Reno retreated from the timber?
- A. It must have been about half an hour.
- Q. Then according to your estimate of time, a sufficient period had elapsed between the time you saw the gray horse company and the time Major Reno left the timber, for that column to have reached the ford "B".
- A. Yes sir, just about.
- Q. In what way did the Indians leave Maj. Reno's command after he made the march across the river on his return; down towards the village or not?
- A. Down towards the village.
- Q. That was on the left side of the river, down towards "B"?
- A. Yes sir.
- Q. When did they leave Maj. Reno's command?
- A. I think the main force left about the time we left the woods.
- Q. Then according to your judgment, at the time Major Reno's command left the timber, Gen. Custer's column had about time enough to have reached the ford "B"?

- A. I think those would have been the relative positions of the two columns as near as I can judge.
- Q. What was the character of the country as to elevation, between the point where you saw the gray horse company and the point "B"; whether the point where you saw the gray horse company was as high as any point between that and "B".
- A. I hardly think it was. I can't be accurate.
- Q. I wish to ask your judgment. You saw the gray horse company at the point you have stated. The men of Major Reno's command were just being deployed or had been dismounted and deployed as a skirmish line. They remained there for 10 minutes. Do you suppose the column moving down the right bank of the stream could have seen Major Reno's command in any other position than on the skirmish line with dismounted men?
- A. I will answer that in this way: as this column of Gen. Custer's went down the stream, he may have been in a position to see us all the time we were going down the bottom; but at the time he passed the point I have described, we were certainly dismounting, and he must have known our position if he looked there. That was what we were doing.
- Q. Any stretch of country over which he passed for the next 10 or 15 minutes would still have been in view of Major Reno's skirmish line?
- A. The last I saw of the gray horse company, Gen. Custer was himself, if he rode at the head of the column as usual, in a position to see what we were doing.
- Q. Then, as far as you have any reason to believe, the last view the column on the right bank of the river had, Major Reno's command was doing what?
- A. Dismounting to go into the fight.
- Q. Was there any communication whatever to your knowledge between Maj. Reno and Gen. Custer after that time?
- A. Not that I know of. I don't believe there was.
- Q. Then as far as you know, Gen. Custer must have reached the point "B", if he attempted to cross there at all, with the belief that Major Reno was not charging, but standing there at bay before the Indians.
- A. Of course I can't say positively; it is a mere matter of opinion. The men of the gray horse company were certainly in position to see exactly what we were doing there. What part of the column the gray horse company was in I don't know, or how far ahead of the gray horse company Gen. Custer was, I don't know. But assuming he was right there, he must have seen our position and known exactly what we were doing.
- Q. Do you not suppose that Gen. Custer as a careful soldier, having an opportunity to see that command in the timber below there, would advise himself of just what it was doing and the position and condition it was in?
- A. I believe Gen. Custer must have been satisfied to proceed after seeing us there.
- Q. Have you any reason to think that Gen. Custer had any other knowledge of Major Reno than that he was standing there on his defense?
- A. If he saw us there, and I can't help thinking he did see us, that must have been the last information he had concerning us.
- Q. Were there any evidences of a determined effort - to cross to the village at "B"?

- A. I don't know anything about that. I did not watch the ground there at all. I came over the bluff at that point, and not on the trail.
- Q. As a military man, would not your attention have been attracted if there had been any evidences of a struggle on the part of Gen. Custer to cross to the village at the point "B"?
- A. Gen. Custer might have attempted to cross at "B" and have been driven back without leaving any particular signs except horse tracks; unless some one had been killed or wounded there, so that he would have dead bodies or dead horses there. I did not see any dead bodies or dead horses to indicate any struggle, though he may have gone in there.
- Q. There were men left dead in the timber where Major Reno made his stand?
- A. Yes sir.
- Q. Would there not have been men and horses left dead at "B" if there had been a desperate effort to cross?
- A. Yes sir, I think so.
- Q. How far from that ford did you find the first dead body?
- A. My opinion of that distance is the poorest opinion I give. I said 800 or 1000 yards, but it is a complete guess on my part.
- Q. It was away from the ford, was it?
- A. Yes sir.
- Q. And still farther down the river?
- A. Yes sir; it was after I left the ford.
- Q. It was not between the position Maj. Reno took when he came on the hill and the ford "B"?
- A. No sir.
- Q. Then you say, for about 30 minutes Major Reno remained in the timber and created a diversion on the part of the Indians.
- A. Yes sir.
- Q. According to your estimate of the number of Indians engaged on the 25th and 26th days of June, 1876, were there not enough in your opinion to have overcome both commands, even if each had been separately engaged at the same time?
- A. I would not like to take half the warriors and take the command we had with us and fight them.
- Q. You would not like to take the other half of the command and fight the balance of the warriors?
- A. No sir. I don't know how to express an opinion on that. From the estimates of other persons and of Indians and all I can pick up, I don't believe there were less than 4000 warriors in that fight.
- Q. Were there any evidences of an attempt on the part of the column under Gen. Custer to return from the point "B", back in the direction from which he came?
- A. I did not notice any evidences of that sort, and if there had been I would not have noticed them, as I rode away from the trail.

- Q. What was the character of the country from the point "B" in the direction of "D" and "E" as to elevation, in comparison with the position of Maj. Reno's command on the night of the 25th?
- A. I have no idea: I never was on either of these points, except to pass by where Gen. Custer's body was buried, when I came in from the bluffs.
- Q. Did you see the bodies before they were buried?
- A. I saw a great many bodies, but not to examine them.
- Q. Did the position of the bodies indicate that the command had been gathered together in a military position at any one point for resistance to the Indians?
- A. It is impossible for me to give an opinion on that. I was not enough over the field to know.
- Q. When the column under command of Maj. Reno prepared to retire from the bottom, you were with Girard and Reynolds?
- A. Yes sir.
- Q. They were unattached to any particular part of the command, were they not?
- A. Yes sir. The interpreter, as a rule, is supposed to be with the commanding officer.
- Q. Was he with him at that time?
- A. No sir. I wish to say that I had no orders to go with Major Reno's battalion at all; and I don't know what instructions Girard had, nor do I know how he came to be there.
- Q. You were with those two men, who were, as far as you know, unattached to any particular part of the command?
- A. Yes sir.
- Q. When the men were in the timber, were they not a small number of men to defend a position of that kind?
- A. I don't believe we had men enough to cover as large a line as it was necessary to cover in order to hold that timber. It does not seem so to me.
- Q. You have been asked several questions with reference to the ability of Maj. Reno's command to hold that timber, provided Capt. Benteen with his command had joined, and provided Capt. McDougall had come in with the pack train. Would not that in your judgment depend on the fact whether there had been any orders or directions to Maj. Reno and Capt. Benteen to unite their commands?
- A. It would depend entirely upon the fact whether they did or not; and whether they would or not would depend of course on the orders each one had, more or less. I don't know what orders either one had.
- Q. Was it reasonable for Maj. Reno to expect Capt. Benteen's command to unite with his on that side of the river unless he was apprised of the fact that Capt. Benteen had been ordered to do so? In other words, must he not know what Capt. Benteen was ordered to do before he could calculate on what he would do?
- A. I do not see how he could depend on Capt. Benteen's command or Capt. McDougall's. I don't know whether Maj. Reno knew or could have known what orders the other battalion commanders had. I do not know that he knew what the plan of the fight was; I did not.

- Q. If Maj. Reno was ignorant of the orders given to Capt. Benteen with his battalion, and to Capt. McDougall with the pack train, would he have been justified in holding that timber in the belief that they would come up and unite with him, provided he found or believed his own command was not sufficient to hold it?
- A. If he believed he was unable to hold that timber and saw no troops coming, I suppose he would use his own judgment about leaving there and going to some place he could hold better.
- Q. How long after retiring from the timber did Capt. Benteen unite with him?
- A. I would say 20 or 25 minutes.
- Q. How long after Capt. Benteen came up did the pack train come up, and did it come from the same direction that Capt. Benteen did, or a different one?
- A. It came from a different direction, and I estimate it three-quarters of an hour after, possibly more or less.
- Q. After the pack train joined the command, how long till the entire command moved down the river?
- A. After the pack train joined the command, I took the spades and started down the hill, and was gone possibly 20 or 25 minutes; and when I got back, the command was all moving except perhaps Capt. Moylan's company, which I am not certain about, as he was encumbered with wounded.
- Q. Where was Co. "D" under Capt. Wier at that time?
- A. I can't locate his company at that time. I know some company started forward about the time I went down the hill, but whether it was his or not I don't know.
- Q. What time do you fix it with reference to the time the pack train came up?
- A. It was just about the time the pack train came up.
- Q. How long did Major Reno remain on the hill before the column moved down the river?
- A. I guess it was about an hour and a half before the whole thing started.
- Q. Did you see the point at which Capt. Wier halted after he moved down the river?
- A. Yes sir, I was on that point.
- Q. Was it possible for the column to have got any farther in that direction, having reference to the number of Indians and their position?
- A. I can only speak in reference to the time I got there. Then the whole force of Indians seemed to be turning back against us. It is possible that we could have gone farther, but I doubt whether any one would have moved any farther at that time, because the Indians were all coming as fast as they could in our direction.
- Q. Was not the engagement a general one after the time Capt. Wier commenced to return with his company until dark that evening?
- A. No; not from the time he commenced to return. But we had to keep firing to keep the Indians at a distance, and it got warmer and warmer till we got back; and from that time on, it was a very heavy fire as long as we could see to shoot.
- Q. What do you fix as the time you reached the point where you made the stand that night?

- A. About half past 5 o'clock is as near as I can fix it.
- Q. When you heard the firing in the direction in which you afterwards found Gen. Custer, did you communicate that fact to Maj. Reno?
- A. No sir.
- Q. Was not Gen. Terry known to be advancing up the river with a considerable body of soldiers?
- A. I don't know whether it was generally known or not. I partly knew what Gen. Terry's intentions were, as I had heard him and Gen. Custer talking; and I had an idea Gen. Terry was on the Big Horn somewhere, but I don't know exactly how I knew it either.
- Q. Was it not a matter of belief throughout the command, as far as the officers were concerned, that Gen. Terry was coming up the river with a column of men?
- A. I don't know how much information there was among the officers.
- Q. Was there anything in the amount of firing you heard in the direction in which Gen. Custer's command was afterwards found, to indicate their destruction at that time?
- A. No sir. I had no idea the command had been destroyed.
- Q. Was it not the general belief that the command of Gen. Custer was as well able to take care of itself as that of Maj. Reno, as far as you knew the feeling?
- A. I can't recall any one speaking about it till the afternoon of the 26th.
- Q. Was it not a belief among the officers that he was as well able to take care of his command, as the command of Major Reno was to take care of itself?
- A. I have no idea what the officers thought about that.
- Q. Was it not the belief or opinion that he might have gone farther down the river in the direction in which Gen. Terry was expected to advance, and so unite with him?
- A. I certainly had an idea myself that he had been driven off in his attack on the other end of the village, and that he was either corralled, as we were, in the hills; or had got away towards Gen. Terry's command. The idea of their being all killed never struck me at all.
- Q. You spoke of an attempt on the part of Major Reno to send a letter to Gen. Terry.
- A. Yes sir, on the 26th.
- Q. Was that letter returned to him by the Indian Scouts?
- A. Yes sir.
- Q. Do you remember the substance of that letter? Major Reno stating to the court that the letter has been destroyed and he is unable now to produce it?
- A. It stated in effect that he had arrived at that point at such a time, described the location on the hill, that we had attacked the Indians: that he did not know the whereabouts of Gen. Custer; that he was holding the Indians in check, and asked for medical aid and assistance. That is about all I remember of the letter.

- Q. Did he speak of his ability to hold the position?
- A. My impression is it did say something to that effect. Yet, I don't feel certain of it.
- Q. Do you or not recollect he said something like this:-we are able to hold the position but we have a number of wounded and I would like you to send me some medical stores and supplies?
- A. I don't think it was exactly like that. I think it was we require medical aid and assistance, or something like that. There was something about holding the position, but I don't recollect how it was worded: it was to the effect that he was able to hold it.
- Q. Was it not, as far as you recollect, very much in substance like a letter he wrote on the 27th?
- A. I don't know anything about the letter he wrote on the 27th. I have been shown a letter that seems to have been written on the 27th. That one is in substance about the same as the one I saw, with the addition of occurrences which had happened after he wrote the first one.
- Q. There was no substantial difference as to his ability to remain where he was, and his ignorance of the whereabouts of General Custer?
- A. No sir. Those things were about the same in both letters.
- Q. That firing you heard was after Capt. Benteen came up?
- A. I think it was very soon after he came up.
- Q. Was the range of the Indians rifles greater or less than that of the soldiers carbines?
- A. I believe the longest range guns the Indians had were those they took from Gen. Custer's command, with one or two exceptions. There were one or two parties in particular had very long range guns.
- Q. Is the range of the Winchester rifle the same as the army carbine?
- A. No sir, I think it is much less.
- Q. What is the range of the Winchester rifle?
- A. I don't know exactly. I think the charge of powder is considerably less than that of the Springfield carbine.
- Q. The Indians in going to the river and across it to the right bank, would in all probability cross at "B"?
- A. I don't know; there were other fords close there.
- Q. Was not "B" the first ford they could cross?
- A. It is the lowest ford in the vicinity of the village.
- Q. Is there any ford between that and the point you crossed in the retreat from the bottom?
- A. I don't know. I don't believe there is because it is high bluffs, but I was never through there.

QUESTIONS BY THE RECORDER.

- Q. Refresh your memory, in hunting on the plains, and see if you can't get at the range of a Winchester rifle.

- A. The Winchester Arms Company has an arm very different from the old Winchester rifle. I don't think the Winchester will shoot accurately over 600 yards. With regard to the 1500 yards range of the carbine, I did not mean that it would shoot accurately that distance, but that it would throw a ball that far.
- Q. How far will a Springfield carbine shoot with reasonable accuracy?
- A. About 1000 yards.
- Q. State if you had been in Indian engagements before that?
- A. Yes sir.
- Q. Is it the habit of the plains Indians to charge an enemy posted in the timber? Would they be likely to do it?
- A. I don't believe they would be likely to come there mounted. But any place an Indian can cover himself he will take advantage of and crawl up on the line.
- Q. The troops were in the timber and had the cover as you have testified?
- A. Yes sir.
- Q. Did the Indians on the plain have cover?
- A. Not on the plain; but they had the advantage of timber above and below us on the stream.
- Q. In that particular timber they did not come that you saw?
- A. I saw no Indians in that particular timber I was in.
- Q. State whether the plains Indians are more likely to charge a retreating foe than one ready for the attack. What is the rule in regard to that in that country?
- A. I think that applies to the Indian and to the cavalry too - they would rather strike a man when he is retreating than when he is facing you. I had.
- Q. Did not the Indians strike Maj. Reno's column when it left the timber, and were not the greatest number of casualties occasioned in that way?
- A. I think a great number of casualties must have occurred in the timber just as we left, in the rear of the column. Certainly the greater number were killed and wounded in the retreat from the woods to the bluff, and about the ford. I don't know exactly where they were killed or how. Some must have been killed near the timber as we left, and some must have been left there. I am not certain.
- Q. State whether or not the Indians made a charge into Maj. Reno's column: into the rear or tail end of it as it left the woods on the retreat.
- A. They did not charge into it. They would ride some distance off on the flank - some 50 to 100 yards, with their rifles across the pommels of their saddles, and would sit there and work their rifles.
- Q. Not bringing them to the shoulder?
- A. No sir; let them lay across their saddles.
- Q. Did they follow the command in that way as it went down the bottom?
- A. A great many followed down, but as we neared the river, they commenced to draw off the other way.

- Q. State whether or not the movement of Major Reno's battalion from the woods to the hill was a demoralized rout.
- A. I do not consider the head of the column was in that condition. The rear I think was.
- Q. Do you still hold the opinion that in column of fours is a good formation in which to charge an enemy in front? Would that have been a good formation there at that time?
- A. In column of fours is a good formation in an attempt to pass through a column of Indians. The object of that movement was to take us outside of a body of Indians, and that was as good a formation as any. If it had been made in platoon it would have caused delay.
- Q. The formation depends on the rapidity with which you wished to move?
- A. Yes sir; and what the effect of the movement was to be.
- Q. Take those Indians between the command and the ford, and the command starting out in a column of fours, would it or not be likely to receive an enfilading fire, or a fire from the head of the column down?
- A. In fighting Indians I don't think it would. They would try to get on the flanks where they could use their guns as I have described. That is their style of fighting. I would make the formation close, and if the object was to break through a lot of Indians, I don't know but it would be a good way to go.
- Q. Was that done?
- A. The rear of the column was certainly not closed up.
- Q. Where did you expect to find the commanding officer on the retreat?
- A. At the head of the column.
- Q. Was there any officer at the rear of the column, as it came out of the woods seeing that the men all got out?
- A. There were officers back there: I don't know what they were doing. I think Lt. Hodgson, Lt. Wallace, Capt. French and Lt. McIntosh were all behind me.
- Q. Was the column in front going?
- A. Yes sir.
- Q. At the point where you came out of the woods, how was the column scattered or formed?
- A. I could not get out as long as it was closed up solid, because that forced me into the woods, but as soon as there was a break in the column, I got out.
- Q. When you got out there were still men behind you?
- A. Yes sir.
- Q. Were there any wounded men left in the woods?
- A. I don't know whether there were or not. There were men left there, and when we saw them they were dead.

- Q. Is it reasonable to suppose that every man you saw was shot dead in the first instance, or wounded?
- A. I don't know about that. I think if a man was disabled so he could not get on his horse he was left where he was.
- Q. Then what would be liable to become of him?
- A. He would be liable to be killed at once.
- Q. How many were killed or left in the woods?
- A. I don't know. Some were on the plain and some in the woods.
- Q. From the place where the skirmish line was formed, was any charge made towards the Indian village by Maj. Reno's command, or was any such order given by him?
- A. No sir, no charge out on the plain. The only charge I know anything about was the movement Major Reno stated to make with Co. "G" through the woods, which I understood was towards a part of the Indian village.
- Q. Within what limits have you heard the force of Indians there placed?
- A. I don't think I have heard it placed at less than 2500, and as high as 12,000 warriors.
- Q. From your knowledge of Indians state what would be the population of a village containing 4000 warriors.
- A. About 15,000 if they all had their families with them. I don't believe they all had their families. I saw a great many wickiups, which probably contained bucks only.
- Q. Were any of those wickiups alongside of the lodges?
- A. I did not go over the ground enough to see how they were. At the lower end of the village a great many were left standing.
- Q. Have you ever seen wickiups alongside of lodges, put there for a special purpose?
- A. Yes sir, for bath houses, I suppose you refer to.
- Q. Are they not there for other purposes - for the women to occupy occasionally?
- A. I don't know. The only use I know of their making of them is for their sweat baths.
- Q. About how many ponies would it take to move a village of 15,000 Indians with all the plunder the Indians have?
- A. I don't know how to estimate that. It would take a great many, and there was an immense herd of ponies there. If there were that number of Indians, it would require about 20,000 ponies.
- Q. What was the size of the moving village - if you saw it?
- A. I did not see it. I wish to say in regard to the number of ponies, that when I was on the bluffs the night before, my Indian scouts said there were more ponies than they ever saw together before - that they looked like an immense buffalo herd. I could not see them at all. They told me to look for worms on the ground, but still I could not see the ponies; but they described them as the largest pony herd they had ever seen.

Q. What became of your Indian Scouts?

A. I think they started for Powder River. I found them there afterwards.

Q. When a fight is going on, and an officer in charge of a column has no orders to remain away or at a certain position, and he hears the sound of firing, what is it his duty to do always?

A. I suppose he would take his command and go there to find out what was going on and help, or send and find out what the matter was.

Q. Was not Capt. Benteen's column doing that, if you know, when Major Reno's column got up on the hill?

A. A few minutes after we got on the hill I saw a column of cavalry coming down stream towards us. I don't know where it had been before, or what it had been doing.

Q. In the event that 1000 Indians had followed Maj. Reno's column, and had closed up on it at the river when the men were going across and trying to get on the hill, what would have been the result as far as that command was concerned?

A. I don't think it would ever have got on the hill. I think it would have stopped at the creek.

QUESTIONS BY MAJOR RENO.

Q. You are a soldier; and I presume you remember the soldierly performance of Gen. Forsythe on the Republican River in 1869?

A. Yes sir.

Q. Were the Indians charging upon the troops at that time, and after Gen. Forsythe had been in the timber one day?

A. I was not there, but that is what I understand was the nature of the fight there. I don't know the nature of their charge on the troops. I imagine the charge of the Indians is not the same as of the cavalry. I think I understand what is meant by a charge there.

Q. Does not the method of Indian warfare depend on the number of Indians, and the number of troops against whom they are engaged?

A. Yes sir.

Q. Are not their tactics modified by circumstances?

A. Yes sir; every Indian fights for himself, and each one has his own way of doing it.

Q. And that way depends on their numbers and the number of their enemy?

A. Yes sir.

Q. Was that or not a proper formation for Maj. Reno's column in going to a narrow ford in retreating from the timber to the top of the hill beyond, having in view the distance?

A. I don't know that it would make any difference whether the ford was narrow or wide as far as the formation was concerned. In a movement of that sort, the line has to be kept well closed up all the time, and if there is any delay in crossing the ford, some disposition would have to be made to cover the delay.

Q. Was not that a proper formation of the command, to go to the point to which it was directed?

A. I think it was.

Q. Major Reno was at the head of the command?

A. Yes sir.

Q. BY THE RECORDER. Do you know whether the Indians got away with Gen. Forsythe there?

A. No, they did not.

Q. BY MAJOR RENO. Nor with Maj. Reno?

A. No sir.

The witness then retired.

DR. H. R. PORTER, A CITIZEN, A WITNESS CALLED BY THE RECORDER, and being duly sworn to testify the truth, the whole truth and nothing but the truth testified as follows:

QUESTIONS BY THE RECORDER.

Q. State your name, profession and residence.

A. My name is H. R. Porter. I am a physician and surgeon and reside in Bismarck, Dakota Territory.

Q. State whether or not you were connected with the government service on the 25th and 26th of June, 1876, in what capacity and with what command serving?

A. I was acting assistant surgeon under Gen. Custer.

Q. With what expedition were you serving at that time?

A. I was serving with Maj. Reno's battalion.

Q. State whether or not on the 25th of June, 1876, you heard any orders given by Gen. Custer to Maj. Reno, either in person or through his adjutant; if so by whom, when, and where, that day.

A. I heard his Adjutant give an order, I think about 1 o'clock. It was right near where they struck the first tepee, where the dead Indians were. The Adjutant came over, and told him the Indians were just ahead, and Gen. Custer directed him to charge them. He turned around, and asked the Adjutant if Gen. Custer was going to support him. He said Custer would support him. He asked him if the general was coming along, and he told him "yes," the General would support him.

Q. Did you hear any other orders from Gen. Custer, or his Adjutant, to Maj. Reno?

A. No, sir.

Q. On which side of the river did this occur?

A. That was before we crossed the Little Big Horn river. It was about a mile, or a mile and a half, from the crossing of the Little Big Horn.

Q. State what was done by Maj. Reno and his command on receipt of this order.

- A. He started on down to the crossing, right on a heavy trail, at a trot. Some of the horses, I guess, were galloping. We went on down to the river and crossed over and halted on the other side. Some of the horses were watered at the stream. I watered my horse there.
- Q. Did the command generally halt to water, or was the watering done passing through?
- A. I think it was done passing through.
- Q. State whether in connection with your duties as acting surgeon you carried any weapons?
- A. I did not.
- Q. Now in reference to the condition of your own horse, state whether or not you had been with the command and made its marches on that expedition?
- A. Yes, sir; I left the Yellowstone with the command. My horse was in good condition. I had hard work to hold him. The horses of the command I should consider in pretty good condition. They were high-spirited and wanted to run, some of them.
- Q. Where did you observe them high-spirited and wanting to run?
- A. After Maj. Reno received his order; and I observed it on the way to the woods too, going down stream.
- Q. What was Maj. Reno's demeanor and conduct on the advance? and any conversation you had with him?
- A. Going down into the bottom, he asked me if I didn't want his gun. He had a gun on the pommel of his saddle, or over his shoulder, I don't remember which. He asked me if I didn't want it, and I told him "no."
- Q. Do you know why he asked you that question?
- A. I think it was in his way. His horse was pretty fiery. He had a pretty fiery horse, and I think it bothered him to manage his horse and carry his gun too.
- Q. Describe the movements of the command as far as you observed them after crossing the river, down to the first place they made any halt.
- A. After we crossed the river, I heard Maj. Reno give the order: "Forward!" and they went on down to the woods, or a short distance from the woods. It was about two miles, or two and a quarter miles I should think, that we moved, and it was on a lope or a trot.
- Q. Did you see any hostile Indians while on the advance from the crossing down to the woods?
- A. I saw a few Indians. I saw a great many ponies. They seemed to be driving the ponies down the river. I didn't see many Indians.
- Q. Was there any opposition made to the advance by the Indians in going over that ground?
- A. No, sir.
- Q. Did the command go into action when it got down there? And describe that action.
- A. As soon as they got to the woods they dismounted and formed skirmish lines, and went into action then. I was then right there where I could see them. I was right behind the skirmish line, a little ways from the woods. When we got down near the woods the command dismounted, and the skirmish line

was formed, and the horses were led into the woods. I was looking around for my orderly, who had the bandages and medicines. I thought they would be needed, and I was down there watching the fight a few minutes; and then I led my horse down into the woods. I hadn't been there but a few minutes before the men came in on my right and on my left; and in a few minutes I heard that a man was shot, and I went and looked for him, and while I was looking for him I saw Maj. Reno on his horse, and I heard him tell someone that we had to get out of here; that we had got to charge the Indians. He rode out of the woods.

Q. Do you know of any other man than the one you have described being wounded?

A. No, sir; he was the only one I know of.

Q. When you saw Maj. Reno in the timber, where were you and what were you doing?

A. When I first saw him, I was looking for my orderly; and when I was looking for him I knew this man was shot, and then I attended to him.

Q. Describe all you can in regard to that command leaving that timber, and describe how you got out of there yourself and got to the command?

A. Just at the time I heard the major say we would have to get out of there, and we would have to charge them, he moved on out, and the men seemed to be coming from different directions. They had a good deal of trouble in finding their horses - the soldiers did - and as soon as they found their horses and mounted they went on out. I was there a few minutes with the wounded man and they were all leaving, and I led my horse - there is a straight bank up there four or five feet high - and when I got out, the men were all running and the Indians were running too, within a few yards of where I was. There were a few Indians between the command and me, and I went out expecting to find the command charging the Indians, but instead of that I found the Indians charging the command. They were all on the run. I got on my horse and let him go as fast as he could run, and I passed some Indians and I got to the edge of the river, and my horse jumped in and crossed over with the rest of them.

Q. Was that wounded man you spoke of taken out of the timber?

A. No, sir.

Q. State from what you saw, whether there were any Indians opposing the progress of the command to the river; I mean in its front, as if they intended cutting off the command from the river.

A. I couldn't see the head of the column. There was a good deal of dust, hallooing and confusion.

Q. Whom did you first notice of the officers on the bluffs to which the command retreated, exercising any command or authority and what was he doing?

A. I saw first Lieut. Varnum. He had his hat off, and he said: "For God's sake, men, don't run. There are a good many officers and men killed and wounded, and we have got to go back and get them."

Q. Where did you see Maj. Reno on the bluffs, and what passed between you?

A. I went up to the Major and said: "Major, the men were pretty well demoralized weren't they?" and he replied: "No, that was a charge, sir."

Q. State whether the command, when it got on the bluffs, was seemingly triumphant or demoralized?

A. They were demoralized.

- Q. Did the men and officers seem cheerful or the reverse?
- A. They seemed to think they had been whipped.
- Q. After seeing Maj. Reno there and having this conversation with him, what did you do?
- A. We were talking a few minutes; and it was but a few minutes before I saw some troops coming. In the meantime, after I got up there, there were seven or eight or ten men wounded that fell off their horses, and I paid attention to those; in a few moments I saw some troops coming, and the men gave a shout: "Here comes Custer."
- Q. Who was it?
- A. Col. Benteen and his battalion. Upon the arrival of Col. Benteen the command felt pretty good. They thought they were going to have some help.
- Q. When you were on the hill did you hear any firing? State in what direction it came from if you heard any.
- A. We hadn't been up there very long before I heard firing down the stream and a little to the left. I heard pretty sharp firing down there for a few minutes, and then scattering shots. I supposed it was Indians firing because they had driven us off the bottom.
- Q. Are you or not accustomed to hearing firing?
- A. I had been in several Indians fights before that. I had heard some firing, but not much. It sounded like heavy, sharp firing, and then there were scattering shots, and then it got less and less.
- Q. What were you doing at this time? What position were you in with your wounded?
- A. After Col. Benteen's command had joined Maj. Reno, they went further back up the river, and there was a little hollow where we had a hospital, and I remained there.
- Q. Did you see an advance of any company soon after Col. Benteen came up, and where did it go?
- A. I saw Capt. Weir going down stream. I don't know whether any other officer was with him or not. I think Lieut. Edgerly was with him.
- Q. How far down did you observe he went?
- A. I should think a quarter or a half a mile or something like that, or further, perhaps.
- Q. When you saw him go down had the pack-train come up?
- A. I think it came up about the time he was going back. That is my impression. I am pretty sure Capt. Weir left before the pack-train came up. I wouldn't swear to it, but I am pretty positive of it.
- Q. From the time Capt. Benteen came up, go on and describe what occurred until night.
- A. After we had got very nicely into position, and the pack-train came up, the Indians came back and fired into us pretty sharp - as sharp as it could be, pretty near all the afternoon, until about dark. I was in the place where we last had the hospital. I was not out or around much. I was attending to the wounded brought in there every little while. I had plenty to attend to; and the firing kept up until after dark and then it ceased.

- Q. State whether or not you saw Maj. Reno exercising any command during the action of the 25th of June, and state whether you were in a position to have seen him if he had been exercising command.
- A. I didn't see him after we got in position until night, and I was not in position to see him unless he came down to where I was.
- Q. Did you see him again at any time during the day?
- A. I saw him after dark.
- Q. What time was that?
- A. Somewhere between 9 and 10 o'clock.
- Q. What was he doing then?
- A. He was talking with some officer. I don't know who it was. I was passing by, and I recognized his voice.
- Q. How was it on the 26th with your wounded and in regard to casualties? Was the fire as severe as on the previous day?
- A. Yes, sir; about the same.
- Q. How long did it last?
- A. It lasted from daylight until some time in the afternoon; about 4 o'clock, I should think.
- Q. State whether any wounded were brought up out of the bottom or not, when crossing the river.
- A. I don't think any were brought up. There were some hit there and they hung on to their horses, and they were the ones that dropped off after they got up on to the hill. There were seven or eight of those.
- Q. You don't know whether they were hit on the other side of the river or coming up, or where?
- A. No sir, I don't know where they were hit. I know there were some wounded left in the bottom. I saw them there. I saw one.
- Q. State whether you saw Maj. Reno exercising the functions of a commanding officer on that day.
- A. I don't remember to have seen him at all that day until after the firing ceased.
- Q. State what officer you saw, if any, exercising or apparently exercising acts of command on the 25th and 26th of June. If such were the case state where.
- A. I saw Col. Benteen. He came down several times to where I was. He came down and ordered several men out that were skulking among the horses, and he came down and asked something about the wounded. On the afternoon of the next day I saw him two or three times. I remember to have seen him twice and he may have been there oftener.
- Q. Who did you think was in actual command, and why did you so think?
- A. I knew Maj. Reno was the ranking officer, but I thought that Col. Benteen was the actual commanding officer. That was my impression.
- Q. Why did you think that?

A. Because I saw more of him. He came down there and gave orders to those men.

Q. Had you that impression at that time?

A. Yes, sir, I had.

Q. State where it was that you last saw Gen. Custer's column or any portion of his column. I mean by his column the troops that were with him after Col. Reno pulled out and started ahead.

A. I didn't see him after Maj. Reno received this order. I just looked around to my right and saw Gen. Custer and his command, and we started right on, and I didn't look around after that to see him at all.

Q. When this order was given by the Adjutant did you notice anything in the demeanor of Maj. Reno, and state just what it was and how it impressed you at the time?

MAJOR RENO OBJECTED TO THE QUESTION unless the statement of the witness refers to some word or act of Major Reno's at the time.

THE RECORDER REPLIED that a Doctor often judges of a person's condition by his appearance, and I ask the question with that view.

THE COURT, WITHOUT BEING CLEARED, SUSTAINED THE OBJECTION of Major Reno.

Q. State how you knew the time of day Maj. Reno received his order.

A. I just guess at it - I did not look at my watch.

Q. From the time the command went ahead as you have testified, how long did it take to reach the crossing?

A. I judge 10 or 15 minutes.

Q. How long were they in crossing?

A. In crossing and forming, probably 5 or ten minutes more.

Q. After the command got across the river and formed as you have stated, how long did it take to get to the place it halted?

A. I judge 15 or 20 minutes.

Q. How far were the Indians away at the time the command was halted and deployed as skirmishers?

A. I judge they were 800 or 900 yards: it was pretty hard to reach them with the guns at the time.

Q. With reference to that particular time and place, when did the firing begin - was it before then, at that time, or immediately after?

A. I don't remember any firing until about the time the men were dismounting. A few shots were then fired; the Indians were riding back and forth and around and coming closer and closer and firing more rapidly.

Q. Were the Indians, advancing, halting, or retreating, when Maj. Reno's command halted, or what were they doing if you know?

A. They seemed to be riding back and forth. Probably they were coming closer but not perceptibly. They were riding back and forth in squads.

- Q. State what view you had if any of the village, and give an estimate of the number of lodges and what was the effective fighting force, as estimated by you at the time or what you saw after.
- A. I did not see the village at all till I went into the woods. There was a little opening there through which I saw the village. I thought there were about 1000 lodges maybe, more or less.
- Q. How far away was the bulk of the village and the nearest tepee?
- A. I judge the nearest tepee was a quarter of a mile, and the village extended down over a mile.
- Q. About how many Indians engaged or confronted Maj. Reno's command when it halted and deployed, and state your means of knowing.
- A. There might have been 50, and they kept coming up after he formed the skirmish line and I judge there were 75 or 100 Indians fighting him there. There were a good many down the river to all appearances, but I could not see how many.

The court then at 2 o'clock P. M. adjourned to meet at 11 o'clock A. M. tomorrow, Friday, Jan. 24, 1879.

ELEVENTH DAY

Chicago, Illinois, Friday, Jan. 24, 1879, 11 o'clock A.M.

The court met pursuant to adjournment.

Present

All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

THE EXAMINATION OF DR. PORTER WAS CONTINUED BY THE RECORDER, as follows:

- Q. Describe as near as you can the timber from which Major Reno's command retreated with respect to the river, the plain and the location of the hostile village.
- A. I did not notice it particularly. Where I went into the woods there was a kind of bend, with this cut bluff, and below there a pretty heavy undergrowth and some heavy cottonwood trees. At the right of them was a little opening, between there and the village where I first saw the village. That bottom came down almost level with a few wash-outs on the side between the river and the woods.
- Q. Do you mean where the trees were growing was on a level with the bottom?
- A. No, they are lower; there was a cut bank 3 or 4 feet high to the level.
- Q. How far was it to the river across there?
- A. The nearest point I think was several hundred yards. I did not see the river; I saw the bluffs beyond.
- Q. I mean the nearest point of the river from the right of the skirmish line.
- A. I think it was 500 yards; may be not over 200 or 300. I did not notice much.

- Q. From what you saw then or afterwards, give a description of that particular body of timber. That is, whether it was a separate bunch of timber, or was a continuous stretch of timber, or whether the timber dropped in and out at the bends, going from one side of the river to the other.
- A. I guess it dropped in and out; it was not continuous. There were some trees along the banks of the river above and below, and there were some places in the bends full of trees.
- Q. How was it where Maj. Reno's command was? Was it in a bend?
- A. It was a bend.
- Q. Was it full of trees, or sparse?
- A. In some places sparse; in some places full.
- Q. State if you can, how near Maj. Reno's command was at any time while in that timber, to this hostile village. I don't mean to the nearest teepee, but to the main village.
- A. I would say about a mile from the main village. It might be more, but that is my impression from the glance I got of it in the woods.
- Q. State whether there were any trumpet or bugle calls in Maj. Reno's command from the time it left Gen. Custer's column till it reached these woods.
- A. I heard none.
- Q. Were there any sounded there or upon leaving there?
- A. I heard none.
- Q. If there had been the usual bugle or trumpet calls sounded would you have heard them?
- A. Yes sir, I think I should.
- Q. State how you knew the command was leaving the woods.
- A. I heard Maj. Reno say "we have got to get out of here - we have got to charge them", and I saw him getting out of the timber in the direction we came in. The men were looking for their horses and mounting and I followed them out.
- Q. Was it immediately after you heard him say "we have to get out", or were there some time intervening?
- A. It was right at that time almost.
- Q. Up to that time how many men had been hit to your knowledge?
- A. Only one man that I know of.
- Q. Describe his wound; whether mortal or whether you had time to examine.
- A. I had just unbuttoned his blouse and saw that he was wounded in the left breast. He was able to talk.
- Q. Did you see him after that?
- A. No sir.
- Q. State as particularly as you can when you left the woods, what you saw in regard to the Indians and the troops. I want to get all the details that you took in at that glance as you came out of the woods.

- A. I led my horse out at the same place I went down, saw Indians running by, and saw the command running. I had pretty hard work to mount my horse, but finally got on him. There were some Indians between the command and myself, and quite a good many to the right, running and firing into the troops. I let my horse out and passed some Indians and quite a number of the men; got to the river, jumped in and crossed with the rest. When I got to the river I found that there were a dozen cavalymen in the river and some Indians on the right bank, mounted, firing at those crossing.
- Q. When you came out and saw that condition of affairs, did you see any officer there attempting to do anything to cover the retreat, or check the Indians from riding down the column? If so describe that effort.
- A. I saw nothing of the kind. I could not see the head of the column. I don't remember seeing an officer till I got across the river.
- Q. In what order was the rear of the column where you were?
- A. In no order at all. Every man seemed to be running on his own hook.
- Q. From the time the command halted and deployed as skirmishers in the woods, how long was it till it left the woods as you have described?
- A. I judge it was 15 or 20 minutes.
- Q. Might it have been longer or less?
- A. It might have been a little longer.
- Q. Within what limit would you put it with certainty?
- A. I could not fix any time. I am pretty positive it was not over 20 minutes. It did not seem to me to be over 5 or 10 minutes, but I put the limit at 20 minutes and yet I might be mistaken in that, as it might be longer.
- Q. How far was it from that woods to the crossing on that retreat?
- A. I should say between half a mile and a mile.
- Q. Do you know how long it took the command to reach that point after leaving the woods?
- A. I don't know how long the command was; I don't think it was over 4 or 5 minutes.
- Q. Give a description of that crossing as far as you observed it at the time or saw it after, as to the height of the banks on either side and the depth of the water, and describe how the command got over.
- A. The stream where I crossed was 40 or 50 feet wide. The water was almost up to a horse's back - it came to the saddle pockets. The bank on the side we ran from, was 4 or 5 feet high, a straight cut bank, and on the other side about the same. After some of the horses had gone down the bank and caved it in, it made a pretty good crossing. I crossed a little to the left, where it was a straight cut bank.
- Q. Describe what you saw of how the command got over: if any halt was made at the river.
- A. When I got there everybody was rushing in, trying to get across as fast as they could: the Indians were firing into them. Every man seemed to be looking out for himself, trying to get across as soon as possible.
- Q. State if you know how long it was from the time Major Reno's command left the command of Gen. Custer on the right bank of the stream where the order was given, till Major Reno's and Capt. Benteen's forces were united on the hill.

A. I would say about an hour.

Q. How long after their forces were united till the pack-train came in?

A. It might have been a half hour or an hour. I don't remember.

Q. State your opinion, if you have any, in respect to the conduct of Major Reno at that time: whether it was that of an officer manifesting courage, coolness, and efficiency, such as would tend to inspire his men with confidence and fearlessness, or the reverse. State your opinion fully, and the facts upon which it is based.

MAJOR RENO OBJECTED TO THIS QUESTION because this witness has not been shown to be competent to give an opinion on such a matter.

THE RECORDER REPLIED. His answer will be only a matter of opinion and will be entitled to such weight as the court gives it.

THEN, WITHOUT CLEARING THE COURT THE OBJECTION OF MAJOR RENO WAS OVER-
RULED.

A. I saw nothing in his conduct particularly heroic or particularly the reverse. I think he was some little embarrassed and flurried. The bullets were coming in pretty fast, and I think he did not know whether it was best to stay there or leave. That was my impression at the time.

QUESTIONS BY MAJOR RENO

Q. Where were you when Gen. Custer gave the order to Maj. Reno to cross the river?

A. When the order that I mentioned was received, I was at Major Reno's side.

Q. Where was Major Reno?

A. He was right in the vicinity of the teepee that had the dead Indians in it.

Q. Was he mounted or dismounted?

A. Mounted.

Q. Who was with him?

A. I don't remember.

Q. Was any person with him?

A. He was at the head of his command, and there were officers in his vicinity. I think Lieut. Hodgson was with him: I don't know.

Q. Was Lieut. Wallace there?

A. I don't know.

Q. Would you have seen him if he had been there?

A. I don't know.

Q. What did Maj. Reno say to the Adjutant after the order was delivered?

A. He asked if Gen. Custer was coming on - if he would support him.

Q. How close were you to Maj. Reno when he made that remark to the Adjutant?

A. Within hearing distance.

Q. How close was the Adjutant to Major Reno at that time?

A. Close enough to speak to him.

Q. How close were the officers that were with Major Reno to him?

A. I don't remember.

Q. Were they within hearing distance?

A. I don't remember any officers that were there. Lieut. Hodgson might have been there; I don't know; I don't remember.

Q. You don't remember that Lieut. Wallace was there?

A. No sir.

Q. What reply did the Adjutant make?

A. That the General would support him.

Q. Then what did the Adjutant do?

A. He rode back.

Q. What did Major Reno do?

A. Rode on to the crossing with his command.

Q. At what part of the column?

A. At the head of the column.

Q. Who was with him?

A. I was with him and Lieut. Hodgson was with him.

Q. Any one else?

A. I don't remember any one else.

Q. You were with him and did not see Lt. Wallace?

A. No sir.

Q. What distance did you ride from Maj. Reno at the head of the column?

A. Right along within speaking distance of him.

Q. If Lieut. Wallace had been with him during that mile ride would you have seen him?

A. I might or I might not. He might have been there and I saw him and not remember it.

Q. Where was Lieut. Hodgson?

A. Within speaking distance.

Q. On which side of Maj. Reno?

A. I don't know.

Q. Maj. Reno carried what kind of a gun?

A. I think it was a carbine, I am not sure.

Q. The same as the cavalrymen carried?

A. I don't know.

Q. Did it not resemble very much these that the cavalrymen carried?

A. I don't remember the gun particularly.

Q. Had he been carrying a gun on any other day than the 25th of June?

A. I don't know.

Q. Had you seen him before?

A. Yes sir, every day.

Q. You did not notice whether he had carried a gun before?

A. I don't remember whether he had carried a gun or not.

Q. Had he been carrying a gun, do you suppose he wanted to get rid of it just when it was going to be of some use?

A. I know he offered it to me.

Q. Where was that?

A. Between the river and the woods.

Q. After you crossed over?

A. Yes sir.

Q. Where do you fix it?

A. About half way down the line to the woods.

Q. Did you halt on either bank of the stream before you crossed it on going down to the timber?

A. I halted on the opposite bank a few minutes.

Q. Did you halt on the bank on the right side of the stream?

A. I don't remember whether I did or not. We might have halted a second or two and then crossed over.

Q. Where were you with respect to Maj. Reno when you swept around that knoll on the right bank of the stream?

A. I was close to him.

Q. How close?

A. Within speaking distance.

Q. What conversation did you hear between Maj. Reno and any one else in that vicinity?

A. I did not hear any.

Q. If there had been any would you have heard it?

A. I might have heard it and would not know what was going on.

Q. Did you notice any one speaking to him?

A. I don't remember.

Q. Mr. Girard says he spoke to Maj. Reno on that bank. Is that a fact?

A. I don't know. He might have been right with him and I might not notice him. At any rate I don't remember it now.

Q. Did you cross the stream with Maj. Reno?

A. At the same time.

Q. You halted on the other side in the timber?

A. Yes sir.

Q. What did Maj. Reno do if anything at that point?

A. Stopped and formed the command into line, charged on up through the valley. That is all I know of.

Q. How close were you to Maj. Reno during that time?

A. Within speaking distance of him.

Q. Was his horse standing still?

A. I don't know.

Q. Was Maj. Reno standing still or moving about?

A. Some times standing still and some times moving about.

Q. When he moved did you follow him?

A. I was with him up the valley - in his vicinity all the time.

Q. Did you see him send any man back in the direction he came from?

A. I don't remember that. He might have sent some man back and I not know it.

Q. When he started in, what position was he in respect to the column?

A. At the head.

Q. I am speaking of the period of time between the stream and the timber.

A. At the head of the column at that time.

Q. Where were you?

A. With him.

Q. How close?

A. Within speaking distance.

Q. How long did you continue with him in that position?

A. Till we got near the woods.

Q. Where did you leave him?

A. About as they were dismounting.

Q. Where did they dismount?

A. Near the edge of the woods.

Q. Near the point "C" on the map?

A. Yes sir.

Q. At what point did you leave him?

A. About the time they were dismounting.

Q. Where?

A. A little ways from the woods.

Q. At the point Girard fixed?

A. Yes sir, about there. I was with the command till they dismounted. There were a few shots fired, and I was looking for my orderly. The horses had been taken into the woods, and I rode out and met Girard and the others; was there a minute or two and rode back into the woods and was there all the time.

Q. On which side of the line did you ride as you went from the ford to the timber?

A. I think it was to the left of Maj. Reno.

Q. Where was he?

A. He was leading the column -- about in the center.

Q. How far were you from him?

A. Within speaking distance.

Q. Who was with him?

A. Lieut. Hodgson.

Q. Who else?

A. I don't remember any one else.

Q. How rapidly did you ride up to the point you halted?

A. Sometimes loping, sometimes trotting -- going fast.

Q. Where did you first catch sight of the village?

A. After I went down in the woods.

Q. Where did you catch sight of the Indian ponies?

A. After I crossed the river.

Q. At what point?

A. About half way down, I think we saw some of them. We saw a dust, but were soon satisfied that it was Indians driving their ponies.

Q. Were there many or few ponies?

A. A good many.

- Q. Did you see many Indians at that time?
- A. Not very many.
- Q. Was there much dust?
- A. Some.
- Q. Much or little?
- A. Quite a good deal.
- Q. Was it not thick?
- A. Well, yes; so thick at first we could hardly tell what was moving.
- Q. Where were you able to tell for the first time that the dust was occasioned by driving ponies?
- A. Shortly after we crossed the river; a minute or two, or two or three minutes.
- Q. How far into that cloud of dust could you see?
- A. We could see the dust rising and see the ponies on the ground. I don't know how far we could see into it.
- Q. Then what Girard thought were indications of the Indians coming to meet Maj. Reno was only the movement of ponies being driven by Indians?
- A. I don't know. What I have reference to was the ponies I saw.
- Q. Girard says, before he crossed the ford he saw Indians coming out to meet Maj. Reno, and he thought it necessary to send word back to Gen. Custer of that fact. You were impressed not by the Indians coming up, but by the motion of the ponies. Is that the way?
- A. The first I saw was a few Indians herding the ponies - gathering them up.
- Q. That was all?
- A. Yes sir.
- Q. You did not see the signs Girard speaks of, of advancing Indians?
- A. I saw none coming up: I thought they were running away.
- Q. Still that was when half way to "C"?
- A. Yes sir.
- Q. What number of ponies do you think was in motion?
- A. I should say 1000. That is a mere guess.
- Q. How long after you saw the ponies did you catch sight of the village?
- A. Not till I went into the woods.
- Q. How long was it in point of time?
- A. It was a few minutes - I would say 10 or 15 minutes.
- Q. You saw the village and estimated it about 1000 lodges?
- A. Yes sir.

- Q. That was after the ponies had been driven back and forth?
- A. They had not been driven back and forth that I know of. They had been driving them down the valley.
- Q. Lieut. Wallace testified that they appeared to be driving them back and forth, purposely raising a cloud of dust. Would not that be Indian tactics?
- A. I don't know.
- Q. You knew the Indian custom?
- A. I had been in a few Indian fights.
- Q. Was Lieut. Wallace wrong when he said they were trying to raise a dust?
- A. I don't know.
- Q. After you reached that point Girard has fixed, how long till you went into the timber?
- A. A few minutes.
- Q. Where was Maj. Reno at that time?
- A. I did not see him. I suppose he was up commanding the skirmish line. They had opened fire then.
- Q. How long after that did you see him?
- A. I saw him in the woods just before he said we had to get out of there.
- Q. How long before you left the timber was that period of time you saw him last?
- A. We went right out in a few minutes. He was on his way then, I think.
- Q. Do you know what Maj. Reno had been doing in the meantime?
- A. No sir.
- Q. Do you know about his being over towards the river with a part of Co. "G" to dislodge some Indians?
- A. No sir. I did not see him, and did not know where he was.
- Q. All you saw of Maj. Reno after deploying the skirmish line was what you saw a few minutes before going out?
- A. That was all.
- Q. That is all on which you base your opinion of his conduct?
- A. Yes sir.
- Q. How long did you see him at the time you speak of?
- A. Just a minute or two: just as he was getting ready to go out.
- Q. Was he mounted?
- A. He was.
- Q. What did he do after making that remark?
- A. He was riding back and forth once or twice: I heard him make the remark: "we have got to get out of here - we have got to charge them," and then he rode off towards the bluffs, in the direction we came in.

Q. In which direction?

A. Up stream - out on the prairie.

Q. Where did you next see him?

A. Across the river.

Q. Not before?

A. No sir.

Q. Did he not halt on the edge of the timber with Capt. Moylan? Did you see that?

A. No sir.

Q. Did you come out at the spot where Capt. Moylan and Maj. Reno were halted at the edge of the timber, just as the column moved out?

A. No sir.

Q. Did you not come out and see Maj. Reno and Capt. Moylan together before the head of the column moved out?

A. Not that I remember.

Q. Are you accurate in your recollection?

A. I am testifying to the best of my belief and memory.

Q. How long after the command started from the timber did you start?

A. A few minutes.

Q. Where did you overtake it?

A. I passed some of them. I rode to the river and went through with some of them across the river, and went up on the hill with some of them.

Q. Did you reach the ford by the time the head of the column reached it?

A. No sir; after.

Q. How much after?

A. A few minutes. I reached the ford just as the last were going in.

Q. Where was Maj. Reno when you spoke to him next?

A. On the other side, on the hill.

Q. On the top?

A. Yes sir.

Q. With whom was he?

A. There were officers around. I don't remember who.

Q. Can you name one?

A. Lieut. Varnum was there within speaking distance, and there might have been others; I don't know.

Q. You spoke of a remark Lieut. Varnum made in regard to leaving the wounded men. When was it he made that and where?

- A. Up on the hill, after we crossed.
- Q. How long after?
- A. I don't think all the men had crossed yet. Some were coming up the hill yet.
- Q. Was it on top of the hill?
- A. Not right on top - between the river and the top.
- Q. You had not reached the summit?
- A. I think not: it was right in that vicinity.
- Q. To which wounded men did Lt. Varnum refer?
- A. I don't know. He referred to all the wounded.
- Q. Don't you know he did not refer to the wounded men in the timber?
- A. No, I don't know that. I supposed he referred to all the wounded of the battalion.
- Q. Was that remark of Lieut. Varnum's made before the column under Capt. Benteen came up?
- A. Yes sir.
- Q. Before it was visible to the command?
- A. I don't think we had seen it yet.
- Q. In point of fact, was not the remark of Lieut. Varnum made after the column under Capt. Benteen was in sight; and made to prevent the men from moving in the direction of that column?
- A. No sir. I don't think Capt. Benteen's column was in sight. The tendency of the men after they crossed was to keep on running; and Lieut. Varnum tried to halt them.
- Q. Did not Lieut. Varnum's remark apply to the wounded men on the hill, and not to the men in the timber?
- A. I don't know. I thought it applied to all. He said "For God's sake men, don't run; we have got to go back and get our wounded men and officers."
- Q. He said nothing about over the river?
- A. I think not. He said "Go back".
- Q. You think the remark would not apply to the men on the hill-top, but to those across the river?
- A. I supposed it applied to the men left back.
- Q. After you got on the hill-top there were several wounded men to claim your care?
- A. Yes sir.
- Q. How long were you in taking care of them?
- A. I don't know - a very short time. Seven or 8 fell off their horses; some were wounded badly, and some not so serious. I bandaged them up pretty quick.

Q. Did you have time to observe the movements and behavior of Maj. Reno during that time?

A. While attending to the wounded I did not notice him.

Q. Might he not then have been giving directions without your knowing it?

A. He might.

Q. Did you see or hear him send Lieut. Hare back to hurry up the pack train?

A. No sir.

Q. Did you see him send Lieut. Hare with an order to Capt. Wier to move down the river?

A. No sir.

Q. You speak of not seeing him on the night of the 25th except on one occasion. Where were you?

A. I was attending the wounded men in a hospital we had.

Q. How often did you see him, if at all, on the night of the 25th?

A. I think I saw him that evening once.

Q. No more than once?

A. That is all I remember: I might have seen him more.

Q. You were attending to the wounded in hospital.

A. Yes sir.

Q. Do you remember seeing Maj. Reno several times at the hospital?

A. I don't remember his coming at all.

Q. Are you sure he did not?

A. No sir.

Q. Where were you when Capt. Wier moved in the direction of "B"?

A. I was right there in the vicinity; I don't know where. I went into a ravine to see Dr. DeWolf, and get his pocket-book and some things he had on his person. He was killed there. I was there a few minutes. I think Capt. Wier was moving out then or coming back: I don't remember much about it.

Q. Did you see the point which the company of Capt. Wier reached?

A. I don't know whether I saw him at the farthest point or not. My opinion is he went out half a mile or a mile.

Q. Are you sure he did not go farther?

A. No. He might have gone 2 or 3 miles.

A. Were you always so cool during that engagement that you could observe matters that were being done on all sides?

Q. I don't suppose I could take in everything.

A. Were you cool during the entire fight in the timber?

- A. I was moderately cool. I expect I was a little excited - most all were.
- Q. Were you not so excited that you could not see and properly estimate many things that were being done?
- A. I don't think my judgment was very much out of the way. I was not so flurried as that.
- Q. Did you ever say you were so frightened or badly scared, that you did not see a great many things?
- A. I have said when I was on the run I was frightened. When I found I was alone I let my horse go, and I was frightened.
- Q. Did you ever say you were frightened during any other part of that two day's battle?
- A. I think I have; I know I was.
- Q. Have you not said you were so badly frightened you were unable to see many things?
- A. I don't know that I have.
- Q. Have you not used words that bear about the same meaning?
- A. I don't know that I have. I have always said I was frightened.
- Q. Have you made a remark to Lieut. Maguire in substance like the question I have asked you; about being so badly scared or frightened that you did not attend very much to what was going on around you?
- A. I perhaps said I was pretty badly frightened going out of the woods to the river.
- Q. Do you know whether you did or not?
- A. I do not. I know I said so to many persons in talking about it.
- Q. Was that the only point at which you confessed to being frightened?
- A. No sir. I was probably some frightened on the hill.
- Q. Were you, not being a military man, so badly frightened at points during those different engagements, that you did not fully observe what was being done by Maj. Reno and many other officers?
- A. No sir: I observed everything that was going on that came under my observation.
- Q. You do not think your judgment was obscured by your fears, in respect to those matters?
- A. No sir, I don't think it was.
- Q. Where was Capt. Moylan when the command moved back from the timber to the river?
- A. I don't know: I don't remember having seen him.
- Q. Where was the wounded man you gave attention to?
- A. In the woods, a little ways from the edge.
- Q. In what direction?

- A. Towards the village - down stream a little.
- Q. Who was he?
- A. I don't know.
- Q. How long were you with him?
- A. A few minutes.
- Q. Did you find him, or was your attention called to him?
- A. My attention was called to him.
- Q. Where were you with respect to the wounded man when you heard Major Reno say he was going to get out of the timber?
- A. I was right near him. My attention was called to him at the time; he was in that vicinity.
- Q. How long was it after you entered the timber?
- A. A few minutes.
- Q. Were you in the rear of the column when you started across the river?
- A. Yes sir. They were all leaving the woods, and I thought I was about the last one; but there may have been more that I did not see.
- Q. How much of the column had crossed the river when you reached it?
- A. I don't know: part had.
- Q. Much or little?
- A. I don't know: some were across and some were behind. Some came across after I did.
- Q. Was the greater part across before you got to the river?
- A. I don't know whether it was or not.
- Q. If you had to select a crossing for that command, having in view all the circumstances under which they were placed, could you have found a better place than that at which the command did cross?
- A. It was a good crossing.
- Q. Was it not the very best that could be found under the circumstances?
- A. I guess it was the best in that vicinity.
- Q. What number of Indians, if any, do you place between "A" where the column crossed going to the timber, and the column itself on its way back to the river?
- A. They were mixed up with the troops to the right and rear so that I can't tell. I think there were two or three hundred.
- Q. Are you accurate in your estimate of the number of Indians in front of the skirmish line at the time it was deployed?
- A. No sir, it is an opinion: it seemed about that many.
- Q. Do you accurately fix the number of Indians in front of the command at the time it went in the timber?

A. I don't accurately fix them at any time.

Q. What is your best judgment of the number of Indians in front of the command about the time it prepared to leave the timber?

A. I don't know; I did not see them.

Q. Have you any judgment to give about that?

A. No sir. I suppose the Indians fighting them came out around them when they came out. I should say there were 200 or 300 fighting them when I came out.

Q. Do you remember the length of time the horses had been in motion from the time they started on that expedition: say from the 22nd of June, till you crossed that ford?

A. I know pretty near how many miles were made each day.

Q. Have you heard the statements of other witnesses on that subject?

A. I expect I have.

Q. Does your recollection agree with theirs?

A. Yes sir, about the same.

Q. About what is the total?

A. I should say about 100 miles.

Q. Was the character of the country even or rough?

A. Up the Rosebud it was in the valley a good deal of the way: we went over some rough ground.

Q. Was the grazing good or bad?

A. Pretty fair.

Q. For the entire command, or just your own horse?

A. I was looking out for my own horse. I would take him out some distance to get good grazing.

Q. You had better opportunities to graze your horse than the horses of the column?

A. Yes sir. I looked out for him myself, and others did not, perhaps.

Q. Do you know whether immediately before the command started on that expedition, Major Reno had six companies of the 7th Cavalry on a scout up the Rosebud?

A. Yes sir; I was with him on that trip.

Q. How long did it last?

A. I don't remember - several days.

Q. How long after he returned till the command started on this expedition?

A. I don't remember that.

Q. Was it more than a day?

A. My impression is it was a day or two: I can't tell. We came in and lay in camp a short time.

Q. Those horses you think were fresh?

A. I think they were in good condition for cavalry horses. I have seen times when horses would play out in a day or two. These were in pretty good order.

QUESTIONS BY THE RECORDER.

Q. You have stated in your examination by Maj. Reno something about a charge down stream - describe what that was.

A. We were riding down there to meet the Indians: he was not charging anybody in particular more than we were riding towards the Indians, expecting to charge them.

Q. Do you mean a charge, or that the men were riding fast?

A. They were riding down to meet the Indians.

Q. At the time the command was halted, was it opposed at that instant by any force of Indians?

A. No sir: a few shots were fired just then.

Q. Did you see any Indians in the timber where Maj. Reno's command was placed?

A. No sir.

Q. Was there any firing in the timber? What I mean is, was there any firing as if from some one in the timber?

A. No; it seemed to come from outside of the timber.

Q. State if Maj. Reno saw that wounded man there in the timber?

A. I don't know whether he did or not.

Q. Were you attending to the wounded man or not, when Maj. Reno spoke to you?

A. I was just preparing to. He did not speak to me. I heard him make the remark.

Q. State whether or not any men were left in the woods. State from any subsequent facts that came to your knowledge. I mean live men - scouts or others.

A. I did not know it at the time. I did not suppose there were any.

Q. You have stated that you were under a certain amount of excitement there and in the woods. State what occasioned that excitement.

A. I was not particularly excited till I came out of the woods and saw that I was in a pretty bad fix. I did not want to go back, and there were Indians between me and the command, and seemed to be driving the troops, and I did not know where they were going. Things looked scary, and I was frightened; and I put spurs to my horse and let him go, and made pretty good time.

Q. Did you see the Indian village move away on the 26th? Was your attention attracted to it, if so by whom?

A. Yes sir, about 4 o'clock in the afternoon of the 26th the firing ceased altogether. Before that it had got less and less. A short time after it ceased, I could see the Indians moving away.

- Q. Describe that movement - the length and width of the moving Indians, the length of time it was passing, and state from any facts, your estimate of the number of Indians in the moving column.
- A. There was a large body of Indians and ponies. It seemed to be a mile or two long. I judge there were two or three thousand, may be four or five thousand Indians, men, women and children.
- Q. Did the whole camp move out at that time?
- A. Yes sir, I believe it did.
- Q. How wide did that moving mass seem to be?
- A. They stretched out from 4 or 5 wide, to probably a sixteenth or a quarter of a mile or wider.
- Q. How far was it away when you saw it?
- A. Two or three miles, I judge.

QUESTIONS BY MAJOR RENO.

- Q. Are you accustomed to estimating the number of men in a body?
- A. No sir. That estimate is my opinion - guess work.
- Q. What were the figures you gave as representing the number of persons moving out?
- A. I said several thousand - 5 or 6, or there might have been 7 or 8 thousand.
- Q. If there were several thousand, what number of fighting men would there have been?
- A. I don't know: I understand a buck represents about 5 persons.
- Q. Then several thousand would represent about 500 bucks - that would not be a very formidable array.
- A. They proved pretty formidable to us.
- Q. How far were they away when moving out?
- A. 2 or 3 miles.
- Q. Did you report to Maj. Reno the wounded man left in the woods?
- A. I don't think I did.
- Q. Was it not your duty to do so?
- A. I don't know that it was. I think he knew it as well as I did. If it was my duty, I neglected it.
- Q. Are you sure he saw that man?
- A. No sir. But everybody knew there were officers and men killed during that stampede. He knew it as well as I did.

THE WITNESS THEN RETIRED

CAPT. M. MOYLAN, 7TH CAV. A WITNESS CALLED BY THE RECORDER, and being first duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

Q. State your name, rank, regiment and where serving?

A. My name is M. Moylan. I am captain in the 7th cavalry, and am stationed at Fort A. Lincoln, Department of Dakota.

Q. What duty were you on, on the 25th and 26th of June, 1876; where and with what command?

A. I was in command of company A, 7th cavalry, which constituted a portion of the command under Gen. Custer on the 25th and 26th of June, 1876. I was serving in the Department of Dakota, in the vicinity of the Yellowstone and the Little Big Horn rivers.

Q. Of what troops did Gen. Custer's command consist on the morning of June 25?

A. The twelve companies of the 7th cavalry.

Q. In what capacity was Maj. Reno serving at that time with the command?

A. He was major of the 7th cavalry, and he was serving in that capacity with the regiment on that expedition.

Q. State what battalion organizations were made on the morning of the 25th of June, at what time, and by whose order?

A. No particular designations. The orders which I received notifying me that I had been assigned to Maj. Reno's battalion were simply memorandum orders, which would show that three companies had been assigned to him as his battalion. The companies were A, G and M.

Q. State if you knew at the time, or as it appeared to you afterward, what officers were placed in command of these different battalions, and how many there were?

A. I know nothing personally of it myself. I afterward ascertained that Maj. Reno had a battalion, Capt. Benteen had one, Capt. Keogh had one, and Capt. Yates had one. Each of these battalions I have named consisted of three companies, except Capt. Yates', which was two companies. Capt. McDougall, being absent with the pack train, accounted for the other company.

Q. How many companies were there in Maj. Reno's battalion?

A. Three.

Q. Previous to his battalion designation, state whether the command halted and made coffee at the early dawn of that morning. If so, how long did it halt, and what orders were given, if any, and by whom at that time?

A. On the night of the 24th the command made a night march, leaving camp about 11 o'clock on the Rosebud river, or creek, and marched about two and a half hours; and they were bivouacked there without unsaddling, and orders were given for the men to lie down and sleep if possible, and guards posted, I suppose; and if possible to have coffee made for the men in the morning if water could be found. It was supposed we were on the dry fork. It was one of the streams tributary to the Rosebud.

A. Whose order was this?

A. It was brought to me by one of Gen. Custer's staff officers.

- Q. How long did the command remain there before leaving, and by whose order did it move?
- A. It remained there until somewhere about 8 o'clock, and then it moved forward. By whose order I don't know.
- Q. Now describe the character of the country marched over on the line of march up to the next halt, and state what distance?
- A. The country was rolling. The country marched through was the valley of this dry fork that we had bivouacked on; and on either side, at a distance of half a mile in some places, to a mile and a half in others, were high, broken hills.
- Q. Did the command halt in moving up that stream afterward, before reaching the summit or divide?
- A. It halted, I should say, about half-past 10. It may have been 11 o'clock. I don't remember the time. I don't know that I know the time. I don't give that time as definite.
- Q. About that time, what indications were there of proximity to hostile Indians as far as brought to your knowledge?
- A. There was a very fresh trail visible: a trail that had evidently been made but a day or two previous; and while at this second halt at the foot of the divide, between the Little Big Horn and the Rosebud, a sergeant of one of the companies returned on the trail some miles - I don't know exactly how far - for the purpose of recovering, if possible, some clothing of his that had been lost from a pack-mule the night before. He had gone back several miles I presume, and on going over one of those knolls, over which the command had marched, he saw two or three Indians some four or five hundred yards in front of him, one of them sitting on a box of hard bread examining the contents of a bag, the contents of which I don't know. He thought that his duty was to return at once to the command and report it, and he did so. After he returned, he reported the matter to Capt. Yates, the captain of his company, and Capt. Yates talked the matter over with Capt. Keogh, and Capt. Keogh hunted up Col. Cook for the purpose of notifying him, in order that Gen. Custer might be informed. Gen. Custer at that time, I was informed, was some distance ahead at a point of the divide from which these Indian ponies were visible.
- Q. At what point of the march was it that any separation was made of any part of the men from the other part?
- A. The separation was made with the organization of the battalions. That was probably a mile or a mile and a half the other side of this divide which separated the Little Big Horn and the Rosebud. That must have been half-past 12. I don't know definitely as to the time.
- Q. What part of the command first started or pulled off from there?
- A. Capt. Benteen's battalion.
- Q. What was the direction of the line of march of Capt. Benteen, as compared with the line of march of Gen. Custer and Maj. Reno, so far as you knew at the time?
- A. I very soon lost sight of him. At times he would appear again - the country is very much broken - and he appeared and disappeared from time to time.
- Q. State at what angle the divergence from the column Gen. Custer was.
- A. He went off at almost a right angle. I think our course was almost due north; and his would probably vary a little north of west.

- Q. State when it was that the command pulled ahead of the pack-train, if at all.
- A. I think it was at that time. The pack-train was left behind at that time, I think near the divide. That is my opinion. I don't know anything about it.
- Q. Where was Maj. Reno's separation, so that it seemingly made a distinct organization?
- A. About that same time that Capt. Benteen's battalion pulled out of the column.
- Q. Now begin at the point of Maj. Reno's separation from the column of Gen. Custer, and go on and describe in detail the movements of the columns so far as you know, with reference to each other, up to the time that Maj. Reno's column finally separated from that of Gen. Custer, giving the nature of the ground, etc.
- A. Within a few minutes probably, after the organization of the battalions, Capt. Benteen's column pulled out to the left; Maj. Reno's head of column diverged a very little to the left, and Gen. Custer's a very little probably to the right; but the heads of Gen. Custer's column and Maj. Reno's column were nearly on a line; and they traveled in that manner several miles, sometimes being one hundred and fifty or two hundred yards apart; at other times four or five hundred yards apart. The country was rolling and broken there, so that no regular interval could be preserved. They continued in that manner until they reached the point where a couple of abandoned Indian lodges were discovered. Upon reaching these, as I afterward understood, Maj. Reno was sent for by Gen. Custer, and received orders to move forward with his battalion, as the Indians were supposed to be a few miles ahead and retreating.
- Q. State if you know what orders were given to Maj. Reno by Gen. Custer or his Adjutant at that time - whether any further orders were given to Maj. Reno by Gen. Custer or his Adjutant.
- A. I know nothing about it, excepting by hearsay.
- Q. Now go on, and state what transpired with reference to Maj. Reno and his command from this place of final separation where the tepees were. State what orders, if any, were given by Maj. Reno to his command; what streams were crossed; the engagements that ensued; in short, everything relating to the movements of that command, the orders and instructions given by him, and his conduct, or that of his men, so far as these matters came within your personal knowledge on that day and the day following.
- A. After Maj. Reno's battalion had moved forward or separated from Gen. Custer's column, the command "Trot!" was given. His battalion took the trot and moved forward in column of fours down the valley of this tributary to the Little Big Horn, for some three or three and a half miles, reaching the Little Big Horn and crossing it. A slight pause was there made to allow the companies to close up after crossing the stream. When all were closed up, they moved forward again at a trot, the head of the column moving at a very fast trot, so that the two rear companies were galloping. They moved probably a third of a mile, when the companies were formed in line, before the crossing (sic) (probably "advance" was meant M.A.C.) was made, on a little high ground on that side of the river. An immense cloud of dust was seen down the valley, and a little opening in it occasionally, where we could see figures moving through it. After the line was formed, the command moved again in line, and the dust seemed to recede before the command until it passed over probably a mile further, when it stopped. Then we could see Indians coming out of this dust mounted. They were so numerous that I suppose Maj. Reno thought it was more force than he could probably attack mounted; consequently he dismounted his command. At that time his command had reached this point of timber, and the command was given to halt and dismount to fight on foot.

The companies were dismounted and the horse-holders ordered to take the horses into the timber for their better protection, and the dismounted portion of the companies deployed as skirmishers, company G on the right, my company to the centre, and M company on the left. In about ten minutes after, I understood that Maj. Reno got information that the Indians were turning his right - that is, coming up the left bank of the river, and threatening his horses. The greater portion of G company was withdrawn from the line and taken into the woods, so that it left an open space between the right of my company and the timber. I extended in on the right in order to cover that. We remained there thirty minutes or longer - probably twenty-five or thirty minutes; and during this time there had been very heavy firing going on; in fact, the firing had commenced on the part of the Indians before we dismounted. We fired from our side, however, some; but after the skirmish line had been deployed, the firing was quite heavy on both sides; in fact, very heavy. The Indians seemed to be withdrawing slightly from our front, and passing around the left flank of the line, some passing between the foot hills and some beyond the foot hills. Maj. Reno at that time was in the bottom superintending the movement of G company that he had taken down there. Fearing that these Indians were turning the left of his line and would close in from the left so as to necessarily cause a change of front on a portion of the front of the line, at least, I went to the edge of the hill and called to him to come up there and look at the situation of affairs himself, so that he might see how the thing was going. He came in there and took in the situation, and ordered the line to be withdrawn. That movement was executed on the part of my company by a flank movement to the right, and the same movement on the part of M company. About half of M company had to face to the left again in order to change front in the direction of the hills, as this attack was being made from that direction by Indians closing at the time the line was being withdrawn. The order was then given to mount up the companies. The companies were mounted up, and, being unable to form in any order in the timber, I gave my men orders to mount up as rapidly as possible individually, and move up out of the timber in order that they might be formed out there. When about one-half of my company was mounted up, I went up out of the timber and formed the men in column of fours as they came up. M company came up very soon after and formed on my left at an interval of fifteen or twenty yards. G company, as I understood, did not mount quite so soon or did not get up quite so soon as the other two companies; but they were in the column before it reached the river. During the time the companies were being formed, Maj. Reno was there on his horse overlooking the formation of the companies. He asked me as to my opinion as to the point we had better retreat to, as it became evident to him that our movement would be entirely on the defensive. It must necessarily be, owing to the force of Indians then in sight and coming down. I have almost forgotten what reply I made, but at any rate, he designated a point across the river at some high hills where we would go to and establish ourselves there, if possible, and await further developments. I don't know what his intentions were. In a few moments he gave the order to move forward, and the command moved forward at a trot and then at a gallop. After the command was in motion at the gallop, the heads of the companies were almost on a line; the Indians closed in very close on the outer flank, and on the inner flank toward the timber - very close also, as there were a number of Indians in the timber; in fact, I know there were a great many Indians in there. While the men were mounting up, one of my men was wounded just after mounting his horse, by a shot fired by an Indian who was between us and the river, in the woods. About half the distance from where we started for the river, to the river, I dropped from the head of my company down to a point about the middle of the company, and I found the rear of my company was very much broken up, as the shooting into it was very severe. A good many men had been wounded, and some killed, while the company was in motion. I rode in that position until the head of the company reached the river. When I reached the river myself, I found the river full of horses and men. There was no regular ford there, where they attempted to cross. They simply moved on the trail and into the river, and got onto the other side. After reaching the other side, under cover of a bank that projected in toward the river there, we passed around it to the other side. I stopped

at the head of my people, and tried to get them together, and found there were a good many missing. There were some nine or ten men that had been hit, and some four had been killed or were missing. I think I had five or six wounded men there. After we gathered them together, we rode up to the top of the hill and dismounted there; and I turned my attention to getting my wounded men together and caring for them. After reaching the top of the hill, and the command was dismounted, I got my wounded men together - five - and had Dr. Porter come there and attend to them, and all that; and after doing this, I heard voices saying there was a column of cavalry approaching. I didn't pay much attention to it, supposing it must have been Benteen's command, as I afterward ascertained. Of course I supposed that from the direction in which the column was coming - coming down the right bank of the stream. In a few moments he came up with his three companies. In a half or three quarters of an hour afterward, the pack-train came up. I saw Capt. Weir's company move out and move down the stream; that is, down the bluffs in the direction in which the stream was running. I don't know by whose orders or the intention of it. Soon after the pack-train came up, the order was given for the men to be supplied with ammunition - those who needed it - and to prepare themselves at once to move forward. In order to get my company ready to go on with the command, I stripped some of the horses of their blankets for the purpose of carrying my wounded men, it taking nearly all the men I had left to carry those wounded men. There were five of them, and it took four men to each blanket. The other men were leading the horses. After everything was in readiness, the command moved forward. I attempted to follow with those wounded men of mine, but I progressed so slowly that I sent forward a messenger to Maj. Reno to tell him I was falling very much behind, and I thought it necessary that some men of the rear guard, or one of the other companies, be sent back to my assistance, to assist me in carrying the wounded men forward. Soon after the men started, I myself mounted my horse and rode forward. I reached first, Capt. McDougal's command. I spoke to him, and he detached one half of his company, and ordered them to remain with my company as long as I needed them. Seeing that done, I rode forward to inform Maj. Reno what had taken place. I found him. He was with the head of the column, and he informed me it would hardly be necessary for me to move any further in that direction, as he thought the whole command would have to go back, as from appearances he was under the impression that the whole force of Indians was in front of Capt. Weir's company, which was then dismounted and firing at them. With that I returned, and halted my company until the other portion of the command had returned to us. A point was selected near the place where we came to the top of the hill the first time. There the companies were assigned different positions. The animals were all put immediately in front, and where the animals were put, my company was placed in position. The wounded men were taken into a corral or barricade that was made behind the position of my company and among the animals. We had been there but a very short time when the action commenced on the part of the Indians, very heavily all along our line. I saw but very little of the fighting that was being done by Capt. Weir's company, or any other company engaged in it, during the movement to the front down the stream. The Indians continued the action until after dark. In the morning, somewhere in the vicinity of 3 o'clock, the thing opened again and continued until about the middle of the afternoon.

Q. Is 3 o'clock about daylight in that latitude at that time of the year?

A. Well, between 2 and 3 o'clock was about daylight.

Q. Describe the events of the 26th - the firing, the nature or severity of the attack, and the casualties as far as you knew, and so forth.

A. The attack was very heavy on the right of the line held by Capt. Benteen. My company was next, and I think Capt. Weir's company next to me on my left. I was separated some little distance from him by a knoll that projected out there. In fact, my company was in a valley that was formed by two knolls, one of which was occupied by Capt. Benteen's company and the other one on my left by Capt. Weir's company, so that I had no opportunity

during the 26th to see anything but Capt. Benteen's. The attack on that flank was very heavy; in fact, so heavy that some men had to be withdrawn from my front to assist him - to strengthen his line. The firing was very heavy. Any movement on the part of anybody there was attended by great danger; that is, any movement that would expose his person at all, or any portion of it. There was a great deal of shooting done immediately over my line, for the reason that the animals were all exposed there, and I suppose it was the object of the Indians, if they could not kill the men, to kill the animals, which they succeeded in doing to a very great extent. During the night of the 25th, however, after the firing had ceased, by direction of Maj. Reno the companies commenced to fortify themselves in this position. He gave orders that the dead animals, where they could be used, should be pulled out from among the herd and put in position and covered over with earth and so on, in order to establish the line. The most of that was done in front of my company, by my company. We took the dead animals and pulled them out and put them on the line, and put packs on them and covered them over with earth as well as we could with the implements we had. We had only two or three spades in the command. With my company, we were occupied all night in throwing up these works; so that during the 26th the casualties were very light. I had two men wounded in my company. In Capt. Benteen's company, I understood the loss was very heavy - some twenty odd men wounded and two men killed. The loss in the other companies I know very little about. I suppose I heard the number of killed and wounded, but I have forgotten.

- Q. From the fire of the Indians after you had gotten into position on the 25th, state about how many Indians you would judge fired into the command and kept up that fire?
- A. From that position on the hill, the attacking force was not at all times visible. They had so much cover; but from the nature of the firing, in my opinion, there were not less than nine hundred to a thousand Indians in the attack there at all times; and in fact, during the day of the 26th the Indians were visible from some portions of the line, especially that portion occupied by Capt. Benteen's company. Indians were visible coming out from the village, and relieving those on the lines on one or two occasions during the day, so we supposed they had regular reliefs. I don't think there could have been less than nine hundred or about a thousand Indians there from the length of the line which they had. Looking at it from behind our works, the country looked as though there was nothing there; but if a man showed his head, he would very soon find that there was something there.
- Q. From the firing you should judge the command was surrounded by a thousand Indians?
- A. I have no doubt there were at least a thousand Indians on that line.
- Q. You base your opinion in regard to that matter on the nature of the firing, and what else?
- A. Yes, sir; on the nature of the firing. I have no other means of estimating it. The Indians were concealed all the time, and the men, if they did shoot, had to shoot in the direction of the puff of smoke. There was no object to shoot at; the grass was long at that time, and of course it concealed them. Not only that, but they had thrown up works themselves, and several of those works could be seen.
- Q. Describe the position of these Indians with reference to Maj. Reno's command; whether they were in a position to give it, not only a front fire, but a converging fire.
- A. Their line extended from opposite to the front of Capt. Benteen's company. The Indians at that portion of the line could not enfilade any other portion of the line, because his portion of the line was higher than any of the others; but at the left of his company and the right of mine, the

ground occupied by us was lower, and, as it extended around to the right of the Indians and our left, there the position occupied by the Indians at several points was higher than that of ours, and so they had an enfilading fire on our line. I know that several men on our line were wounded - not men of my company, but men detailed with the pack-train the day before - from the fire coming from almost our extreme left.

- Q. What would you estimate the length of that line of Indians extending around - extending from the Indians' right, opposite your left, around to their left, opposite your right?
- A. I think it was from two to two and a half miles around. Of course the shooting was at very long range. My men were shooting at a range of eight hundred yards.
- Q. How near did the Indians approach the command in its position on the hill and in what force?
- A. The only evidences that I saw myself, were those of the Indians that approached Col. Benteen's line. I saw a dead Indian very close to his line. They came up there within fifteen or twenty yards. There were considerable many of them. There was a sufficient number of them to warrant their attempting to turn that end of the line.
- Q. You may state, then, did they succeed?
- A. Well, they didn't.
- Q. State, if you know, where was Maj. Reno's own column when it was first discovered by the Indians, and what, in your mind, were the evidences of the discovery?
- A. I have no doubt but that Maj. Reno's command was discovered before it crossed the Little Big Horn. The valley was lower than the place where we crossed. It is broken by ravines, but in a manner level. But in coming down to the river it was much higher, and if they didn't see the command they saw the dust, and knew what it meant.
- Q. When they discovered that he had crossed the river with his column, do you think they discovered it as soon as he crossed, or at the time he emerged from the timber near the crossing?
- A. I think they discovered his movement before, and knew very well that he crossed there, as that was a regular ford. I think they were perfectly satisfied on that head - that he was crossing. I don't know whether Custer's column followed in the rear of Reno's column. I didn't look back to find out what was in the rear at all. The only thing I know is by hearsay, and that is that Maj. Reno was to be supported by Gen. Custer, in his attack. That, Maj. Reno's Adjutant told me. The distance from where Maj. Reno pulled out, to the crossing, I think was three to three and a half miles. In going there, there was no particular trail. There was a fresh Indian trail that had been made a few days before, but no old established trail. It took the command to reach the crossing, from the time it pulled ahead, about twenty or twenty-five minutes. It is pretty hard to fix those things.
- Q. State whether before you crossed the river there at that place, you observed any movement of Indians coming up the river on the left bank, as if to meet Maj. Reno's command; if so, in what number?
- A. No, sir; I did not.
- Q. Were you in a position to see anything of that kind if there had been any considerable force coming up?

- A. If they had been out in the valley coming up I would have seen them. Of course, they could have come up under cover of the timber without our being able to discover them until we got closer to them.
- Q. State where it was that you saw the Indians advancing to meet Maj. Reno's command. I refer to the time before his command was halted. State where it was that that fact became evident, if it did become evident.
- A. It was in the vicinity of this point of timber at which Maj. Reno's skirmish line was formed, dismounted. How far from there, or how close to it, I don't know, but it was in the vicinity of that place. Maj. Reno's command, at the time the Indians turned back on him, was within five or six hundred yards of this point of timber. The Indians were at the point of timber, and as he continued his forward movement and got near this point of timber, the Indians dropped back.
- Q. What was the distance across the bottom from where Reno crossed the river to where the skirmish line was deployed, and state what gait they marched over at?
- A. That distance was about a mile and a half, and we marched over it at a gallop. I suppose it was five minutes. It may have been ten minutes for that matter - ten or fifteen minutes. I don't know the exact time.
- Q. State how near to Maj. Reno's command were the hostile Indians when he halted it, and deployed it; I don't mean one or two Indians, but I mean any bodies of Indians, say in squads from four to ten.
- A. I think there was a sufficient number of Indians at the time, - they were within five hundred yards of him, - to warrant him in halting and dismounting. I think the Indians were less than five hundred yards distant. They must have been anywhere from two to three or four hundred yards distant.
- Q. All within four hundred yards?
- A. No, sir; that is not my answer.
- Q. Take the given body of Indians; some would be nearer and some further off. Describe that body, and make your own answer to that question. You may state whether there was a thousand right back of these.
- A. I think there were about four hundred Indians within five hundred yards of him at the time. That was to the best of my judgment from watching their movements there. The skirmish line advanced about a hundred yards after they were deployed. The advance was an entirely separate movement from the deployment. The companies were deployed and then moved forward. The engagement began before the deployment was completed. The firing on the part of the Indians had begun some little time before the command was halted - probably a few minutes before.
- Q. What were the casualties from this fire of the Indians up to the time the command had been deployed as skirmishers, if any?
- A. None that I know of.
- Q. What was the severity of the fire from the Indians up to that time?
- A. Well, the fire from the Indians was scattering, as the fire came from the scattering Indians that were in front of their main body. The men of the command commenced firing in this way: a company would deploy and then they would commence firing. The Indian scouts with the command had commenced firing before that time; in fact I don't know but they commenced firing as soon as we crossed the river. It was pretty long range. The firing on the part of the majority of our men was very well regulated. With some of the men it was not so regulated, and it was

impossible for an officer to regulate it, owing to the men being new in the service, and not under fire before. On the part of those new men it was somewhat wild and at random.

- Q. State, if you know, how far it was from where the right of Maj. Reno's skirmish line rested when first deployed to the river, and was the ground to the right of the line toward the river timbered or open?
- A. The distance from the right of the line to the river was probably two hundred yards, and perhaps not over a hundred and fifty. I have never passed over that ground. From the right of the line toward the river, probably the first thirty yards of it was timbered; the balance of it, there was a tree here and there, with scattering underbrush. In the timber was some heavy undergrowth.
- Q. Describe the width of that timber up stream from where the right of his line rested where it was deployed. State whether the timber narrowed or whether it was a continuous stretch.
- A. At the point where the horses were put into the timber, it bent down to the river, so that where we made the second crossing there was no timber. Above that it commenced again, and went I don't know how far. The bottom in which Maj. Reno placed his command extended to the river and to the extreme right of my line, and not over three hundred yards distant there was quite a number of Indian lodges in sight. With reference to the plateau extending clear into the river, I don't know, never having been there.
- Q. State whether Maj. Reno or any officer under his command made any examination of that timber in which his command was placed, with the view of determining its adaptability for a place of defense.
- A. I don't know.
- Q. State in your opinion as an officer, from what you know as a fact, why the command was placed in that timber at all.
- A. I don't know that the command was placed in there. I have given no evidence that it was placed in there.
- Q. Describe the position of the command with reference to that timber at any time during the engagement there.
- A. A portion of the time part of the command -- that is, the biggest part of one company was in the timber, and deployed between where our horses were and the river, for the purpose of protecting them from Indians that were on that side, or on the flank; some on the side of the river we were on, and some on the opposite side of the river from us. Other than that, I know of no troops being put into the timber for the purpose of assault or defense. After my company and a portion of M company had been withdrawn, with the remaining part of M company, there was a change of front made in order to face the bluffs on the opposite side of the valley from us, and on the same side of the river, in order to resist an attack by some Indians that were coming in on these men, as they were retiring by the flank. Those men remained there but a short time. I don't know how long, but there was firing going on from those men and the Indians while they were there. Those men, when ready to move, were withdrawn from this position, and ordered down to their horses. The bottom was about thirty feet lower than the timber, and the bank was very precipitous in places. I know that the command as a whole was not put in the timber for the purpose of defense. In my opinion, not less than two hundred Indians had turned the left flank of the line before it was withdrawn. A part of the Indians were engaging us in front, and the others passed through the foot-hills, and came out on our left. Before the command left the woods, the Indians that had passed through these foot-hills and turned our left flank, had closed in within five or six hundred yards from the woods, and were scattered over the bottom. From

the time the command left the woods, there were no Indians in our immediate front as we faced the river coming out of the woods, but there were some Indians in the timber down on the river bank; but on our right and rear as we were then, looking toward the river, there were a few Indians here and there - perhaps a good many. Opposite the open space in the timber, along the river on both banks, the Indians had passed down there. After mounting up, and before leaving the woods, I saw thirty or forty Indians down in there, not far from the right of the ford where we retreated across the stream. They opened fire on our men there, and I had one man wounded there.

Q. State whether any attempt was made to dislodge the Indians from that position, and if so, by whom?

A. There may have been some disposition made of G company, that had been in the woods some little time to my knowledge. I don't know of any.

Then at 2 P. M. the court adjourned to meet at 11 A. M. tomorrow

Saturday Jan. 25, 1879.

TWELFTH DAY

Chicago, Illinois, Saturday Jan. 25, 1879, 11 o'clock A.M.

The court met pursuant to adjournment.

Present

All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved. DURING THE READING OF DR. PORTER'S TESTIMONY HE SAID:--

"The idea I wish to convey as to the number of Indians is that there were two or three thousand warriors and three or four times as many people; perhaps 5 times as many."

THE EXAMINATION OF CAPT. MOYLAN BY THE RECORDER WAS THEN CONTINUED as follows:

Q. State if you know, if anything was done to ascertain how many Indians got in that timber.

A. Maj. Reno was down there in person, but what he did I do not know.

Q. Do you know what number of Indians were there?

A. I do not know the exact number. I testified that I saw forty or fifty, but there might have been a great many more. I do not limit the number, at all. There might have been twice or three times that number.

Q. Might there not have been two hundred Indians in there?

A. There was sufficient room for two hundred.

Q. But might there not have been two hundred in there?

A. Yes, although I did not see two hundred.

- Q. State whether a line could have been formed by Maj. Reno's command with one flank resting on or near the river, and thence extending across to near the open, and then along the edge of that open and across the timber to the river bank below.
- A. If you point out that position on the map I could answer.
- Q. Could there have been any formation made so that both of the flanks could have rested on the river?
- A. There could have been a formation of that kind made, but how long it could have stood there I do not know.
- Q. I was not asking that, but whether it could be made.
- A. It could be made.
- Q. State whether or not such a formation could have been made so that an effective and well-directed fire would have covered almost every possible approach to that position; if not please state why.
- A. With a formation of that kind with the number of men at Maj. Reno's disposal, the line would be necessarily so short that it would not extend to the bank at the outer edge of the timber. In my opinion had such a formation as that been made, the Indians could have possessed themselves of this bank at the edge of the timber, and been on much higher ground than Maj. Reno's men could have been in the bottom. Therefore it would have made the position there perfectly indefensible.
- Q. How far was that edge or bank from the river?
- A. About two hundred yards.
- Q. Then what would have been the length of a line to have come out from the river to that point in the timber and going in the manner I have described? Was the timber two hundred yards wide at every point, or was it that width immediately below or further down?
- A. It was not so wide. It bent in almost at an angle to the river. When I say below I mean above - higher up on the stream toward this ford.
- Q. I am speaking of down the stream.
- A. I do not know anything about that.
- Q. But the bench you said was about two hundred yards from the river?
- A. Yes; where the right of the skirmish line rested.
- Q. Did that bench run parallel, or what was its divergence?
- A. One hundred and fifty to two hundred yards it made a bend in toward the river, but how close it ran to the river I do not know. I could see where it made a bend and across it the Indian tepees were visible.
- Q. Then a line formed to the river across that bench would have been two hundred yards long at that point?
- A. Yes.
- Q. A little below that it would not have necessarily been so long?
- A. No, sir.
- Q. State whether or not a command of one hundred men could have been deployed at sufficient intervals to have covered that line and protected themselves?
- A. Protected themselves from what - from the number of Indians in front? I do not think such a line could have been established with the number of

men there - that is with the proper number of yards between each man. A line such as could have been formed would not have been strong enough to protect itself from the number of Indians that were there.

Q. How compact in your opinion would the line had to have been to have protected itself?

A. I think it would have been necessary to have a regular skirmish line with five yards intervals between the men.

Q. Then how many men should Maj. Reno have had there to form an effective line such as you have described? Double the number of men?

A. I think about double the number. You understand, of course, that all the men he had there were not available, for the reason that one-fourth of the command were engaged holding the horses.

Q. State whether on the hill one-fourth of the men were holding the horses during the engagement.

A. No; they were not.

Q. State as near as you can, the number of Indians that were confronting or in the immediate vicinity of Maj. Reno's position at the time the order was given to retire from that position in the timber - within effective range, I mean.

A. In my opinion there were four or five hundred Indians within effective range; that is, those in the timber and those in the valley.

Q. What further number would you estimate there was back of this as far as could be seen - as many more?

A. No; I do not think as many more. I think I saw probably six or seven hundred Indians while in the valley. I do not think I saw over that number.

Q. Up to the time the order was first given by Maj. Reno that the command should leave the woods, how many men had been disabled?

A. I can only answer that question as far as my own company is concerned. I had one man killed and two wounded.

Q. Where did these casualties occur?

A. One was killed in the opening in the valley; and the other was wounded in the woods. One of my men who was left in the woods subsequently came out - an hour or so after the command reached the hill. He must have been wounded in the woods.

Q. I am speaking of the number of men wounded before the order was given.

A. Before Maj. Reno gave the order I had one man killed and one wounded.

Q. Was that before the men had mounted to leave?

A. Yes; I had another man wounded in the woods as the command was going out.

Q. How much ammunition did the command have?

A. My men had fifty rounds on their persons and fifty more in their saddlebags, making one hundred rounds per man.

Q. Had there been an order to the effect that the men should have that amount of ammunition?

- A. Yes; that was the order of Gen. Custer.
- Q. Up to the time that the command left the woods, how many rounds of ammunition had been fired away, in your judgment?
- A. I think my men had fired nearly all of their fifty rounds before leaving the skirmish line; and in consequence, I sent several men from my line to get ammunition from the saddle-bags while the others were still on the line.
- Q. From the nature of the firing what is your opinion as to the average number of shots fired?
- A. I think about fifty rounds per man had been fired - between forty and fifty on an average all through.
- Q. In what length of time would those fifty rounds be fired?
- A. In about forty minutes.
- Q. Was the command engaged in firing during the whole forty minutes?
- A. I think it was. I think they were on foot forty minutes, and they were engaged in firing all the time they were on foot.
- Q. In your opinion, what proportion of the ammunition was judiciously expended?
- A. About two-thirds, I should imagine. That may be rather a large estimate, but I will let it go.
- Q. Please state anything in addition to what you have already stated, what the object was in leaving the timber?
- A. I rather think the object in leaving the timber was if possible to save that command.
- Q. How many men were lost in getting out of the timber and going to the river?
- A. I lost four men killed, and I think there were four or five wounded.
- Q. What percentage of your command would that be?
- A. I took thirty-eight men into the fight, and that would make eleven men killed or wounded, altogether.
- Q. As a matter of general notoriety, what was the loss of the command in going across from the timber?
- A. There were several men killed and wounded in the other companies, but the exact number I do not know. I think, however, their loss would be about the same as mine - probably not so large, as I was on the outside, on the right flank, and may have suffered a little more than the others.
- Q. Please state, with the great number of Indians around, if Maj. Reno was not in greater danger of losing the entire command in leaving the timber than if he had remained there.
- A. Well; with that particular command with us in the bottom at that time, unless it had been supported, I think the most judicious course was to leave the timber if possible. Had the command stayed there thirty minutes longer, I doubt if it would have gotten out with as many men as it did.
- Q. Did the command leaving there expect to get any assistance, find any aid, or anything of that kind?
- A. Not knowing anything in reference to the orders or plans made in reference to the fight and that sort of thing, I am unable to answer that question. I have only my own opinion.

- Q. Well, give your opinion.
- A. Well, my own opinion was that there was an opportunity, if we reached those hills on the opposite side of the river Big Horn, of having aid come up.
- Q. In the event of no aid reaching you, and those five or six hundred Indians had followed the command to the river - closed up and followed it - what would have been the result? Do you think it could have successfully resisted them?
- A. No; because their ammunition would not have lasted.
- Q. State whether the command was actually driven out of the timber by the Indians?
- A. The command was not actually driven out of the timber.
- Q. Was it actually driven from that position?
- A. The command was virtually driven but not exactly driven. It would have been driven into (out of) the timber in a very short time; but when we left the timber the command did not leave because it was driven out.
- Q. Was there any volley fired from the rear, or from near the river, by those Indians you speak of as being in the edge of the timber next to the river, before Maj. Reno told you that the command must leave that timber?
- A. Yes; several shots - not volleys, but scattering shots.
- Q. Was there or was there not, a volley fired from that place before the command left - I mean firing pretty much together?
- A. I suppose there must have been forty or fifty shots. There might have been a great many more, but they were not together.
- Q. Was that before or after the command was mounted to leave?
- A. About the time the command was mounted.
- Q. State whether at that time you had a trumpeter in the company, or was there one in the command?
- A. I had a trumpeter.
- Q. In advancing from the crossing to this position in the timber, was any bugle or trumpet call sounded?
- A. I do not remember of having heard any.
- Q. Was there any general signal given by which the command in the timber would know it was going to leave, or what movement was to be executed?
- A. The order was to mount the companies up and move off on the plateau; and when I got there I received an order to move out.
- Q. Was there any trumpet signal sounded at that time?
- A. I do not remember any.
- Q. If there had been would you have heard it?
- A. I think so.
- Q. State if you know whether the entire command had been formed before starting from that place.

- A. The whole of my company was formed before starting. That is all I can answer to your question. I do not know about the others.
- Q. State whether or not any of the men belonging to the other companies were left in the timber?
- A. In saying that the whole of my company was formed, I meant with the exception of one man who was left in the timber; but how I do not know. Lieut. DeRudio was also left.
- Q. State from what you learned at the time or afterward, whether any other enlisted men were left in the timber?
- A. Yes, I believe there were twelve enlisted men left who afterward came out.
- Q. Do you remember when they afterward joined the command?
- A. When we had been on the hill about an hour, to the best of my recollection.
- Q. State whether or not any officers or men were killed or wounded at the crossing, while on the retreat or going up the hill?
- A. I know there were some killed, but how many I do not know. A corporal of my company was killed there; and Mr. Hodgson was also killed about there.
- Q. Was that crossing covered by any organized body of troops to protect the river in crossing?
- A. I do not think the crossing was covered.
- Q. State whether or not the men were triumphant or exultant with success, or demoralized or despondent, when they had reached the top of the hill? And describe the condition of the command when it reached the top of the hill.
- A. Well; it was not demoralized, neither was it very exultant.
- Q. When the command got on the hill, was it in any condition to meet and oppose any considerable number of Indians?
- A. Within a few moments after we got on the top of the hill, the command was in a tolerably good condition. A skirmish line had been thrown out.
- Q. By whose order was that line thrown out?
- A. I do not know that anyone would have the authority to do anything of the kind but Maj. Reno, and I presume it was done by his orders.
- Q. State what orders Maj. Reno gave, either when the command was going up the hill or immediately after reaching the top.
- A. I do not remember him giving any orders at all.
- Q. Did you hear him giving any instructions?
- A. No, for the reason I was separated from the other portion of the command; and probably two-thirds of it had reached the top before I got there.
- Q. Who led the retreat or charge to the rear across that timber?
- A. I do not know, sir.
- Q. Where was Maj. Reno during that retreat?
- A. I do not know.
- Q. Was he alongside of you, or before you?

- A. I saw him as the command moved out. I dropped from the head of my company to the centre of it on the outer flank; and of course I lost sight of him then, and I do not remember seeing him until I was at the river.
- Q. At what position was he then?
- A. He was riding at the head of the column. I think he was in the interval between the two companies at the head of the column.
- Q. State whether any halt or check was made while crossing that bottom to permit the men in the rear to close up?
- A. There was no halt or check made, but the command was not moving at a run.
- Q. At what gait was it moving?
- A. It was moving at a very fast gallop. I will illustrate my meaning more clearly. The horse of one of my men was killed under him after my company started, and he succeeded in getting another horse and mounting him and coming up with the company.
- Q. Were there any loose horses around there?
- A. He caught a sorrel horse belonging to G company. One of the men of that company had been killed.
- Q. Where do you consider the proper position of an officer with reference to his command on a retreat or movement of the character you have just described?
- A. I should imagine his position should be where he could observe his whole command.
- Q. With reference to the front, centre, or rear, where would the position be best to have observed his whole command?
- A. Under the circumstances, close to the rear would have been the best place to observe what was going on.
- Q. I believe you said you yourself dropped back?
- A. Yes; I dropped back to the centre of my company.
- Q. State if you know when Maj. Reno crossed the river with reference to the command?
- A. I do not know. When I saw Maj. Reno, he was on the opposite bank; but in front of him going up was quite a number of men, and it was my impression that a number crossed before he did, but I do not know as a matter of fact.
- Q. On that retreat across the bottom, state what officer, if any, was charged with looking after the rear?
- A. I do not know anything about it.
- Q. When the command was in the timber, how near was it to the hostile village, and describe in answer to this question the location of this village, stating its size, etc.
- A. The lodges I saw were supposed to be a part of the village, although they were scattered, and I do not think they were over five hundred yards from where we were in the timber.
- Q. Describe the location of the village from what you saw after.
- A. Along at the upper end the village was scattering. The bulk of the village was lower down and more compact, as I judged in riding over it afterwards.

- Q. State whether or not Maj. Reno's position in the timber threatened that village?
- A. That position of course threatened it; but from the timber Maj. Reno could not have done any damage to the village or anyone in it. The ground was so much lower than that on which the village stood, that he would over-shoot the village.
- Q. Describe how far the village extended in your judgment?
- A. I think it was certainly three miles, if not more, from end to end, as I saw it afterward. Its average width would be two or three hundred yards. It was a very large village, the Indians estimating it at eighteen hundred lodges. I have no reason to doubt that the statements of the Indians were correct. There were also four hundred wickiups.
- Q. State whether these wickiups were next to or adjacent to these lodges?
- A. No; they were scattered in the timber promiscuously.
- Q. Did there appear to be a separated and distinct camp of wickiups?
- A. Yes, sir; scattering here and there.
- Q. Were there any indications of lodges in the immediate vicinity of the wickiups?
- A. No; the lodges were more in the open ground.
- Q. State whether the position Maj. Reno took on the hill threatened the village or not?
- A. It could not threaten the village; it was entirely out of range.
- Q. When the command was in the timber, was it expected or believed, either by yourself or the command generally, that it would in any way be aided or supported in its attack on the village?
- A. I have no means of knowing anything about it, except what Mr. Hodgson told me with reference to Maj. Reno's orders. He said they were to charge the Indians, as it was supposed they were retreating, and Maj. Reno would be supported by Gen. Custer's command.
- Q. State what the general belief was as to where the remainder of the command of the 7th cavalry was, at any time from the period Maj. Reno's column was engaged in the timber, up to the time it reached the top of the hill?
- A. The first that I heard in reference to Gen. Custer's command was after I got on the hill, where it was rumored among the men that it had passed down on that side of the stream.
- Q. But at the time you were moving down this bottom and engaged in the timber, and in going back to the top of the hill, was there any belief as to where the balance of the command was? What was your opinion?
- A. My opinion was that it was on the rear of our trail and was coming to our assistance.
- Q. And Capt. Benteen's command?
- A. That I do not know so much about. It passed away to the left and I thought might come in through the foot-hills.
- Q. And Capt. McDougall's command?
- A. I think he was on our trail, and he had the pack-train.

- Q. Can you state how many men Capt. McDougall had in his command?
- A. I think about forty men of his company, and a non-commissioned officer and six privates from each of the other companies.
- Q. State whether or not you expected that the other column would join in the fight or make an attack in support of Maj. Reno.
- A. I have no reason to doubt that if they saw him hard pressed they would come to his assistance.
- Q. State whether any attack on that village in flank by another column, or an attack lower down than from where Maj. Reno was, would or would not have been supporting Maj. Reno's attack.
- A. I think it would have been supporting his attack - that is, to the extent of drawing off the number of Indians necessary to resist it.
- Q. I understand that by a support you do not necessarily mean that a command must be immediately in rear of another command to support it in an attack?
- A. I think it would be supporting an attack if Reno attacks this end and Gen. Custer attacks that end. It draws a number of Indians from his front and consequently is supporting Maj. Reno.
- Q. Did you hear any firing in the direction of Gen. Custer's battle-field after you reached the top of the hill?
- A. Yes.
- Q. How long afterward?
- A. About an hour. Capt. McDougall had come up with the pack-train.
- Q. Did you hear any before?
- A. No.
- Q. What remarks did you make at that time?
- A. I simply called McDougall's attention to it and asked him what he thought it was. He said he supposed it was Gen. Custer firing at the other end of the village.
- Q. Describe the sound of the firing.
- A. It was evidently volley firing, but very faint.
- Q. State what interval of time intervened from the time that Maj. Reno's command pulled out at the head of Gen. Custer's column, until Maj. Reno and Capt. Benteen united their forces on the hill.
- A. It might have been an hour. It might have been more or less. I do not know.
- Q. State whether or not Capt. Benteen's command could have joined Reno in the timber.
- A. It would depend entirely upon the force brought against him; but the country was such that it was practicable to do this.
- Q. Could he go there even if he were opposed?
- A. It would depend altogether on the number opposed to him.

- Q. If one command could charge to the rear, could not another command of the same strength charge in the opposite direction?
- A. I expect they could.
- Q. State what developments or evidences of fighting you found on Gen. Custer's trail.
- A. I did not examine the trail at all. I do not know that I ever saw it until I got to this watering-place. It was probably half a mile from there I saw the first bodies. The evidences of fighting were a great many dead men lying about there. I saw Lieut. Calhoun's company were killed in regular position of skirmishers. I counted twenty-eight cartridge shells around one man, and between the intervals there were shells scattered. In deploying the men to hunt for the bodies, my company was on the left next the river, and there but few evidences of fighting there. But when Lt. Calhoun's body was reached, I had permission to go and identify it, as he was a brother-in-law of mine. As soon as his body was found I was sent for, and that is the way I happened to see those bodies.
- Q. Did you go to the point where Gen. Custer's body was found?
- A. After leaving this place I rode up to this point I think in company with Maj. Reno. In the ravine marked as H on the map, we found twenty odd bodies of E company. They were undoubtedly fighting and retreating. I could see where they had passed down the edge and attempted to scramble up on the other side, which was almost perpendicular. The marks were plain where they had used their hands to get up, but the marks only extended half way up the bank.
- Q. How far was that from the river, following the ravines down?
- A. That must have been half or three-quarters of a mile.
- Q. Did you go up to the point where Gen. Custer's body was found?
- A. Yes. That was not so far I think.
- Q. State, if you know, how many bodies of officers or men of Gen. Custer's command were never found.
- A. There were three officers that I knew that never were found, and I think some fifteen or eighteen men. I do not know the exact number.
- Q. What was the general belief as to what had become of those bodies?
- A. I do not know of any general belief. My belief was that those men were buried with the others, but were disfigured to that extent that they could not be identified. There were men I had known ten or twelve years whose bodies could not have been recognized, had it not been for certain marks.
- Q. Would not the regimental roster show the actual number of men in the column?
- A. Yes.
- Q. The bodies were all counted?
- A. Yes; it was generally understood they were counted.
- Q. Do you know whether there was a deficiency?
- A. I do not know much about the particulars of that. I know that there were some men missing that could not be accounted for. I have always been under the impression that the officers were buried with the men.

- Q. Have you any impression as to what became of the bodies of those men who are still unaccounted for?
- A. I understood a number of bodies had been found a considerable distance from the field, which I think would make up the number.
- Q. Please state, from all you saw during the engagement there at the battle of the Little Big Horn, and from the developments afterward in regard to the village, what did you estimate the effective fighting force of that village to be?
- A. Well, from the estimate that has been made of the number of lodges, the lodges alone would represent nearly thirty-six hundred men, as they estimate about two men to a lodge. There were about eighteen hundred lodges, so it must be between thirty-five hundred and four thousand fighting force.
- Q. Did you see the village moving away?
- A. Yes, sir.
- Q. When was that?
- A. About dusk of the 26th.
- Q. What did its size appear to be, say, in length and width, taking into consideration the time of your seeing it, and all the circumstances?
- A. It was nearly dark at the time. The sun had gone down, and it looked to me more like an immense buffalo herd than anything else. You could not distinguish mounted men from ponies. It was certainly two and a half or three miles long, and it extended on the plain in front of our position across the river, covering nearly half of this plain, which was some six miles across. The moving village was probably several hundred yards wide. There was unquestionably a very large herd of ponies being driven. I think from one-quarter to one-half a mile would cover the width of the moving village.
- Q. State your opinion as to the conduct of Maj. Reno on the 25th and 26th of June with reference to coolness, efficiency, energy, and courage as commanding officer of the troops. Was his conduct such as to inspire his command with confidence and courage, or the reverse? And give the facts upon which this opinion is based.
- A. Maj. Reno, during the advance in the bottom, rode at the head of the column. After it was formed into line, he was in front of the line - invariably in front; sometimes opposite the right, sometimes the centre, and sometimes the left, according to the circumstances. All his orders which I received, or all the orders he gave to me in the bottom, either at that time or afterward, were given as coolly as a man under such circumstances usually can give them, and I saw nothing that indicated cowardice about him.
- Q. Very well. Take the hill.
- A. During the afternoon of the 25th he seemed perfectly cool to me. I saw but very little of him on the 26th. I think I saw him once or twice in passing from the left of the line to the right. I received no orders from him at all on the 26th, as orders were unnecessary. We were in position there, and had nothing to do but to hold it.
- Q. Did you see him frequently on the 25th, after getting on to the hill?
- A. Yes, sir; I saw him frequently on the 25th. After dark on the 25th I lay down by his side for a time behind my company; that is, he was lying on his blanket there, and I was lying on the ground close to him talking.

QUESTIONS BY MAJOR RENO

- Q. State in what order the column moved down to the ford where Reno crossed on his advance; I mean in respect to the companies; where you were placed in regard to the column, and where Maj. Reno rode?
- A. The companies moved for a distance in columns of fours, the heads of the companies on a line, with an interval of fifteen, twenty or twenty-five yards. After moving a short time the companies formed in line.
- Q. What company was in front, and what companies followed in order?
- A. I think most of that movement was in the same order. We resumed that order after crossing the river; that is, the head of the company nearly on a line - not in line, but in column. My company, I think, was in the centre.
- Q. Where were you?
- A. I rode at the head of my company.
- Q. And Maj. Reno was riding there with you?
- A. For the most part he rode there with me, or for quite a time.
- Q. Were you in such a position as to observe the conduct of Maj. Reno and any communication that might have been had with him up to the time that the column reached the ford where Maj. Reno crossed the river on his advance?
- A. Yes, sir, I was. I don't know that I was in position to hear everything that was said by him all that time. I was at the head of my company, and whether he stayed alongside of me all that time, I don't remember; but I know he was there the greater portion of the time.
- Q. Did he halt on the right-hand side of the ford where he crossed on his advance, before crossing the river?
- A. I don't remember.
- Q. Did you see anyone speak to him just before the crossing of the stream?
- A. I don't remember that, either.
- Q. Did you see Mr. Girard speak to him at that point?
- A. No, sir; in fact I have no recollection of seeing Girard at all.
- Q. After you crossed the stream you formed in what order?
- A. We formed in column of fours again.
- Q. Where was Maj. Reno?
- A. Maj. Reno was at the head of the column. I don't know at the head of what particular company, but I know he was there. We moved down about one-third of a mile or more in column of fours, and then formed in line.
- Q. By whose order?
- A. Maj. Reno's. He gave the command: "Companies form left front into line," and after the formation, we moved on at the same gait. Maj. Reno was in front of the line.
- Q. State whether you heard him give any direction to any of the cavalrymen with regard to not over-riding, and that he would give them plenty of work to do in a very short time.

- A. Yes, sir; a man in my company whose horse was very restive, and rather inclined to go ahead of him; Maj. Reno turned around and spoke to him. He told him to hold his horse in, and keep him under control; that he would give him all the fighting, or all he wanted of it, before the thing was over. I don't know that these were his exact words, but that was the meaning of what he said; that was the purport of it.
- Q. By whose order was the skirmish line deployed?
- A. The skirmish line was deployed by Maj. Reno's order.
- Q. Where was he when the order was being carried into effect?
- A. I think he was there on the line where the deployment was being made. I cannot locate him exactly before or behind the line. I was busy deploying my company, but I know he was there, as I could occasionally hear his voice.
- Q. State whether you received an order to form your men before the column left the timber?
- A. I received an order to move my men onto the plateau and form them there.
- Q. From whom did that order come?
- A. Maj. Reno.
- Q. State whether you know a gentleman by the name of Dr. Porter?
- A. Yes, sir, I do.
- Q. State whether he ever had any conversation with you since these occurrences, in regard to being frightened or otherwise, and, if so, what that was?
- A. Yes, sir. I have heard him say once or twice that he was pretty badly scared.
- Q. Did he repeat it in any other form?
- A. Well, yes; if I remember aright I heard him say on one occasion he never "was so scared in his life."
- Q. State whether you saw Dr. Porter just before the column moved out of the timber, and if so at what point, and at what point of time?
- A. About half of my company had mounted and moved up on to the plateau before I left the timber. When I did ride up on the plateau, Dr. Porter rode up by my side. Some of the column had left the timber at that time, and were on the plateau mounted, but they were not yet in motion. He rode by my side out of the timber, up onto the plain where my company was being formed.
- Q. Then he was not by the side of the wounded man then?
- A. I don't know anything about that. I know he was at my side, and I was not wounded.
- Q. Do you know anything in regard to Maj. Reno taking a portion of company G and going to the outer edge of the timber, in the direction of the firing from the Indians in that quarter, in the direction of the river?
- A. I know a portion of G company was taken in there, and I suppose by Maj. Reno, as I think he went there with them.
- Q. State whether you had any consultations with Maj. Reno in regard to retreating from the timber before the movement was made.

- A. I don't remember anything that occurred there, only the order was given to mount up and move the companies up onto the plain.
- Q. State whether you had any conversation with Maj. Reno before the movement was made from the timber, with regard to the wisdom of changing the place where the force was in the timber.
- A. I don't remember. I may have had some, but I don't remember it.
- Q. Did you have some immediately before?
- A. Immediately before the companies were withdrawn, after I had called to him to come up on the hill, we had a conversation with regard to the disposition of the men - that is, the skirmishers dismounted.
- Q. State whether during any period of the time that you saw Maj. Reno in that timber, he betrayed any evidences of cowardice?
- A. No, sir; there was a certain amount of excitement, I suppose, visible on his face, as well as that of anybody else; but any trace of cowardice I failed to discover.
- Q. State what, in your judgment, would have been the result to the command under Maj. Reno if he had continued to charge down that valley?
- A. I think if he had continued to do it, and gone far enough, he would have been there yet.
- Q. State whether the purpose of leaving the timber was not to save the command?
- A. I think that was the purpose, sir.
- Q. With regard to the diversion of the command, you have been asked the question, "What would have been the effect upon the command if a considerable number of Indians had followed the command on its retreat to the high land on the opposite side of the river?" If that large body of Indians had followed the command, don't you suppose the command would have fed the Indians' rifles as long as if the command had been advancing down the valley?
- A. Yes, sir. I think in their position it would be only a matter of time for the command without assistance.
- Q. What in your judgment would have been the result, under the circumstances in which you were placed, if the command had remained in the timber?
- A. In my judgment the command without assistance would have been annihilated in the timber.
- Q. Was not Maj. Reno unable to form any estimate of what the effect would be upon himself of the union of Capt. Benteen's command and the pack-train with his own, unless he had known that they had been ordered to join him?
- A. I think so.
- Q. Where did you first obtain your view of the Indians on the plains - on the left side of the river?
- A. The Indians became visible about the time the companies were formed in line. Probably some few were visible before that; but then they became visible in force. That was about one-third to one-half a mile from the crossing. There may have been Indians visible before. I may have seen Indians before reaching that point.
- Q. State whether there was a cloud of dust or not.
- A. There was a very large cloud of dust.

Q. Was it dense?

A. Quite so; yes, sir.

Q. Was it so dense that a person could^{*} see a thousand ponies through it?

A. I think not; not at that time.

Q. State what are the Indian tactics with regard to creating a cloud of dust in order to conceal their movements from an enemy. Do you know whether that is their tactics?

A. I presume that is one of their ways of doing it.

Q. Do you know whether it is one way they have followed?

A. I think it is.

Q. After the command had reached the point where the skirmish line deployed, state whether in your judgment any person, either in the timber or outside, could have seen through that cloud of dust, a thousand lodges of the Indians?

A. No sir; he could not have seen a thousand standing lodges from there had there been no dust at all.

Q. In regard to the character of the movement on the retreat from the timber to the river, state whether the organization was not, in your judgment, a proper one for the purpose Maj. Reno had in view.

A. The organization was a very good one.

Q. State whether an officer having about one hundred men in his command, and attempting to go over an unknown piece of country to a ford, and then from the ford up a hillside to the top beyond - whether he would not be justified in riding at or near the head of the column, in order to select a crossing and to direct the movement.

A. Well, that would depend a good deal on circumstances.

Q. Then I ask you to apply the circumstances as they existed at the time the movement was made from the river.

A. I suppose it would be a very proper thing for a commanding officer to know the country ahead; but under the circumstances there, I think it would be equally so to know what was going on in the rear.

Q. Would it be wrong for him to reach the ford at the head of the column and there remain until he saw that the balance of the column had crossed the stream?

A. No, sir; I think not.

Q. In regard to the character of the men taken into this fight, were they all trained soldiers or otherwise?

A. Some of them were very well drilled and knew their duty very well. Others were not so well drilled, as they had not had an opportunity. They had not been in the service long.

Q. State whether, under the circumstances, the firing of cavalrymen against Indians that are moving in all directions is not a matter largely of discretion with the individual soldier.

A. It is.

* The word "not" probably omitted in transcription. W.A.G.

- Q. Was there any pretense on the part of anyone that this movement out of the timber was a triumphant march?
- A. I have not heard of it.
- Q. Was it so understood by anybody?
- A. A triumphant march across to this ford?
- Q. Yes; back from the timber. Was it so understood by anybody?
- A. I don't know. I haven't heard of anyone considering it in that light.
- Q. It was not understood to be that by anybody, was it?
- A. No, sir; I think not.
- Q. In regard to the command on the top of the hill, wouldn't you sooner have been dejected on the top of the hill than dead in the timber?
- A. Well, I would rather be dejected on the top of the hill than dead anywhere.
- Q. After you reached the hill-top, how long a time elapsed before the command was put in a position to resist attack?
- A. There was a skirmish line thrown out within a few minutes from the time the command reached the top of the hill.
- Q. By whose order, if you know, did Capt. Weir move down the river?
- A. I don't know.
- Q. Was it at any time your duty to go in that direction, and if so, state how far you went, and whether you found Maj. Reno, and if you found him, where?
- A. It became my duty to go down in that direction in order to overtake the command to inform Maj. Reno of the disposition of a portion of the rear guard. I found Maj. Reno at the head of his command, less what was in Capt. Weir's front. Saw him frequently after we returned to where we made the final stand on the afternoon of the 25th.
- Q. State whether during that night or on the succeeding day you saw any evidences of cowardice on his part?
- A. No, sir; I saw no evidences of cowardice.
- Q. State whether you saw him giving orders and exercising command?
- A. I did during the 25th; but I received no orders from him on the 26th at all, as it was not necessary that I should. I was in a position there that required no orders on that day.
- Q. After the men had been placed in position, wasn't their duty so plain as not to require much direction on the part of the commanding officer?
- A. The duty was very plain at certain portions of the line. At my portion it was very plain, but at that occupied by Capt. Benteen, it was a very serious one and required the presence of the commanding officer pretty much all the time, as the Indians tried very hard to dislodge him. I also understood some of the other companies were heavily attacked by the Indians and of course the commanding officer should be there and attending to affairs.
- Q. Is it the fact in military science that a commanding officer is personally responsible for the personal bravery of each member of the command?

A. I am not aware of it.

Q. State what was the behavior of the men of these companies and of the officers, after this stand had been made on the top of the hill, with respect to bravery?

A. Well, everything went on a good deal like clock-work, on the hill. They were pretty well intrenched there, and they felt that they could hold their position there for some time. So far as the officers were concerned, they all did their duty, and I have no doubt they did it well. I had no opportunity to see very much of anyone excepting Capt. Benteen. His conduct for coolness and gallantry was perfectly superb. No other word would express it.

Q. And Maj. Reno made mention of it, didn't he?

A. Yes, sir.

Q. And deservedly?

A. I think so.

Q. State as a soldier, what in your judgment was the length of time that the column under Col. Custer lasted, judging from the manner in which you found the dead. Can you give any opinion on that?

A. I don't know that I can express a positive opinion. It might have lasted an hour and it might not have lasted that length of time.

Q. State whether, as you say, with the exception of the company under Capt. Calhoun, there was any evidence of organized and sustained resistance to the Indians, save that that was found in the circle where Gen. Custer lay?

A. I saw none. Those other men that I before mentioned as having been killed there had evidently been fighting, but there were no evidences of organized resistance. There were evidences that they had retreated or were falling back without regular intervals; but such evidences as existed about Capt. Calhoun's company existed nowhere else that I saw.

Q. Were Calhoun's men in that position in which men ought to have been, or would naturally have been - I will not say ought to have been, because there can be no question about Custer's soldierly qualities - if there had been resistance according to the rules of military science?

A. Yes, sir.

QUESTIONS BY THE RECORDER.

Q. During the fight on the hill and in the timber, how did Dr. Porter do his duty?

A. He did it in the most superb manner. He had a great deal to do - I will say that for Dr. Porter - and he did it well. He had no steward. The doctor that he was the assistant of, was killed; and he had it to do all himself and under a heavy fire.

Q. You have stated that the doctor said he never was so scared in his life, and that he was pretty well excited.

A. Yes, sir.

Q. State whether or not that excitement was general at that place in the timber.

A. I think so. It was pretty general as a rule, and when Dr. Porter did make this remark to me he made it in a laughing, joking way, and may not have meant what he said. It was made probably a year afterward, so that he may not have realized what he said.

- Q. Do you mean to say that a man being frightened - because he should happen to be frightened at a time of great danger - implies that he is necessarily a coward?
- A. No, sir; not at all.
- Q. Didn't Maj. Reno and everyone else in that command present the appearance of being frightened under the circumstances?
- A. I rather think they were all a little bit shaken up.
- Q. Did Major Reno on that retreat remain at the ford till the whole command all got across: if so on which bank?
- A. I don't know.
- Q. State whether or not on going to the top of the hill on the retreat, it was expected, either by yourself or by the command generally, that Maj. Reno would be likely to receive aid or assistance or re-inforcements when he reached the top of the hill; and state the grounds of such belief if you had it.
- A. I had no such belief. I knew nothing about it.
- Q. Look on the map at the point marked "2" in pencil, and state if from that point Major Reno's command had been seen in the act of deploying as skirmishers, it would have indicated that he was in any great or particular danger?
- A. A command passing that point and seeing another command deploying as skirmishers in the bottom, a half or three quarters of a mile away, certainly that command would not imagine for a moment that the other was in any particular danger.
- Q. If Gen. Custer in passing there and seeing such deployment, would he expect that command would retreat in 30 or 40 minutes?
- A. No sir, he would expect it would hold its position.
- Q. Was everything going like clock work on the hill before or after Capt. Benteen arrived?
- A. After: it was not so regular before.
- Q. You did not refer to clock work in going across the bottom or up the hill?
- A. That was a little faster than clock work.
- Q. Would it not have been better, as a soldier, to have been dead in the timber than dishonored on the hill?
- A. I don't know that that is a proper question to put to me. Very few men but would prefer to die in the timber than to be on the hill degraded.
- Q. Did you make any careful examination of the Custer battle field, with a view to determining where certain fights or certain halts had been made?
- A. No sir.
- Q. What was the nature of that country?
- A. Quite rough.
- Q. Was the country such, that with a command fighting a powerful enemy as these Indians must have been there, the command could have made those regular formations that could be made on a plain or plateau?

- A. In that portion of the field my company passed over, the command could not, because it was intersected by ravines, many of them very deep. The command might have been fighting with all the courage and bravery possible, and still the position of the bodies might not indicate it.
- Q. You say there were pony tracks at that watering place that has been spoken of, and indications of there having been a great many ponies there?
- A. A great many animals there. The ground there was very sandy, and there were a great many pony or horse tracks.
- Q. State whether or not a great many men might not have been dragged or thrown into the river if they were killed there.
- A. Yes, sir; it is not improbable at all, but I doubt if anything of the kind did occur, as there were no evidences of it.

QUESTIONS BY MAJOR RENO.

- Q. Did you feel degraded when you reached the top of the hill?
- A. Not particularly so.
- Q. If Maj. Reno, with the command deployed in skirmish line, was seen by a column passing down on the right side of the river, would it not indicate two things: First, that the enemy was not fleeing; and second, that the cavalrymen were not charging?
- A. It would indicate both to my mind. The enemy were not fleeing, or else there would be no necessity for the skirmish line.

QUESTIONS BY RECORDER.

- Q. State if advances to ascertain the position of an enemy is not often made by throwing out a skirmish line.
- A. Yes sir, it becomes necessary at times, because if they are fleeing they may be fleeing for a purpose.

QUESTIONS BY MAJOR RENO.

- Q. That is not the way cavalrymen charge?
- A. No sir.

The witness then retired.

Then at 1:30 P.M. the court adjourned to meet at 11 o'clock A. M., Monday, Jany. 27, 1879.

THIRTEENTH DAY

Chicago, Illinois, Monday, Jany. 27, 1879, 11 o'clock A. M.

The Court met pursuant to adjournment; all members of the Court, the Recorder, and Major Reno and his Counsel being present.

The proceedings of the last session having been read and approved, Cant. Moylan was recalled and testified as follows:

QUESTIONS BY MAJOR RENO

- Q. Do you remember having had a conversation with Lieut. Wallace while that command was in the timber in regard to sending back word to Gen. Custer about the strength and position of the hostile Indians?
- A. I remember having had a conversation with Lieut. Wallace about the lodges in the village; not the hostile force. He asked me if I could not send word back to Gen. Custer of the facts. There happened to be a half breed Indian by the name of Jackson there, and I asked him if he could take a message back. He looked around before he made reply; then sweeping his hand around, as is the manner of Indians, to the left and rear, said "no one man could get through there alive".

The witness then retired.

GEORGE HERENDEEN, A CITIZEN, A WITNESS CALLED BY THE RECORDER, and being first duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, occupation and residence.
- A. George Herendeen; I have been running on the prairie as a scout. My residence is Bozeman, M. T.
- Q. Were you present with any part of the 7th Cavalry on the 25th and 26th of June 1876?
- A. Yes sir.
- Q. In what capacity?
- A. As scout and courier.
- Q. For whom?
- A. Gen. Custer.
- Q. On the morning of the 25th of June 1876, what was the condition of the horse you rode in the marches of that command?
- A. My horse was in good condition. He was lame when I started with him, but he took me through all right. He was a good horse.
- Q. State what duty you did as compared with the command - more or less.
- A. I had more riding to do than the command would have.
- Q. Describe if you can, the place where the command went into camp on the early morning of the 25th. State as near as you can how far from the river or the divide?
- A. I judge it was not far from 20 miles from the Little Big Horn.
- Q. Was that at the place coffee was made?
- A. I don't know: when we went into camp I laid down and went to sleep and did not wake up until the order to march was given.
- Q. When did the command move?
- A. In the morning.

- Q. At what hour?
- A. I think it was directly after sunrise: it was early.
- Q. Do you know who ordered it to move?
- A. No sir.
- Q. Was Gen. Custer present when it moved?
- A. I think I saw Gen. Custer when I went out myself. I went to the right flank. That was my place the night before and I went there that morning.
- Q. Was the whole command in motion when you went out?
- A. No sir.
- Q. Were they getting under way?
- A. Yes sir.
- Q. State what you did and what you saw when you got on the divide?
- A. We went some distance up a dry fork and the command halted. I went off some 500 or 600 yards from the command and stayed there while Gen. Custer was on ahead looking for (the) Indian camp.
- Q. What did you see there, if anything?
- A. A few minutes before Gen. Custer came down, there was a scout named Boyer, a half-breed; he and I were great friends and he came to me as he came down. As I was looking a few minutes before, I had seen some object, but having but just got a glance at it, I thought perhaps it was a deer; but when he came down he asked me if I had seen that Indian. I said I had seen some object but I did not know what it was. He said "It was an Indian, and when he saw you he run for camp". He said he had seen two others with 3 or 4 loose horses and they had run.
- Q. Did you hear any orders given that morning by Gen. Custer or his Adjutant to Maj. Reno, if so where and at about what hour, and what orders were they?
- A. I heard Gen. Custer tell Maj. Reno to lead out and he would be with him. Those are about the words I understood him to use. That is all I heard.
- Q. Where was that?
- A. About a mile or a mile and a half from the village.
- Q. How far from the river?
- A. About three quarters of a mile.
- Q. Was it near any Indian lodge?
- A. Yes sir, right by the side of one.
- Q. How far was that teepee from the crossing?
- A. About three quarters of a mile.
- Q. Was that the point where Maj. Reno's battalion pulled out?
- A. Yes sir, Maj. Reno led out and I went with him. Directly after Gen. Custer used those words he said "take the scouts with you, too" and I supposed that included me and I went along. We started at a lope and went to the Little Big Horn.

- Q. How long did it take you to get there?
- A. We went in a slow lope. Major Reno said "Keep your horses well in hand, boys", and we took a slow lope so as not to wind our horses; and we were probably 5 or 6 minutes going down there: I can't tell.
- Q. State all that transpired from that time till Maj. Reno's command halted and deployed as skirmishers - what conversation, if any you had, with Maj. Reno: what orders, if any were given by him, and what Indians, if any you saw.
- A. We were loping down to the Little Big Horn, and I had some trouble before I got there and I did not catch up till Maj. Reno and the men with him were in the creek. There was six Crow Indians along, and two or three of them were with me. Maj. Reno was in the creek at the time: one of the Crows called out, in Crow, that the Sioux were coming up to meet us. I called across, to no one in particular, to hold on - the Sioux were coming to meet us. I did not see any Indians, but supposed the Crows had. They kept on across and I then crossed myself. I did not look back. The command went through the timber and went on down in a lope: I kept off to the left out of the way. As we advanced down the valley, fires commenced springing up in the timber. We kept right on down the river, facing a little point of timber that came out on the prairie. Maj. Reno's command came up facing that, and there a few shots were fired into the timber by the soldiers, - I supposed to draw the fire of any Indians that might be there. The command halted there and formed a skirmish line.
- Q. In going down the valley how did the horses seem?
- A. They went down in good style I thought.
- Q. Did you notice any difficulty on the part of the men in controlling the horses?
- A. No sir, only a shot was fired occasionally in the command. They kept in good shape.
- Q. Did any Indians oppose the advance of the command down there?
- A. I did not see any and I was in front. The Indians were sitting still on their horses; seemed to be awaiting our approach, and did not move till we got near to where the command dismounted; then they commenced making up and skirmishing out.
- Q. Did you hear any fire returned from the timber by the Indians?
- A. No sir.
- Q. Was there any returned?
- A. I think not. If there had been I could have heard the balls and I heard none.
- Q. What was your position in reference to the column going down?
- A. About on a line with it, but to the left.
- Q. In the direction of the sand hills or bluffs?
- A. I was between the troops and the bluffs.
- Q. How far out from the left of the column were you?
- A. Probably 100 yards.
- Q. When the command halted and deployed, where did you take your station?

- A. About in rear and on the left, in a little swale. As the troops dismounted, we stopped behind so as not to be in the way. They swung to the left, which left us on the left of the line.
- Q. Was it clear to the left, or along there?
- A. Somewhere along in that locality.
- Q. State what you did while in that position?
- A. We dismounted and sat down and watched the fire of the troops a few minutes. There were no Indians near enough to shoot at, so we sat there. The troops were firing rapidly. We could see Indians on the hills, but so far off it was no use to shoot at them. There were two men with me - Reynolds and Girard - and we proposed to all shoot at one Indian. We fired, but all our shots fell short. That was the only shot we fired there.
- Q. How far were your sights raised?
- A. I did not use raised sights, but the others did. We judged our shots reached from 700 to 900 yards. We could see all the balls strike short of the Indian.
- Q. At that time were there any Indians nearer to the command than that one Indian?
- A. I could not see any.
- Q. Did you see any Indians at all in the bottom?
- A. A little farther down the valley than the one we shot at on the hill, I saw Indians; and after that they got closer, probably within 3 or 4 hundred yards.
- Q. State how long you remained there and what you did after?
- A. Directly after we fired that shot, we took our horses in the timber and tied them so they would not be any trouble to us, as we expected to stay there and fight on foot. In coming out, I got separated from my partners and was alone after that. When I came out, I saw Indians circling around the hills and coming in the valley closer to us. As I came out, I was in a position where I could not see the troops: I was facing the way we came in and the soldiers were facing the bluffs. I stayed there and saw Indians coming in, and presently the firing ceased on the part of the soldiers and the Indians came in closer, coming within 40 or 50 steps of me and run into the timber. I got in some nice shots there, but as the firing had ceased, I went to see what the troops were doing. I went down in the timber and the horses were gone - none but mine was left. I got on him and rode through into a little park or glade in the timber. There I saw some troops, probably a company, drawn up in line facing the creek as the stream run.
- Q. Did the stream make a bend about there?
- A. There was a bend below. They were not facing the bend, they were facing north and south nearly; that is the right would be to the south.
- Q. Look at this map and see if you can locate about your position in the timber when you went from the prairie into the timber.
- A. I can describe it by that open place, but not by the balance of it.
- Q. Say that dotted line was the skirmish line, but not extending out that far, where was your position?
- A. I should call that advance line the skirmish line.

- Q. State the position you occupied at the time.
- A. THE WITNESS THEN MARKED ABOUT WHERE HIS POSITION WAS WITH A FIGURE "A".
- Q. From there, go on and describe your movement into the timber.
- A. I went down into that opening.
- Q. Where were the Indians you saw?
- A. They came around to our left and went into the timber. As there was no firing on the line, they came closer and closer. There was firing from the line across towards the bluffs, but it was long rifle range and the Indians came riding around on the hills and in the bottom about one third of the way from "C" to "A", working in that way towards the timber; and when the fire of the troops ceased, they came straight across to the timber.
- Q. When you were there firing at the Indians, did they return your fire?
- A. A few returned it.
- Q. Did they seem to regard or respect your firing?
- A. They came right along: it did not turn them.
- Q. How many did you see come in there?
- A. Twenty or 25; and they were still coming when I rode into the timber. They did not come together but came straggling along.
- Q. What was their firing as regards the troops?
- A. The Indians were not firing at the troops. 3 or 4 shots were fired at me as they went along. They could just see my head and shoulders as I stood in a buffalo trail leading into the timber.
- Q. State what experience you have had in Indian warfare.
- A. I have been in that country about 10 years and have been in a good many Indian fights. I have been in 3 very heavy engagements, one within about 15 miles of that place, one within about 50 miles, and one within about 12 miles.
- Q. Have you generally been employed by the Government out there?
- A. I have some, but not a great deal. The fights I have been in out there, I was with citizens.
- Q. State from that place in the timber, how many men it would have required to have checked those Indians or driven them out at the time they were coming in?
- A. Ten men could have stopped them coming in at that one point, in my judgment.
- Q. How long were you at that particular place - in that buffalo trail before you left it?
- A. I was there probably 6 or 7 minutes. I fired 7 or 8 shots.
- Q. Were you mounted or dismounted?
- A. Dismounted.
- Q. State if you rejoined the command in the timber or in that vicinity?
- A. As I started to find the command, they were standing still mounted in that park - what I could see of them.

- Q. How many could you see?
- A. There was a line extending along one side of that square; I did not notice particularly how many. I saw they were drawn up in line.
- Q. In what direction were the troops you saw there facing, in relation to the village?
- A. They were facing at right angles. That is, the left was down the river.
- Q. How were they, in close order or in skirmish line?
- A. I judge in close order.
- Q. What do you mean by close order?
- A. As close as the horses could stand together.
- Q. Did you see Maj. Reno there, and if so what was he doing?
- A. He was sitting on his horse in the park.
- Q. Were you near him?
- A. I rode to within about six feet of him on his right.
- Q. Did you speak to him?
- A. No sir.
- Q. Did he speak to you?
- A. No sir.
- Q. Did you hear him give any orders or instructions at that time?
- A. I heard him order the troops to dismount, and there was a volley fired by the Indians - I judge the same Indians that came in and that I had been firing at. There was an Indian standing on Major Reno's front not more than 8 or 10 feet from him. As I rode in there, and got straightened up and saw how everything lay, this volley was fired; and this Indian and a soldier was hit. The soldier hallooed, and Maj. Reno gave the order to dismount; and the soldiers had just struck the ground when he gave the order to mount, and then everything left the timber on a run.
- Q. Who was this Indian, if you know?
- A. He was called "Bloody-Knife".
- Q. How near was he to Maj. Reno when he was killed?
- A. Within 8 or 10 feet to his right and front.
- Q. Who did you see start from there; and describe the manner of starting?
- A. Major Reno started out, and the line broke to get out as far as I could see. I stood there a second or so, and they were getting out at any place they could find. There was a dense undergrowth there, and there could not more than one man get out at a time; they had to go in single file on some trail that had been made by buffalo or some animals.
- Q. You saw the command leave the timber?
- A. I saw it start.
- Q. Did the men appear to be frightened or not, at that time?

- A. That volley and the man hollering appeared to startle everybody, and they ran.
- Q. Did you follow them?
- A. Yes sir.
- Q. Were you frightened?
- A. I was not till after I got dismounted. I was not in the timber; I thought I had a pretty good position and there was nothing to get frightened at.
- Q. Describe what occurred after that: the manner in which the command went across the bottom, and why you did not go, if you did not?
- A. I started and got to the edge of the timber: some of the men were passing me, and all were going as fast as spurs would make an American horse go; and I started my horse. There was a dense cloud of dust, and I could not see where I was going. I got out about 150 yards and my horse went down. I don't know whether he stumbled or was hit; he was hit when I found him after, but he went down and I went off, and I got back into the timber. Men were passing me all the time, everybody was running for their life. Some Indians liked to have run over me as I fell; probably 20 Indians ran almost over me. I got up and turned and went right back into the timber.
- Q. Did you, at the time the command left the timber, see any officer or hear any officer making any attempt to stop or halt the men; if so state what officer and what he was doing?
- A. As I started back and got near the timber the men were still coming out; and from the other side of the timber or right near the timber, I heard an officer trying to halt his men. I think he said "Company A men halt - let us fight them - for God's sake don't run." I don't remember his words, but I remember his hallooing.
- Q. Was that the substance of it?
- A. Yes sir.
- Q. Did the men seem to be firing with their revolvers when they left?
- A. I saw no shots fired. The Indians were not paying as much attention as they went out, as after they got out a ways. I saw one man throw his gun away as he was going out of the timber. He got left behind, and I don't suppose he knew what he was doing.
- Q. What did you find back in the timber?
- A. A few men dismounted and some mounted. I advised them to go into the timber and try and stand the Indians off, as there was no use trying to get away by running, as I had tried that. They turned back into the timber and stayed there.
- Q. Did you find any Indians there?
- A. No sir.
- Q. State if the men you found in there had any ammunition?
- A. Yes sir, they all appeared to have plenty. There were 7 or 8 horses in there. About half the men were mounted and about half dismounted. The men who had horses had plenty of ammunition in their saddle bags.
- Q. Were you and they molested by Indians in there?
- A. No sir.

- Q. How long did you remain there before leaving?
- A. I judge near two hours: I can't state the time exactly.
- Q. How did the men appear when you first went in there?
- A. Everybody was a good deal frightened when I first got in there; but we had plenty of time to cool off as nobody was molesting us. We considered we were in a desperate place and had to do something, and commenced cleaning our guns and getting our ammunition ready for a fight, if it did come.
- Q. After Maj. Reno's command left, and you had gone back into the timber, did you hear any firing; and if so where, and describe it?
- A. I heard firing after we had been in there some time. We had got settled down and were talking over matters.
- Q. Give your idea of the time.
- A. It was not over half an hour; I think it was under.
- Q. Describe that firing.
- A. It began in volleys. I heard a great many volleys fired; then between the volleys, and after the volleys ceased, there were scattering shots.
- Q. That was down the stream?
- A. Yes sir.
- Q. Have you been over the Custer battlefield?
- A. Yes sir.
- Q. What was the direction of that firing in reference to the place those men were found?
- A. That would be the right direction - it came from that direction.
- Q. How long before that fire died away entirely, from the time you first heard it?
- A. It might have lasted an hour: I think not over an hour.
- Q. After that, did you hear any firing on the right bank of the stream?
- A. No sir.
- Q. Did you hear any scattering shots?
- A. No sir, I did not.
- Q. What did you think it was, at the time you heard this volley firing you speak of?
- A. I thought it was Gen. Custer.
- Q. Was that impression changed afterwards, or was it confirmed?
- A. It was confirmed.
- Q. You have scouted that country over, have you not?
- A. Yes sir.

- Q. You remember the place where Maj. Reno's command pulled ahead of Gen. Custer to go to the crossing?
- A. Yes sir.
- Q. You know where Gen. Custer was found with his men afterwards?
- A. Yes sir.
- Q. I want you to take into consideration the time that elapsed after Maj. Reno got to the place where he halted and formed the skirmish line, and the engagement following it, and state where Gen. Custer must have been at the time Maj. Reno left the timber with his command.
- A. He must have been about half way from the starting point and where he had his fight.
- Q. Here is the point "A" showing the crossing of Maj. Reno in the first instance - how do you mean half way to the place he made his fight?
- A. I judge that at the time Maj. Reno left the timber Gen. Custer was about opposite where we were. I judge that by the distance; I did not see him at all.
- Q. Designate it on the map if you can.
- A. I don't like this map, I don't think it shows the country.
- Q. This map don't show where they separated; but remember where Maj. Reno pulled ahead, and take into consideration the time it took to get there, and the movements there at the timber by the command, and knowing the country as you do, and the battlefield of Gen. Custer, how near was Gen. Custer to his battlefield when Maj. Reno left the timber with his command?
- A. It would be just a guess, depending on how fast he was traveling. He ought to have been beyond Maj. Reno's position on the hill about half a mile. I should not think he was over two miles from his battlefield where he was found.
- Q. Locate on the map about where that would be.
- A. I don't know how fast Gen. Custer was traveling, and it would be a mere guess. A man with a good fast horse could have gone there before Maj. Reno left the timber.
- Q. If these lines represent Gen. Custer's trail, about how far would that be on this map?
- A. I know that country; and from the point we called Wier's Hill, there is a sort of swale runs down, and it is nice traveling to the creek that runs in there. I was not over Gen. Custer's trail that season, but I was the next; but it was so obliterated then that I don't know exactly where it was.
- Q. What time was it when you left the timber as near as you could judge?
- A. I can't tell - it was late in the afternoon.
- Q. Did you rejoin that command; if so with whom?
- A. I did, with 11 enlisted men.
- Q. Were they in the timber with you that day, or did you pick them up going over?
- A. They were with me in the timber - 3 were wounded.

- Q. Do you know when they were wounded?
- A. I do not.
- Q. Do you know whether it was before the command left the timber, or while in the act of leaving the timber?
- A. I think one man told me he was wounded as he got outside of the timber after he was dismounted.
- Q. What command did you join and where?
- A. I joined Maj. Reno's command on the opposite side of the river on the bluff.
- Q. Did you take those men with you?
- A. Eleven men went with me; two did not.
- Q. Were they wounded men or not?
- A. They were well men.
- Q. Where did you cross the river when you joined the command?
- A. We left the vicinity of that little park, and went out in the bend and crossed right in the bend.
- Q. Did you see the troops which you joined?
- A. We saw troops on the hill as we crossed.
- Q. Did you see troops below that as you came out?
- A. After we crossed, we started up that little valley on the other side before we started up the hill; and just before we got to where we could see the position of the troops, we saw an officer and some men start towards us and we went up; and some troops were on the march down the ridge.
- Q. Whose company did you meet?
- A. I don't know whose company: I met Lt. Varnum and 4 or 5 men coming to meet us.
- Q. Did you encounter any Indians coming out of the timber?
- A. Only five; they fired one shot and we returned it and they run. That was all the opposition we had.
- Q. What was the command doing when you got on the hill; engaged in firing on the enemy?
- A. They were not engaged, they were marching down. They became engaged in a few minutes after. As I was coming up the hill I saw Indians advancing in that direction.
- Q. When you got on the hill was the pack train up?
- A. Yes sir: as I got up the pack train was just opposite me.
- Q. Did you participate in the battle on the hill on the 25th and 26th of June?
- A. Yes sir, we were corraled on the hill those days.
- Q. Were you assigned to any post; if so, by whose order?
- A. I was not.
- Q. State what you saw going on there.

- A. I could see only part of it - in the immediate vicinity of where I was.
- Q. Where were you?
- A. The first night I was in the center. When my horse fell he hurt me, and I got wet crossing the river, and that night I laid among the horses; and the next day I was with "A" company.
- Q. What kind of a crossing was it where you came over?
- A. It was a steep cut bank, and the water was about up to my shoulder.
- Q. How was it on the other side?
- A. A gravelly bar.
- Q. How was the timber?
- A. It was scattering.
- Q. How scattering?
- A. I can't tell about the timber; I never thought of it before. I remember seeing timber, and there was brush on the creek on the other side.
- Q. Was it dense?
- A. Yes sir, part of it. All through the valley there was an occasional tree and some brush, enough to conceal a man walking along.
- Q. Did you see Maj. Reno on the hill on the 25th and 26th days of June?
- A. Directly after I got on the hill I had a conversation with Maj. Reno. He called to me to interpret for him and Half-Yellow-Face. He wanted to inquire about the Indian camp. I called the Indian up and he went up where he could look over into the valley. Maj. Reno wanted his opinion about what the Indians were going to do, as they had taken their lodges down. Half-Yellow-Face said he thought they were going off, and then went away. A short time after, Maj. Reno called him back and asked "How is this, the lodges are all up again?" They were all standing as they were in the first place. He said he didn't know. That was all the conversation I had with him on that day.
- Q. State what officer appeared to be exercising command there, and state what he did.
- A. I was not in a position where I could see all of the command: I could see only about three companies but the commander I did see was Capt. Benteen on that part of the field.
- Q. What portion of the field do you refer to, the right or left as you faced the Indians?
- A. As we faced the Indians, it would be both.
- Q. Describe Capt. Benteen's position there; whether on a knoll or hill to the right, up stream.
- A. I should call it on a knoll to the right; it would be up the river the way I was facing; it would be on my right.
- Q. State whether or not you saw the Indian village; and if so, when; and how many lodges do you estimate it to contain, and state the facts upon which you base your estimate.
- A. I saw the Indian village, or the greater part of it anyhow. I suppose all of it while I was on the hill corraled with Maj. Reno the first afternoon. It was a large camp, I think of about 1800 lodges. I have seen a great many camps, and this was the largest I ever saw by a great deal.

- Q. Did you see the lodges and the places they had been?
- A. I merely took an eye view, and estimated from what I had seen in other camps.
- Q. State how much ground the Indian village covered.
- A. That would be hard to tell. In my opinion they moved camp the day before we got there in the morning. It covered a great deal of ground they were not using when we got there.
- Q. State whether or not in a camp of Indians, they frequently change the position of their lodges.
- A. Yes sir, frequently after occupying one place for a day or two, they change if only to get a clean place.
- Q. Did you see the Indian village move off on the 26th?
- A. Yes sir.
- Q. Describe the length and width of it, and how far it was away.
- A. It was nearly dark, and I could only see a black mass moving away. You could not distinguish an Indian on horse-back to know it was an Indian. It might have been 2 miles long, and probably half a mile wide. They seemed to be in a good deal of a hurry to change camp.
- Q. State how many Indians you saw attacking Major Reno's position on the afternoon of the 25th or on the 26th.
- A. I could not judge the number only by the firing; you could not see the Indians themselves. There may have been four or five hundred around him at a time. My experience is, they don't put all their men in a bunch; if they have enough for reliefs, they have them. There were enough of them to hold every position.
- Q. Do you know the point occupied by Capt. Wier's company below Maj. Reno's position after it moved down?
- A. Yes sir.
- Q. How far was it away from Maj. Reno's position?
- A. Probably half a mile; may be more.
- Q. State whether during the fight Indians occupied that hill.
- A. Yes sir, I saw Indians on it.
- Q. State if they fired from there into the command.
- A. I can't say. They fired at us from very long range; and as the balls would fall among us we could pick them up.
- Q. From all you saw during those two days or afterwards, state what was your estimate of the effective fighting force of that hostile village, and state how you arrive at it.
- A. I judge there were 3500 fighting men.
- Q. What do you mean by fighting men?
- A. Everything able to handle a gun. I arrive at it by the number of lodges and wickiups. I think there was a large force of Indians who had no women along.
- Q. May you not be considerably in error as to the number of lodges there?

A. Yes sir, I may be.

Q. Within what limit would you put it?

A. I would not say within what limit. I always have estimated them at that number. I have seen 700 or 800 lodges together before; and I judge there were all of 1800 there.

Q. State how many rounds of ammunition you fired there in the timber.

A. Probably ten rounds.

Q. From your experience in Indian fights, how long could a command of 100 men have held out in that timber with six or seven thousand rounds of ammunition judiciously used?

A. I don't think the Indians could have gotten them out of there at all if they had water and provisions.

QUESTIONS BY MAJOR RENO

Q. When you laid down to sleep on the morning of the 25th and did not take any coffee, you were pretty well exhausted were you not?

A. No sir.

Q. Not very tired?

A. No sir; we had made a night march. We had slept till 11 o'clock the evening before and then marched till probably 2 o'clock and then laid down again.

Q. How long did you sleep that time?

A. I don't know how long: I can't state the hour we marched.

Q. What do you estimate it at?

A. Probably 7 o'clock.

Q. You slept from what time in the morning till 7 o'clock?

A. I laid down about 3, I expect.

Q. Where were you when Gen. Custer gave the order to Maj. Reno that you have stated - at what part of the column?

A. I was standing still, right by the side of that lodge. I had helped to cut it open to see what was in it.

Q. Was the column in motion or not?

A. It was in motion.

Q. Near what part of the column were you?

A. Gen. Custer was nearly opposite me, within probably 15 feet of me coming up. That lodge stood off the trail a few feet.

Q. Where was Major Reno and who was with him?

A. I can't say who was with him; he was right there in front as I heard the words spoken.

Q. Was he alone or with company?

- A. There was a party of men with him, I don't know who; I suppose his orderlies and an officer or two; I can't say. Probably 10 or 15 men were with him.
- Q. How long after did you mount and join the command?
- A. I was mounted at the time and started right out. He kept on the trail and I was probably ten feet to the right of him.
- Q. Did you have him in sight till you reached the ford?
- A. I did till my horse fell.
- Q. How close to the ford was that?
- A. Within 300 or 400 yards.
- Q. Did he receive any other orders from Gen. Custer or from his Adjutant?
- A. Not that I know of.
- Q. Do you know whether Lieut. Wallace and Lieut. Hare were with Maj. Reno on the way to the ford from that point?
- A. I do not know. I was not acquainted with the officers except Gen. Custer, Maj. Reno and Lieuts. Hare and Varnum.
- Q. You did not see Lieut. Cook deliver an order to Maj. Reno?
- A. No sir.
- Q. The order you heard delivered was from Gen. Custer himself?
- A. Yes sir.
- Q. With whom did you stop when the command was halted and deployed in skirmish line?
- A. There was a Crow Indian, Girard, and Charley Reynolds, are all I remember.
- Q. When did you dismount?
- A. As soon as the troops dismounted.
- Q. Were they with you at that time?
- A. They were around near me in that swale there.
- Q. How soon after you dismounted did the scouts scatter?
- A. We sat there a short time watching the troops firing. They had formed in line and were firing. We were discussing the matter and thought we would take a shot.
- Q. Where have you fixed the point at which you dismounted?
- A. In the vicinity of the figure 4.
- Q. Look at this figure "1" and state if that was not the point at which you and Girard and Reynolds were.
- A. This is not my idea of the ground.
- Q. How far is it from the point "1" to the point "4" according to the scale of this map?

- A. That is something I don't know.
- Q. According to your knowledge of the country, what would you estimate the distance to be?
- A. It was probably three or four times farther than I would make it by a guess. I judge by the scale it is a quarter of a mile.
- Q. The point "1" is not the point where you dismounted?
- A. It would be if you took the points on the map as correct where the line was formed; it would be about the same place.
- Q. How long did you remain in that swale?
- A. Probably 6 or 7 minutes.
- Q. Where was Maj. Reno during that time and what was he doing?
- A. I did not see him.
- Q. Was he in front of the line according to any knowledge you have from any source?
- A. I know nothing about it. I saw the troops and was watching them fire. I saw no officer and paid no attention to their movements up there.
- Q. You don't know where Maj. Reno was during that period?
- A. No sir.
- Q. What did you do after you arose from the swale?
- A. I took my horse to the timber and tied him.
- Q. Did you see Maj. Reno at that time?
- A. No sir.
- Q. At what part of the timber did you tie your horse?
- A. Nearly straight down from where I was. I did not go to the glade, but tied him between the glade and the prairie.
- Q. What was the skirmish line doing during that time?
- A. I could hear them firing at the time I tied my horse.
- Q. Heavily or not?
- A. Yes, a very good skirmish fire.
- Q. You had fired no shots, had you?
- A. Yes, one shot.
- Q. That was at the distant Indian you spoke of?
- A. Yes sir.
- Q. What did you do after you tied your horse?
- A. I came out.
- Q. To the skirmish line?

A. No sir.

Q. What do you mean?

A. I came right back out of the timber the way I went in.

Q. Would that be in the rear of the skirmish line?

A. It would be the same position I was in before.

Q. How long were you gone tying your horse and coming back?

A. Probably 5 minutes.

Q. Were the men then on the skirmish line?

A. I could hear them firing. When I came out, my attention was attracted by the Indians coming out: I could see them coming on the hills.

Q. In considerable numbers or not?

A. Scattering, not a great many.

Q. Did they continue to come in considerable numbers?

A. They did not seem to increase in number any.

Q. What was the number of Indians on that bottom between the skirmish line and the ford "A" at the time that column retired from the timber?

A. I don't know.

Q. Have you any estimate?

A. When I left the line and went to get my horse, I rode the other way into the park. I don't know what number had got there. They can ride pretty fast.

Q. Can you give an estimate of the number of Indians between the skirmish line and "A"?

A. Most of them got around and got into the timber. They started to come in from the hills and came in on the left. That is all I know about it.

Q. Have you any judgment to give of the number of Indians on the prairie at the time the command left the timber?

A. I was not out there at the time and can't tell.

Q. What did you do after coming out; and where did you go, and what did you see?

A. I sat down in a buffalo trail and waited for the Indians to come up.

Q. What was the skirmish line doing at that time - still firing?

A. They were for a few seconds and then ceased; after the Indians got close enough for me to fire, there was no fire from the line.

Q. What was the line doing?

A. I don't know.

Q. Do you know by whose order any change of position was made?

A. No sir.

- Q. How long was it before the skirmish line was withdrawn to the timber from the time it was deployed?
- A. I judge it was 15 minutes.
- Q. What did you do when the Indians came close enough for you to fire?
- A. I went in the timber and untied my horse.
- Q. That point was not as far towards the Indian village as the glade itself?
- A. The glade was between the village and my horse.
- Q. You did not have to pass through the glade to get your horse?
- A. No sir.
- Q. Where was Major Reno at the time you went and untied your horse?
- A. I don't know. When I mounted and rode into the glade I saw him.
- Q. Why did you go and untie your horse?
- A. I heard no firing from the troops, and wanted to go and see what they were doing.
- Q. Where were the troops at the time you untied your horse?
- A. I don't know; when I came to the glade, there was that part which I saw.
- Q. When you untied your horse, had the troops left the timber?
- A. The part I saw were on their horses in the glade.
- Q. Did you untie your horse and go in there before the troops left the timber?
- A. Yes sir; before the troops I saw there left.
- Q. Before any of the troops, so far as you know, had left the timber?
- A. Yes sir. The troops I speak of were the troops I saw in the glade mounted: I don't know whether that was all of the command or only part of it. That part I saw when I came out.
- Q. Where did you see those mounted troops after you got on your horse?
- A. In that glade.
- Q. Major Reno gave the command "dismount" when you came up?
- A. Yes sir. (When) I came up he was sitting on his horse. I stood there a second or two, enough to notice what was going on.
- Q. He afterwards gave the command "mount"?
- A. Yes sir.
- Q. How many troops were about him and of what companies?
- A. I do not know of what companies. I judge there was a company in there that I saw: I don't know how far they extended out of my sight. In that glade there was all of one company formed.
- Q. Can you give an estimate of the number?

- A. I judge there were 50; just guessing at it.
- Q. How near were you to Maj. Reno?
- A. Probably within six feet of him.
- Q. What did Maj. Reno do when he ordered the command to mount?
- A. He started through the timber.
- Q. Rapidly or not?
- A. Yes, he started rapidly.
- Q. Did he succeed in riding rapidly through there?
- A. He passed out of my sight very soon.
- Q. Did you have an opportunity to follow him?
- A. There was nothing holding me from following him.
- Q. Did all the soldiers follow him - those 50 you spoke of?
- A. I don't know. They went out of the timber.
- Q. Do you know whether he continued to ride rapidly without stopping at the edge of the timber?
- A. No sir, I can't say. I started right out of the timber, but did not go very fast; but as I came out the men were going across the prairie on a dead run. I don't know where Maj. Reno was at the time.
- Q. How far was that from the edge of the timber you saw him start on his horse?
- A. I judge it was probably 75 feet.
- Q. Could you see through it?
- A. No sir.
- Q. Did you see Capt. Moylan at the edge of the timber?
- A. No sir. I did not see him anywhere in the fight.
- Q. You did not see Maj. Reno speak to Capt. Moylan, or tarry with him?
- A. I did not.
- Q. Do you know to what company the men left in the timber belonged?
- A. I know there was a man or two of "A" company. I can't state as to the others. I heard them talking among themselves.
- Q. Would there not be something on their uniforms or caps to show?
- A. Occasionally a man had a letter on his cap (sic), but they generally wore what kind of a hat they pleased, and not all had their letters on their hats.
- Q. Don't you know that most of them belonged to Co. A?
- A. No sir, I do not.
- Q. Do you know they belonged to any other company than "A"?
- A. I think there were men from more than one company.

- Q. What number do you fix as belonging to other companies than "A"?
- A. I cannot tell you anything about that.
- Q. You remained there two hours?
- A. I judge about that.
- Q. Two men were still left in the timber?
- A. That is what they state.
- Q. Did you know at the time of leaving the timber they were there?
- A. I did not.
- Q. Did you see Mr. Girard in the timber?
- A. No sir, not in the timber.
- Q. During the 2 hours you were in the timber, what part of it could you see?
- A. I was right at the edge of the park, and could see from where I lay into the park, and into the timber and onto the hill on the other side.
- Q. Do you really know at what point the column of Custer ceased to follow the direction the column of Maj. Reno took?
- A. I do not: I did not look back to see.
- Q. If at the time the skirmish line was being deployed, the gray horse company of the column, of which it was a part, was at the point marked "2" in pencil on the map, on the right bank of the river, where would that column in all probability have been at the time Major Reno left the timber?
- A. That would be another guess with me - as to how far they could go in that length of time.
- Q. Would they have had time to get to the point "B"?
- A. They would have had time enough to go a mile I think, easy.
- Q. What is the character of the country towards "B"?
- A. I claim that what is called Wier's Hill is the highest point on the ridge in that vicinity.
- Q. That circular mark is to indicate the position Maj. Reno took. How far from there can you see the country towards "B"?
- A. To that highest point - Wier's Hill - probably half a mile down.
- Q. How long after Major Reno's command left the timber did you hear that general firing in the direction Gen. Custer's body was afterwards found?
- A. We had got in the timber and had got cooled down and were studying up plans what to do to get out. We must have been in there 20 minutes.
- Q. If at the time Maj. Reno's command was deploying as a skirmish line, the column with the gray horse company was at the point "2", in 20 minutes after Maj. Reno's command left the timber, would they not have had time to get farther than "B"?
- A. Yes sir.

- Q. If the column had been at "2" at the time the skirmish line was deployed by Maj. Reno, would it not have had time to have done considerable firing at "B", if there was any fight there?
- A. I don't think there was any fight there.
- Q. With regard to the firing you did yourself, were you not very much interested in hitting the Indian you were firing at. Was not your attention wholly called to your employment?
- A. Of course I was interested in my shot.
- Q. Would you not have been inattentive to firing in other directions as long as you were firing yourself?
- A. No sir.
- Q. Do you think you could hear the firing of others as well as if you had not been firing yourself?
- A. I was thinking of the position I was in, not hearing any more firing from the troops, and the Indians coming in so close. No firing being done in my rear, I supposed the Indians would join very soon.
- Q. Do you know whether the troops laid in the edge of the timber?
- A. I could not say.
- Q. Do you know how much ammunition they had?
- A. Judging from what the men who had horses left in the timber, they had plenty. They had six or seven packages of ammunition each.
- Q. Did the men have in their saddle bags more than 50 rounds of ammunition each?
- A. They had all of that. They had more than we wanted.
- Q. Did the troops have 6000 or 7000 rounds of cartridges?
- A. I don't know.
- Q. The estimate you base on what the troops could do with that number of cartridges would depend on whether they had that number?
- A. I heard it said that the men had 100 rounds each; probably 60 in their saddle bags and 40 in their belts.
- Q. You fired more carefully than the troops and less frequently?
- A. I don't know about that. Take 100 men firing, and you can't tell whether they are firing slower than you or not.
- Q. The firing was so frequent you could not distinguish the individual firing?
- A. No; I did not see them fire only in the first part of it.
- Q. In point of fact, how much of Maj. Reno's conduct did you see in the timber?
- A. I did not see Maj. Reno at all only at the time he left.
- Q. While in the timber how much did you see of him?
- A. I saw him give two orders and saw him start probably half a minute while standing there before that volley was fired by the Indians.

Q. Was Capt. Benteen the senior captain on the hill-top?

A. I believe he was.

Q. He would be the second in command, would he not?

A. I judge so, as far as I know about military matters.

QUESTIONS BY THE RECORDER.

Q. Might not Lieut. Cook have given an order to Maj. Reno and you not know it?

A. He could have done it.

Q. How long was it after Maj. Reno halted his command and deployed it till the command left the timber?

A. I judge about 20 minutes.

Q. You have scouted that country over; describe it from Maj. Reno's position on the hill down the stream to the place where Gen. Custer's battlefield was.

A. I don't consider it as easy country to go through when you get to the creek. It is a deep creek; what we call a bad-land creek, with cut banks and hard to get through unless the Indians or the buffalo had made trails through it.

Q. How would a command in passing over it the first time go down?

A. In single file.

Q. Would you keep near the river or head it off at the best place?

A. I would keep near the river myself.

Q. Describe the country from there on.

A. It is rolling hills; some deep cuts, but easy to go over. It is a rise I call it from this creek to the place where Gen. Custer and the men with him lay.

Q. Describe the ravine "H" if there is one there.

A. I don't know that I could describe that. I did not pay much attention to the field. I was on the hill where Gen. Custer lay the next year; but my business was to scout the country thoroughly for 10 or 12 miles around for the men that were never found.

QUESTIONS BY MAJOR RENO.

Q. The ravine you speak of is lower down the river than "B"?

A. That place said to be a ford, is at the mouth of a creek that comes in there.

Q. You were not attached to any company, but were on detached duty?

A. Yes sir.

QUESTIONS BY THE COURT

Q. Were you over the field immediately after the battle?

- A. No sir, I was sent down with a company of the 2d Cavalry into the Indian camp to help destroy what was left; and that company went through the creek just where the 7th Cavalry were burying their dead, and then went back into the hills.
- Q. Where did you cross?
- A. Right under the hill that Gen. Custer lay on. There is a crossing there. I should say the Indians crossed there.
- Q. Did you notice that place "B" on the right side of the river?
- A. I was there the next year. I judged when I was there that what they called the watering place was at the mouth of that creek.
- Q. Why do you conclude there was no fighting done there?
- A. Because it was so near to where I was that I should have heard the firing more plainly.
- Q. Do you know whether there was a ford there?
- A. The next year there was a good ford there, right in the vicinity of the mouth of the creek.
- Q. A command moving from above there, how would it get to the place where the bodies were found afterwards, with a view to getting a good route?
- A. It was easy only at one place, where that creek came in; and they could cross at the mouth of it where I was myself.
- Q. From your knowledge of the country; from the point where the commands separated, what was the probable route of Gen. Custer, or have you any idea in regard to that? What trail do you think he took, and did he come to this watering place or strike the river lower down?
- A. I should think they would come to the river to get around easy. There was a swale that led to the creek and then they could follow the creek down.
- Q. Were there any evidences that that was the trail Gen. Custer's command took?
- A. I did not go over it till the next year and can't say.
- Q. What evidences of fighting did you see anywhere on that field afterwards?
- A. I was not over it at that time, only to go across the river opposite there.
- Q. Did you find any soldiers bodies over in the Indian village or see any?
- A. No sir.

The witness then retired.

CAPT. J. S. PAYNE, 5TH CAV. A WITNESS CALLED BY THE RECORDER, and being first duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, regiment and where serving.

- A. My name is J. S. Payne. I am captain of the 5th cavalry, and I am now on leave of absence, sick.
- Q. Please state whether you have made any measurements of distances on what is known as the Custer battle-field or the battle-field of the Little Big Horn river. If so, when, and what measurements did you make?
- A. I made one measurement upon this field, upon the 22d day of last August. It was a measurement of the distance from the point commonly known as the spot where Gen. Custer was killed, to the position upon the hill known as Reno's position, where he was intrenched.
- Q. Were there evidences there at that time of its having been an intrenched position?
- A. Yes, sir.
- Q. What were the evidences also that the place that you measured from was the place where Gen. Custer fell?
- A. It was unmistakably the spot where a struggle had taken place. The bones of men and horses were there, and it was the extreme northern limit of the battle-field.
- Q. What was the distance between those two points as measured by you?
- A. Four miles one hundred and sixty yards.
- Q. How did you make the measurement?
- A. The measurement was made by practically chaining; that is, we used lariats which were tied together; and the distance was measured off by stakes, with the exception of about a third or a half mile up at the upper end - that is, nearer Reno's position - that was not measured quite so accurately. It was measured from horseback, night was coming on and the time was limited.
- Q. In making that measurement, state whether you measured in a straight line or followed a route which might be a practicable route for a column?
- A. It met both of those conditions. The line was practically a straight line, and at the same time it was a practicable route. The deviation from a right line was very slight.
- Q. Did you make any other measurements?
- A. No other measurements.
- Q. Look on this map and observe the point "B" near a creek that appears to put in there, and state how near you came to that point, and whether you can fix it.
- A. That watering place, as it is called, was not upon the line I measured. That is at the mouth of what we call Muddy creek. That is, it is a dry wallow that evidently, at certain seasons of the year, is full of water. It breaks through the bluff, and empties into the Little Big Horn at that point. I made no reference to that point in my measurement. My line, from the point where Custer was killed, passed a little lower down on the bluffs than the trail, and then practically in a straight line.
- Q. Did you see any other evidences of that field of battle at the time that you were there?
- A. Nothing except the bones of horses and parts of the bones of the men on the Custer battle-field, and one or two pieces of human bones that I found scattered in the grass on the left bank in the bottom.

QUESTIONS BY MAJOR RENO

- Q. Did you observe the river at or about that watering-place?
- A. Yes, sir. I noticed that. I watered my horse there.
- Q. State what is the character of the ground on each side of the river there?
- A. The banks are not quite so high there as they are at points higher up the stream. I crossed the river above at two points. The bank on either side of the river at this watering place, presents no serious obstacle to fording. It is not a good ford, but it is a practicable ford, such as cavalry are accustomed to use on the plains.
- Q. What was the character of the country where you found the human bones on Custer's battle-field, and state whether it was well adapted to a prolonged defense, or otherwise?
- A. Extending from the point where Gen. Custer's body was found, in a south-westerly direction, is a "back-bone", as we call it on the plains, very narrow; and I think about six hundred yards long. To the right, and toward the upper end of this "back-bone", the country falls away into slight ravines and depressions, and more or less little knolls. The knoll where Capt. Calhoun's company was found is about the highest point in the immediate vicinity. It commanded the country on either side within the limit, perhaps, of rifle shot; but I would hardly call it a good defensible position against Indians.
- Q. Upon the hypothesis that there was a very large body of Indians in that neighborhood, what facility, if any, would a command of two hundred men have for making a prolonged defense on that line? Say there were fifteen hundred Indians.
- A. Well, sir, I should say their case was a hopeless one.
- Q. Could their resistance be continued through any length of time?
- A. I think not. The ground lies so that the enemy, lying around encircling that position, could fire upon the troops without any danger of firing into each other. I noticed that specially.
- Q. Suppose you refer to "D" and the country intervening between that and "E".
- A. The country is comparatively unobstructed through there. There is a ravine that does not seem to be indicated here. It is off some distance. It was a slight one and would not afford much cover; and in my opinion had but slight reference to the defensibility of that position.
- Q. Does the point "D" offer, from the character presented in 1878, any advantageous position for defense against a large number of Indians?
- A. No sir, there is no cover for troops.
- Q. Does the country between "D" and "E" present any facilities for defense?
- A. No sir, I think not against a largely superior force.
- Q. State if you made any test with regard to hearing the noise of a gun discharged at "E" when you were near that point of timber at "C"?
- A. No sir.
- Q. Do you know whether any guns were fired at the point "E" while you were at the point "C"?
- A. Only from hearsay.
- Q. What was the nature of the evidence you received that there had been firing at "E" or about that point, while you were at "C"?

- A. What I refer to was not at that point, but while descending the hill down into the valley. As I went into camp I heard some of the men talking. I don't even remember who they were, but I heard them talking about having fired guns over on the battle-field.
- Q. Did you hear them?
- A. I did not. I did not hear them discuss it, but merely allude to it.
- Q. What was the state of the atmosphere on that day?
- A. It was clear the first day I was there. It was clear the day the firing is supposed to have been done.

QUESTIONS BY THE RECORDER.

- Q. In what direction was the wind blowing?
- A. I don't remember positively, but I think there was little or no wind blowing. If there was, it was so slight as not to be appreciable.
- Q. As to the point "B" being a practicable ford for cavalry to cross, do you mean to say it had the appearance of having always been a practicable ford, or only at the time you were there?
- A. When I use the term practicable ford, I do it to indicate my opinion that a cavalry column could cross there, as we cross a great many streams on the plains that we had never crossed before. I do not mean there was a well defined ford there, because there was not, even when I watered my horse there.
- Q. In regard to a number of men on the hill resisting a large number of Indians, and the probability that they could not resist long; how long could one hundred men with one hundred rounds of ammunition each, successfully resist say one thousand Indians? Would they necessarily go down in thirty minutes, or would it necessarily last two hours or more?
- A. That, I think, would depend upon the enemy, and not upon them particularly. If the enemy pushed them, I think it would be a question of a very few moments. I should think it would be a question of a very short time, with as large a body of Indians as has been mentioned - between fifteen hundred and two thousand.
- Q. You state that in this position up there, there appeared to be no cover for troops, and that therefore this one hundred men could not successfully make any resistance against that number of Indians?
- A. Comparatively none, I said.

QUESTIONS BY MAJOR RENO

- Q. State what, in your judgment, was the length of time that a column of the size that Gen. Custer had (at) the place where it was, and surrounded and attacked as it was, lasted?
- A. The estimates of the number of Indians range so widely that my answer would depend somewhat upon which estimate I took to answer the question.
- Q. Take that number of Indians which, upon examination, has recommended itself to your mind as more likely representing the size of the hostile force.
- A. I should suppose that there were about two thousand five hundred Indians there from the best opinion I could form from the various accounts; and I hardly feel qualified to answer a question of that sort; but I should

think it would take but a very few minutes to dispose of his command - twenty or thirty, somewhere from thirty minutes to three-quarters of an hour, supposing that he had two hundred men.

The witness then retired.

LIEUT. L. R. HARE, 7TH CAVALRY, A WITNESS CALLED BY THE RECORDER and being first duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

Q. State your name, rank, regiment, and where serving?

A. My name is L. R. Hare; I am first lieutenant of the 7th United States Cavalry serving at Fort A. Lincoln.

Q. State what duty you were on on the 25th and 26th of June, 1876; where and with what command?

A. I was serving with the 7th cavalry. I was on duty with the scouts under Lieut. Varnum. Lieut. Col. G. A. Custer was in command of the 7th cavalry.

Q. Was Maj. Reno with that command, and if so in what capacity?

A. He was with the command in the capacity of Major of the regiment, second in rank to Gen. Custer.

Q. State whether or not Maj. Reno had command of a separate column on the 25th and 26th of June, 1876?

A. He had command of a battalion of three companies a portion of the time.

Q. Did that column push ahead of Gen. Custer's column? If so state by whose order and the circumstances that gave rise to the order.

A. Col. Reno's battalion went ahead of Gen. Custer's about five miles from where Col. Reno crossed the Little Big Horn. It was done by Gen. Custer's order.

Q. State what gave rise to that order.

A. My attention had been called to some Indians ahead by our scouts, and I spoke to Gen. Custer about it. He told me to take the Indian scouts and go ahead and he would follow. The Indians refused to go and he ordered them dismounted; and turned around to Adj. Cook and told him as the Indians would not go ahead, to order Maj. Reno with his battalion ahead.

Q. State whether this was near the Indian tepee on that bank of the river?

A. It was within one hundred yards of this tepee and about five miles from the river.

Q. What did Maj. Reno and his command do on receipt of the order?

A. They started ahead immediately at an increased gait. It was a fast trot.

Q. How long was the command in reaching the river?

A. Twenty or twenty-five minutes.

Q. State what the command did upon arriving at the river. Was there any halt or stoppage of the head of the column?

- A. There was a halt of the head of the column, and some of the men were watering their horses when I passed them. I was delayed some time and did not pass them till I reached the ford. When I reached there, some of the men were watering and some were halted.
- Q. Where was it that you first say any body of mounted Indians or warriors?
- A. From the top of a little knoll about two hundred yards from this tepee. I saw forty or fifty Indians on a rise between us and the Little Big Horn. They had evidently discovered us, for they disappeared right away. When I came down to the ford, I saw Maj. Reno on the right bank. I merely glanced at him. He was standing there.
- Q. After crossing the river, state whether you saw any hostile Indians; if so, when and what they were doing and in what number?
- A. I crossed the stream and rode out to the edge of the timber. I could see some Indians driving in some ponies down stream and to my left. I was at the edge of the timber long enough to fix my saddle-blanket, and when I mounted, the head of the column was coming out of the edge of the timber. I rode off three or four hundred yards in front of the column and to the left; and shortly after, the command left the edge of the timber and formed in column by bugle-call - that is, I heard a bugle-call or a trumpet-call. The command moved down the valley to within a short distance of the timber, and it was there dismounted and a skirmish line was thrown out. Up to the time the command was dismounted, there were probably fifty or more Indians riding up and down in front and firing. As soon as the skirmish line was dismounted, four or five hundred Indians came out of a cooley which was about four hundred yards in front of us. Those Indians moved down to the left and rear.
- Q. How far were you ahead of the command when it halted, and what view did you have of the Indian village?
- A. I could see the top of the tepees at the upper part of the village. I saw probably 400 or 500 tepees.
- Q. What position did you have in reference to the line?
- A. A little in front and probably 200 yards to the left, near the foot-hills.
- Q. State whether during the time you were coming down the valley, any Indians were moving out towards Maj. Reno's command, that you saw?
- A. They were riding their ponies around in front stirring up a dust, and there was a big dust in the village.
- Q. Did any Indians appear to be advancing towards him before the command halted?
- A. They would ride up and back again - back and forth.
- Q. Was his movement down the bottom opposed by any Indians? Were there any Indians between him and the point where the command was deployed?
- A. If there were any, they were very few.
- Q. When the command halted, how near were the Indians to the position you were in?
- A. Not over 300 yards - probably not over 200.
- Q. What was the nature of the fire when the command halted; from how many Indians and how near?
- A. As fast as they came out of the cooley, they opened fire on the command from their horses. They would ride around and fire as they went.

- Q. Riding around where?
- A. To the left; they would go out in the foot-hills and come down again.
- Q. Was that the principal move the Indians appeared to be making?
- A. Yes sir.
- Q. Did any large body of Indians remain in front of the line?
- A. Yes sir; during the time we were in the bottom, there were always Indians in front - that is, down stream.
- Q. How far were the Indians, and in what numbers, that engaged Maj. Reno's line that was in position in the bottom there?
- A. There were different numbers. They kept running about all the time changing position. I estimate that there were 200 Indians in his front constantly - probably more.
- Q. Go on and describe all that occurred within your range, in reference to the disposition of the troops, the orders given by Maj. Reno, the movements of the Indians, up to and including the time the command left the timber or woods.
- A. I did not hear Maj. Reno give any order while I was in the bottom. The Indians worked around to our rear, and the first I knew that we were going to leave there, my man came to me with my horse and told me they were leaving. The left of the skirmish line was thrown back - I don't know by what tactical movement it was executed; but the left of the line was thrown back to the vicinity of the timber.
- Q. Where did you go then?
- A. I staid in one place. I sat down on the right of the line near the edge of the timber, where I first came in; and I was there during the entire time. I had no command. The Indians had all left me, and I sat there, firing an occasional shot when I got a chance.
- Q. State if you were as near or nearer to the Indians than the troops generally?
- A. Probably a little nearer.
- Q. State if you had as good a view from your position as the others had?
- A. No, I would not have as good a view as the troops farther out on the line.
- Q. After they swept into the timber, how then?
- A. I would have as good a view as anybody.
- Q. State what notice you had, if any, that the command was going to leave the timber, or how you happened to go?
- A. My man, leading my horse, came to me and said the command was leaving. That was all the notice I had of it.
- Q. What would have been the result if your man had not come to you with that intelligence at that time; would you have joined the command or been left in the timber?
- A. I should probably have been left in the timber.
- Q. Who was that man?
- A. Private Clare of Co. "K". He was killed.

- Q. While Maj. Reno's command was at or near the timber before you left, how near did the Indians approach it and in what numbers? I mean in anything like a body or force?
- A. They covered the ground from about 200 to 250 yards and to the foot-hills in front and to the left. They were scattered all over as Indians usually are.
- Q. From your position, having the means of knowing what was going on, what would you estimate as the average number of Indians that engaged Maj. Reno's command there?
- A. They would fire and ride around and fire again.
- Q. What do you estimate the average number firing?
- A. It would be a very loose guess. If one fourth of them fired constantly, then I would say 250 were firing all the time; because I would say there were 1000 Indians there.
- Q. What was the character of the firing; did it come from 1000 at a time, or only from a part of that number?
- A. Only from a part.
- Q. How many?
- A. I would say about 200.
- Q. State if you saw Maj. Reno any time after the command was halted and before it retreated, and what orders did he give, if any.
- A. I only saw him once moving down the line about 50 yards off. I heard him give no orders. He was then dismounted.
- Q. From the time the command was first halted and deployed as skirmishers, how long was it till the command left the timber on the retreat?
- A. Between 30 and 40 minutes.
- Q. Go on and describe what you saw of the movements of the command on the retreat, from the time it left the timber till it got to the crossing of the river. State everything you saw and heard, and every circumstance connected with it that was brought to your knowledge.
- A. When I rode onto the bench, the three companies were individually together - well closed up. The companies seemed to be moving independent of each other. They formed the three angles of a triangle; A company on one side, G company on another, and M company on the other, and they were going at a fast gallop when I first saw them; and I thought at first it was a charge; but after I had gone some fifteen or twenty yards I saw they were making for the bluff. On the other side, I caught up with them at the crossing. There was considerable disturbance and confusion there, and for that reason I went below and jumped my horse into the stream, off a bank about six or eight feet high.
- Q. State what the hostile Indians were doing during that retreat. On which side did they approach the troops, if at all?
- A. I knew of none being on the left flank. They were scattered along on the right flank, from 50 to 100 yards away.
- Q. State whether any troops covered that retreat, if so what troops and by whose order?
- A. I don't know of any.

- Q. Did anybody appear to be in the rear trying to keep the Indians back?
- A. I saw no efforts of that kind.
- Q. Was there any effort made at the river to keep the Indians back, or was it every one get over as soon as possible?
- A. There were no troops covering the crossing that I saw.
- Q. Where were the hostile Indians at the time the troops were crossing, and what were they doing?
- A. There were Indians on the right flank from 75 to 100 yards off, firing into the command as it crossed.
- Q. Was their fire returned then by any troops at all?
- A. I don't remember that it was.
- Q. If it had been, would you not have noticed it?
- A. I would.
- Q. State if any large force of Indians pursued the troops to the river; if so, in what numbers?
- A. They were scattered all along from the timber to the river. I supposed those in the rear, as soon as the command got away, would follow it up; but after I got on the hill I looked back, and there were not a great many Indians in the bottom.
- Q. What became of the great mass of the force?
- A. After we got on the hill, probably 100 remained about there until after Capt. Benteen came up.
- Q. State how that movement from the timber to the river impressed you at the time - as a charge, a retreat, or a run?
- A. I did not think it was a run; but it was a pretty fast retreat.
- Q. Now state whether any trumpet or bugle calls were sounded in the timber after the troops took position there, before the command left the timber?
- A. I did not hear any.
- Q. Was any sounded to warn the command what the movement was to be?
- A. If there was, I did not hear it.
- Q. If there had been, were you in a position to hear it?
- A. I think I should have heard it.
- Q. Describe the movement of the command from the crossing to the hill top. State if you saw Maj. Reno and what he was doing. What orders or instructions did he give at that time?
- A. I did not get up the hill till most of the men had got to the top. When I got there, Capt. Moylan was completing the skirmish line. Maj. Reno was standing there: I heard him give no orders, but he was standing there where he could supervise the formation.
- Q. Was there an engagement going on at the time, or had it stopped?
- A. There were a few shots being fired from the Indians on the right bank. They killed 3 or 4 men near there.

- Q. Were they killed going from the crossing to the hill top, or after they got on the hill top?
- A. Our contract surgeon was killed near the top of the hill. The man I had with me was killed near the edge of the river.
- Q. Where did the fire come from?
- A. The Indians on the bluffs, on the right bank of the river.
- Q. What was the condition of the command at the time it reached the top of the hill; whether demoralized and disheartened, or the reverse?
- A. Well, the command was necessarily scattered, but I don't think it was demoralized, from the very prompt way in which they rallied and formed. Before I got to the top of the hill I heard Lieut. Varnum calling to the men to halt; and when I got there, Capt. Moylan was forming his skirmish line. I didn't hear Maj. Reno say anything.
- Q. What would have been the effect on Maj. Reno's command, had the Indians to the number of a thousand followed it to the hill-top?
- A. I think they would have got them all, if they had staid long enough. I don't think they could have got them all, though, before Col. Benteen got up.
- Q. Do you think a command of seventy-five men was in a condition to have resisted all these Indians until Col. Benteen came up?
- A. Yes, sir; I do. They could have got ammunition out of their saddle-pockets.
- Q. Was or was not that command, in view of its condition and losses, less able to protect itself there than in the timber it had left?
- A. No, sir. The position on the hill was a much better position than the position in the timber.
- Q. Then with a loss of about 30 men going across the bottom, you think the command was in a better condition there to resist the attack of 1000 Indians than it would have been in the timber without the loss of those men?
- A. I think the difference in the position would more than compensate for the difference in the number of men.
- Q. I am not asking with reference to Capt. Benteen's command, but that particular command of Maj. Reno.
- A. Yes sir. That is my opinion.
- Q. How long, in your opinion, with the ammunition Maj. Reno's command then had, could it have kept the Indians off in the timber?
- A. If they had charged on him, the command could not have stood it but a few minutes; but Indians don't do that. I think we could have stood them off about 30 minutes by using the ammunition judiciously.
- Q. How much ammunition were the men ordered to carry; and was the order general in reference to the entire command?
- A. As I remember it, the order to the company commanders was for each man to carry his belt full of cartridges and enough in his saddle-bags to make it 100.

Q. You have stated you were in the timber in as close proximity to the Indians as any other part of the command. State how many rounds of ammunition you expended firing at the Indians.

A. About a dozen.

Then at 2 P. M. the Court adjourned to meet at 11 o'clock A. M. Tomorrow, Tuesday, Jany. 28, 1879.

FOURTEENTH DAY

Chicago, Illinois, Tuesday, Jany. 28, 1879, 11 o'clock, A.M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings, so far as copied were read and approved.

THE RECORDER THEN PRESENTED TO THE COURT A PAPER FROM FREDERICK WHITTAKER, which is appended hereto and marked EXHIBIT NO. 3.

IN PRESENTING THE PAPER THE RECORDER SAID:

"As far as I am concerned as Recorder, I have not considered that I was here as the prosecutor of Major Reno. I have desired to elicit all the facts in the case, whether they are for or against Maj. Reno; and while I have not a very exalted opinion of my own abilities in the matter, still I feel that I am - if I may be allowed to say so - competent to go on with the matter as I have done heretofore, because if I had not felt so, I should have asked the court before this time for assistance in this matter.

MAJOR RENO REPLIED AS FOLLOWS:

There are many of these questions that I shall not object to; but in regard to the request of Mr. Whittaker to appear as assistant prosecutor, I think that it is evident to the court that the Recorder does not require it. If the court then thinks or feels that this man, Mr. Whittaker, can be any addition, any desirable addition, to these proceedings, then of course I withdraw my objection; but as far as I can understand the course of procedure to be, it is that the War Department designates the officer who shall have charge of the eliciting of testimony, and I submit that it is entirely against the spirit of the law, and against the substance of this order to permit the authority given to the Recorder, which is not only that of a prosecutor, but is of a semi-judicial character, to be delegated to anybody else. It is entirely apart from this case.

THE COURT WAS THEN CLEARED AND CLOSED and after mature deliberation was again opened, Maj. Reno and his counsel being present and THE DECISION OF THE COURT WAS ANNOUNCED by the Recorder as follows:

"The request of Mr. Whittaker to appear before the court as an accuser or assistant to the recorder will not be allowed. The court determines that the matter of the reception of the questions proposed by Mr. Whittaker shall be decided by the Recorder, in whose abilities to conduct the case to a thorough investigation the court has the utmost confidence."

GEORGE HERENDEN BEING THEN RECALLED BY THE RECORDER, testified as

follows:

QUESTIONS BY THE RECORDER.

- Q. Did you or did you not observe any evidences of fear on the part of Maj. Reno on the 25th or 26th of June? If so, state the grounds of your opinion and what the facts were?
- A. I do not know that I noticed his countenance particularly when I saw him in the timber. The conversation between us on the 26th -
- Q. Just answer this question first.
- A. As I stated in my testimony, the volley was fired and this Indian was killed; and the man who was struck hollered out aloud. That was the time that everybody left the timber in a great hurry. I could not judge whether Maj. Reno was scared or not, but he left there.
- Q. State if you know, what the effect of Bloody Knife's being killed had on Maj. Reno.
- A. All I know is what Maj. Reno told me.
- Q. State what he told you.
- A. I think it was on the 26th, or the morning of the 27th, when Gen. Terry was advancing up. I was near to Maj. Reno, and knowing that Bloody Knife was killed near to where we were in the timber, I asked him if he remembered anything about that fact. I forget the exact words I used. He said, "Yes, his blood and brains spattered over me." That is all I heard him say, and the only question I asked of him.
- Q. Come back to the question and state whether or not you know what effect that had on Maj. Reno at the time.
- A. I thought at the time it demoralized him a good deal when Bloody Knife was killed in front of him, and that soldier was killed and hollered. The Indians were not over thirty feet from us when they fired. When the soldier was hit he cried out "O, my God! I have got it." This scared a good many of the men.
- Q. Did Maj. Reno give any other orders than what you have testified to at this place - that is, "dismount" and "mount", before leaving?
- A. That is all I heard him say.
- Q. State whether he started before or after the men.
- A. He started before. His horse jumped and the men started.
- Q. Did the horse jump as though he had spurs put to him?
- A. I should judge so.
- Q. State whether you then thought he started under the influence of fear for his own personal safety. If so state why you thought so.
- A. I judged the firing of that volley and the killing of that man was the cause of his starting.
- Q. That is what you judged at the time?
- A. Yes sir.
- Q. Have you changed your opinion or judgment since, or do you still hold the same?

- A. I always judged and do still, that that was what stampeded the command in there - that was what made them start.

QUESTIONS BY MAJOR RENO.

- Q. What is your standard of valor, your own character?
- A. How do you mean?
- Q. By what rule do you measure whether a man is frightened or not?
- A. Well, by his actions a great deal.
- Q. In relation to your own conduct?
- A. Well, I cannot say as to my own conduct at all. I judge of the actions of men in places like that.
- Q. What length of time - put it in minutes, or give it in any way that measures time, - was Maj. Reno under your observation in the timber?
- A. He was probably a minute.
- Q. Do you form the estimate of his conduct that you have stated by what you saw during that period of time?
- A. I said I did not notice his conduct with regard to his being scared at all. I am speaking of the volley being fired and their running, and my judgment that the volley caused them to run.
- Q. If you did not see his countenance, what portion of his person did you see on which you formed your estimate?
- A. I judged by the way he left the timber.
- Q. Do you assign as the cause of his starting, the killing of the Indian and the wounding of that man?
- A. Yes, sir; I did.
- Q. Did you not know that he was on his way toward the plain with a view of giving certain directions to the troops, and that he would have gone there without respect to the killing of that Indian or the wounding of the soldier?
- A. As I said before, I only saw Maj. Reno as I came out of the timber and rode up beside him. As far as his actions before are concerned, I don't know anything about them.
- Q. Did you know what was in his mind at the time he stood in the glade?
- A. Certainly not.
- Q. Do you know that he intended, no matter what happened, to go to the edge of the timber towards the plain?
- A. Certainly I did not know what he intended to do.
- Q. Do you assign as the cause of his starting there, and going to the edge of the timber, the killing of the Indian and the wounding of the enlisted man?
- A. I did at the time.
- Q. Do you still assign that as the cause?
- A. I do still believe that was the cause of the stampede out of the timber.

- Q. What was your reason for believing that to be the cause of Maj. Reno mounting his horse and going to the edge of the timber?
- A. I did not see Maj. Reno mount his horse at all.
- Q. Did you see him till he was on the way from the glade to the edge of the timber?
- A. He was sitting on his horse when I came and stood beside him.
- Q. Did you have any other reason for thinking he rode to the edge of the timber than you have assigned - the killing of the Indian and the wounding of the white man?
- A. He left on a run and the men started in no order at all, in my estimation; and that fixed it in my mind that they were running at the instant.
- Q. What distance was he from the head of the men when he left the timber?
- A. His horse had jumped when the men started, but I do not know the distance he might have been ahead. The men followed him just as fast as they could get out of the timber.
- Q. Do you know whether there was any organization after they left the timber?
- A. I do not know anything about any organization. I saw the men make a break to get out.
- Q. Might not Maj. Reno have halted in the edge of the timber with Capt. Moylan and assisted in the formation of the column without your knowing it?
- A. No; they would not have had time.
- Q. Did you mean to say he did not, according to your judgment?
- A. As he left the timber I came out myself; and it was less than a minute after, when I came out. The troops were running across the prairie; but I could not see the rest of the column because the dust was so dense. I could not see the men after they passed a certain point.
- Q. You formed your judgment of his cowardice by the volley that was fired that killed the Indian and wounded the white men before you left the timber?
- A. I am not saying he is a coward at all. I am merely stating how he started from the glade. I do not like to express an opinion as to a man's bravery. I have just given you my judgment of the length of the time it took him to leave the timber and get out on the prairie. I did not see Maj. Reno stop and form the command; but I stated I did not see him all of the time.
- Q. May you not be mistaken in regard to the period of time?
- A. No, sir.
- Q. Were you so cool that you could not be mistaken?
- A. I was not mistaken as to when I started.
- Q. Then the period of time was a moment you saw Maj. Reno; what was done was the killing of one man and the wounding of another; you did not see Maj. Reno's countenance; and because he made a quick movement to the edge of the timber you have given the judgment you have already expressed.
- A. Yes sir, that was my idea of it.

QUESTIONS BY THE RECORDER.

- Q. When you were there near Maj. Reno, was the command "Forward" given or not?
- A. I did not hear another word but the two commands "Dismount" and "Mount".
- Q. If that command had been given, would you have heard it - were you near enough?
- A. If it had been given the way officers usually give commands, I should have heard it.
- Q. Might not that glade be mistaken for the edge of the timber? How near does the glade come to the edge of the timber?
- A. The fringe of timber around the glade is not very wide - wide enough to protect a man. The place where I went out was 75 or 100 feet.
- Q. At the left of the glade, how near is it to the edge of the timber?
- A. It is right close. The horses were drawn up at the edge of the timber facing the glade.
- Q. For all you know, that may have been the formation of the command to leave the timber?
- A. Certainly. I don't know the orders or what had been done. They were standing there.
- Q. You saw how many men?
- A. It looked to me as I glanced at it, and it does today, like a company - probably 50 men.
- Q. Did you see any officer there?
- A. I did not notice any except Maj. Reno.
- Q. Did you hear any order given after the volley was fired?
- A. The order to dismount was given as the volley was fired.
- Q. Then what order?
- A. To mount; that was the last I heard.
- Q. How long after that till you got onto the plain?
- A. I went right out; I did not run, but I urged my horse along. I was not afraid but I should get through the timber all right. When I got out, the troops were running as fast as they could.

QUESTIONS BY MAJOR RENO

- Q. Two orders were given by Maj. Reno during the time you saw him - Dismount and Mount?
- A. Yes sir.

The witness then retired.

THE EXAMINATION OF LT. HARE WAS THEN RESUMED BY THE RECORDER as follows:

- Q. About how many rounds of ammunition had the men expended before they left the timber?

A. I don't know.

Q. Did you hear the firing of the men?

A. The firing was continuous from the time they dismounted till they left the bottom, and they probably expended about 40 rounds per man.

Q. Of those engaged, do you mean, or all?

A. I refer to the men engaged on the skirmish line.

Q. Now with a cool and judicious expenditure of the remainder of the ammunition, state how much longer they could have remained in the timber before it would become necessary to retire on account of the want of ammunition? Take into consideration the amount of ammunition the command had when it went into action, and how much had been expended.

A. By using the ammunition judiciously, it would probably last an hour longer, though that would depend a great deal upon the action of the Indians.

Q. If the Indians had come very much nearer and the ammunition had been used judiciously, it would doubtless have disabled many of them?

A. I judge it would.

Q. How long was it after Maj. Reno's command got on the hill before it was joined by Capt. Benteen's column?

A. I think it was about fifteen minutes.

Q. Had all the men got to the top of the hill when you got there?

A. I think they were all there.

Q. Did you see the men going up the hill as you went up?

A. I saw several ahead of me.

Q. State how long it was from the time Maj. Reno left Genl. Custer at the tepee till Maj. Reno and Capt. Benteen united their forces on the hill?

A. About an hour and a half.

Q. After reaching the top of the hill, what orders if any did Maj. Reno give you at the time? State all that you saw and heard with reference to Maj. Reno's command until the close of that day.

A. As soon as we were joined by Capt. Benteen's column, Maj. Reno sent for me and told me to go and find out where the pack train was, and get it up as soon as possible. I went back about a mile and a half, met the pack train and told them to hurry up as soon as possible and cut out the ammunition as soon as possible and send it ahead. I came back ahead of the pack train. When I reported to Maj. Reno, he told me to go and tell Capt. Weir who had (advanced) while I was gone for the pack train, to open communication with Genl. Custer, and he would follow as soon as the pack train came up. After I delivered the order to Capt. Weir, I returned to the command and met it coming down stream. I suppose the command moved about a mile down stream. When they got to a high hill, the highest point around there, the Indians returned and attacked them. Major Reno said that position would not do to make his fight on and he selected a point further up on the bluff and ordered Capt. Weir's and Captain French's company to cover the retreat back to that point. He covered the retreat within a few hundred yards of the line, when Captain Godfrey's company was dismounted. When I came back, I came back with Captain Godfrey's Company. His Company was put in position on the down stream side, and I suppose the others were on the other side. The command was placed in an elliptical form with the horses corralled in the centre.

There was very little firing in the command that night on the line I was on. The men were lying down in position, lying there and taking the fire of the Indians.

Q. How long did it take you to go back after the pack train and ammunition? How long were you gone?

A. I was gone probably 20 minutes.

Q. Did you see the ammunition packs come up?

A. No, I got back before any of the packs came up. I rode to the pack train and back as fast as I could.

Q. State how long it was after Capt. Benteen's command came up and united with Maj. Reno before the movement was made that you speak of down stream in the direction that General Custer was supposed to be?

A. I was not with the command when it started.

Q. Give your judgment of the time, basing it on the time you were gone down there.

A. It was fully three-fourths of an hour.

Q. State if you know, what evidences there were that Genl. Custer's column had gone in that direction, that you should receive orders to go and tell Captain Wier to open communication with him?

A. The supposition was that Genl. Custer would support Maj. Reno by following him up. He knew that he had not done that. There was plenty of time for him to follow Maj. Reno, and everybody supposed that he would attack the villages somewhere. If he did not follow up, he would attack it somewhere else, and that was the only other way he had of going to the village; and in addition to that I heard firing down there.

Q. Describe the firing: when it was, where you were when you heard it, and how long it lasted and all you know about it?

A. It was just after Capt. Benteen came up with his command. My attention was called to it by Captain Godfrey. He asked if I heard that volley. I said yes, I heard two distinct volleys. That was just before I started for the pack train.

Q. What impression did it make on your mind at the time, or on the mind of the command as far as you observed?

A. I thought he was having a very warm time.

Q. I wish you to state whether or not a general movement could have been made in the direction General Custer was supposed to be, immediately after the arrival of Capt. Benteen's column?

A. They could have left, but they wanted the pack train up.

Q. Do you know how many men Captain McDougall had with the pack train?

A. He had about 45 men of his own and 6 men of the company I was attached to; I don't know about the others.

Q. Did he not have a non-commissioned officer and 6 men?

A. No, sir. A non-commissioned officer and 5 men. He might have had more from the other companies.

Q. How did his force compare with the force Maj. Reno had when he went into the bottom?

- A. I expect Capt. McDougall had about 120 men; perhaps not over a hundred. I don't know how many he did have.
- Q. How many wounded men were on the hill there at that time?
- A. I don't know.
- Q. Were there any wounded brought up out of the bottom?
- A. I saw wounded men on the hill side.
- Q. After Maj. Reno got on the hill, did they follow him up, or did they appear to abandon the attack on him?
- A. I only saw three or four when I got on the hill when I first got up there.
- Q. State if you know, where (why?) the column was turned back moving down stream in the direction of Capt. Weir - Whether on account of its being engaged with Indians or for some other purpose?
- A. They could see the Indians coming from down stream in great numbers, and I heard Maj. Reno say he did not think that a good position to make a stand. It was very evident we would have to fight for it.
- Q. State, if you can, where Maj. Reno went at the time that movement was made - did he go to the position Capt. Weir occupied?
- A. He was going to that highest point when I went away.
- Q. Was that the point that Capt. Weir occupied?
- A. No. He went to the right of it. There are two divides. Capt. Weir went to the one to the right and Maj. Reno went to the one on the left, a little further down stream.
- Q. Describe their relative positions in respect to the river.
- THE WITNESS INDICATED ON THE MAP BY THE FIGURE 5 THE POSITION OCCUPIED BY MAJ. RENO AND BY THE FIGURE 6 THAT OCCUPIED BY CAPT. WEIR.
- Q. Which was the most advanced position?
- A. They were about perpendicular from the river; but Capt. Weir had to go back to the rear by a ravine before he could come to the position occupied by Maj. Reno.
- Q. How did he join Maj. Reno's command?
- A. He came back and headed off a little cooley.
- Q. Did he come back and join Maj. Reno's column on the hill marked 5?
- A. Yes sir.
- Q. State whether or not it was generally believed by Maj. Reno's command or by yourself, that General Custer would send Maj. Reno's command to attack the Indians and he himself remain out of it?
- A. There was no such expectation or belief.
- Q. State whether to your knowledge or belief any orders (or) advices were received by Maj. Reno that General Custer would not support him in his attack.
- A. I don't know anything about it. There was nothing of that kind to my knowledge.

- Q. State whether or not an attack on the flank by Genl. Custer's column would have been supporting Maj. Reno's attack?
- A. That is altogether owing to the disposition the Indians made. As it was it was not a support. It did not amount to anything.
- Q. How do you arrive at that conclusion?
- A. The results of the battle show it.
- Q. Do you know just where General Custer attacked with reference to where Maj. Reno attacked?
- A. I do not.
- Q. State what other orders than those you speak of were given by Maj. Reno in reference to the movement down the right bank of the stream in the direction Capt. Weir had taken?
- A. I was not there when the command moved, and did not hear any other orders except the command to move back.
- Q. Did the rest of the command reach the Indians there?
- A. Capt. Weir and Capt. French were the only ones who engaged the Indians till within 3 or 4 hundred yards of the final stand. Then Capt. Godfrey engaged them.
- Q. How long was it after the command got back, before the general attack on the part of the Indians began that afternoon?
- A. Right away.
- Q. Had the firing been going on before that?
- A. Yes sir; Capt. Godfrey held them in check until the rest of the command got into position.
- Q. How long a time intervened after Capt. Weir left to go to that point, till the general engagement began?
- A. It was about an hour and a half.
- Q. State after the command had taken position, after the advance that afternoon, what officer if any, gave general directions and seemed practically to be in command; and what was he doing if anything?
- A. The command was all in position and there were no orders given. There was no necessity for any.
- Q. Who put the command in position?
- A. I don't know.
- Q. Who selected the position?
- A. I heard Capt. Benteen say to Maj. Reno that he thought that the best position to make a stand, and Maj. Reno answered that he thought so too.
- Q. After that command was in position, were there not officers putting men in position and making preparations to resist the attack?
- A. I saw Capt. Weir, when Capt. Godfrey first got in, disposing men behind a ridge, and Capt. Godfrey was around there putting his men in position.
- Q. Had the firing begun?

- A. Yes sir.
- Q. Where was Maj. Reno at that time?
- A. I don't think I saw him there.
- Q. About that time where did you see him?
- A. He was on the left of Capt. Weir's company when I saw him.
- Q. What was he doing?
- A. Not anything.
- Q. What was he doing?
- A. Lying down.
- Q. Behind anything?
- A. No sir, there was not anything except a ridge.
- Q. Was that time you saw Maj. Reno as you have described, about the time you saw the officers getting the men into position?
- A. No; it was some time after.
- Q. Did you see Maj. Reno during the time those officers were putting the men into position as you have stated?
- A. I do not remember.
- Q. Where did you next see Maj. Reno and what was he doing then?
- A. The next morning early, right after reveille, he was making some disposition on the line.
- Q. Did you see him between the time you speak of and the afternoon of the 25th, and the next morning?
- A. I did not.
- Q. Where were you?
- A. I was asleep.
- Q. During the entire night?
- A. Yes sir; I slept all night till reveille.
- Q. Go back to the timber and give a description of the timber with reference to the stream, plain and hostile village.
- A. There was very little large timber there; it was mostly underbrush. The basin or park was about 200 yards wide, and on the north bank four or five hundred yards long where it runs into the river. There is a cut bank down stream and there is a bend on the other side continuing to where the river makes this cut bank. In this there is a little park containing about ten acres of ground.
- Q. Take this vacant spot on the map and see if it would answer the description in your mind of the place mentioned?
- A. No. It is all covered with underbrush. There may be a little grade. I didn't know.
- Q. Describe the bench around the plain; whether it extends from the river below to the river above, or how near it comes to it.

- A. The bench runs right into the river down stream. Up stream I don't know how it was. I'm not certain.
- Q. Does the timber widen below there, or does it narrow into the river?
- A. It must narrow in towards the river.
- Q. With reference to the hostile village as known to you then or afterwards, how far was that from there, and what view did you have of the village?
- A. We could not see the village (from) down on the bottom.
- Q. Go up on the bank. Could you see the village from there?
- A. You might have seen the tops of the tepees, but I don't think you could.
- Q. How far was it from the village where you were?
- A. Probably 600 yards from the first tepee.
- Q. How did the village extend; out towards the foot-hills, or down stream?
- A. It was right down stream in the valley for three or four miles.
- Q. State whether that position of Maj. Reno's command threatened the village?
- A. It did.
- Q. State whether that position would hold the bulk of the Indians in front of him or around his position?
- A. I don't know what it might be. I don't think it did hold the bulk of them there. I don't think there was at any time (more than?) one thousand Indians around them (there?).
- Q. He kept about a thousand around him there?
- A. Yes sir.
- Q. State whether or not that timber was tenable for defence?
- A. It was a very good position.
- Q. For Maj. Reno's command?
- A. Yes sir, a good position for any command.
- Q. State on what you base your opinion?
- A. The bench or 2d table was five or six feet above the level of the park and ran entirely around the park, and men in behind there were protected by the edge of the bluff.
- Q. State whether or not Capt. Benteen with 120 men and Capt. McDougall with about the same number could have joined Maj. Reno in that timber?
- A. I think Capt. Benteen could have done it. I don't think Capt. McDougall could.
- Q. State why in either case?
- A. In either case they would have had to charge to get there, and Capt. McDougall, having the pack-train, could not have charged.
- Q. State if Capt. McDougall did not have the greater part of the ammunition of the command?

- A. He had 24,000 rounds besides what his men carried, on pack mules.
- Q. How many pack mules did he have in his train altogether?
- A. I think there were 140.
- Q. Would not the effect of Capt. Benteen's column joining Maj. Reno in the timber (have?) been such that it would render it more practicable for Capt. McDougall to get in?
- A. No sir, I think not. As soon as they got in to Maj. Reno the Indians would have closed in around him again.
- Q. Could not Capt. McDougall with his command have kept along the bluff on the right bank of the river along on a high elevated position?
- A. Yes sir, but I don't think he could have got down the bluff.
- Q. Why not?
- A. I think 20 Indians could have kept him back or else have got his pack mules.
- Q. State whether or not it was known by Maj. Reno's command that Capt. Benteen was in the rear, from the movement made before in the morning and the direction taken?
- A. I don't know whether it was or not.
- Q. Did you have any impression about it? You knew that Capt. Benteen went off with a part of the command?
- A. I did not know till he told us that he had gone off. I left the command 20 miles from the ridge.
- Q. You did not know but that Capt. Benteen was with General Custer?
- A. I did not know where he was. I knew he was not with Maj. Reno.
- Q. Did you not hear remark by the men and officers where Capt. Benteen's command was?
- A. No sir; I did not hear a word about them till I saw them come up.
- Q. State whether or not Maj. Reno remained in the timber till all hope had vanished, and state why?
- A. I think all hope of support from General Custer had vanished.
- Q. Support from what direction?
- A. From the rear; for the reason that he could not have been very far behind Maj. Reno, and we could look up the stream two miles: and if he was going to support him from that direction, he had plenty of time to do it.
- Q. That being the case, state whether you believe Maj. Reno's command left the timber because Genl. Custer's command had not come to support him, or whether it left for any other cause, and state what?
- A. I don't know why it left there.
- Q. What was the opinion of the officers in regard to leaving the timber?
- A. My own private opinion at the time, and my subsequent opinion, was that if we stayed there much longer we would be shut in so that we could not get out.

- Q. How much longer?
- A. Say 20 minutes.
- Q. In 20 minutes after the command left there, how many Indians were in the vicinity of Maj. Reno's command? Say within rifle range or within one thousand yards?
- A. As soon as Maj. Reno's command got to the top of the hill or shortly after, most of the Indians left and went down stream. When Capt. Benteen came up, there were 100 or 150 Indians in the bottom still.
- Q. What were they doing?
- A. Taking care of their dead and wounded there.
- Q. Could you distinguish whether they were warriors or squaws?
- A. They were on ponies and I presume they were warriors.
- Q. Don't you know squaws ride ponies as well as warriors?
- A. I have seen them ride ponies.
- Q. Could you distinguish whether they were warriors or old men and women?
- A. I could not distinguish. It was too far.
- Q. State what the orders he gave there in the timber, or the movement itself there, indicated to your mind - whether coolness, courage and judgment on the part of the officer ordering the movement, or overpowering necessity or the reverse. State what the movement indicated.
- A. My impression was that Maj. Reno thought we should be shut up in there and the best way to get out of there was to charge.
- Q. How did the whole thing impress you at the time?
- A. If he was going to get out of there, I thought that the best way to do it; and I still think so.
- Q. How did the matter impress you at the time leaving the "if" out?
- A. I think, and thought so at the time, that it was the best way to get out of there; the best tactical movement to get out of the bottom.
- Q. You mean if you were going to get out of the bottom that was the best way to get out?
- A. Yes sir.
- Q. I want to get at how the movement in getting out of the timber struck you?
- A. It did not strike me as absolutely necessary at the time.
- Q. With 1000 Indians around that command at the time of leaving and going to the hill, and not knowing whether it would get any assistance or not, which would you have considered the most dangerous - to stay there or go out where the thousand Indians could ride you down?
- A. We could see the bluffs very plainly, and that was a better position than the one we were in.
- Q. But if the command had been pursued and attacked by that 1000 Indians, what would naturally have been the result?

- A. They (We?) would all have been killed if they kept it up long enough.
- Q. If 1000 Indians had followed that column and closed up upon it, how long would it have lasted under the circumstances?
- A. I don't think it would have lasted ten minutes.
- Q. How long do you think it would have lasted in the timber - 20 minutes - is that your belief?
- A. Yes sir.
- Q. State from what you saw of the Indian village on the 25 or 26 of June or after, what you estimate the number of lodges it contained and what the effective fighting force; and state fully the evidence upon which you base your estimate?
- A. I was with the battalion that burned the tepee poles after the fight. I counted 40 lodges at a place where I stood, and estimated the area of that; and from that I estimated the whole of the village. I estimate that there were 1500 lodges and 500 wickiups making a fighting force of 4000 men: and that is a very low estimate.
- Q. Did you take into consideration in that calculation the entire area of the village?
- A. Yes sir, I did; but of course it is a very rough estimate.
- Q. What do you consider its reliability?
- A. I consider, taking all the circumstances together, that I am not very much out of the way.
- Q. How much may you be out of the way in your estimate?
- A. I may be out, but I don't think there could be under 4000 fighting men.
- Q. I mean in the number of lodges: how much may you be out of the way?
- A. I have no idea.
- Q. May you be 500 lodges out of the way?
- A. Yes sir, I may be; but I don't think so.
- Q. In your opinion, from what you have seen of Indian villages, state whether or not the places where lodges have been is any correct indication of the number of lodges in the village?
- A. Not if they had been camped there any length of time, because they move their lodges very frequently.
- Q. State from what you know of Indians, if the tendency is to over or underestimate the number of lodges in a village?
- A. I don't know anything about that.
- Q. Had you had experience with Indians before that?
- A. No sir.
- Q. Had you seen large villages before that?
- A. Yes sir, but I had no experience with them at all.
- Q. State from the movements of Indians in battle that you have seen, whether a reasonably correct estimate of the warriors can be made in that way?

- A. It is very difficult to estimate them while in action, because they ride around so much they are never still, but constantly going.
- Q. Did you see the village moving away, if so when and what was its length and width and how far was it away from you?
- A. I saw the village moving out on the evening of the 26th about two or three miles away. As the pony herd and whole village moved away, it was a dark moving mass. I know I estimated at the time that there were twenty or twenty-five (thousand?) ponies in the herd. The whole thing was moving off and I could not distinguish whether they were on their ponies or not. I suppose the women and children would be with the herd.
- Q. State if you know, what was the conduct of Maj. Reno on the 25 and 26th of June 1876 in regard to coolness, courage and efficiency as commander of troops.
- A. I know of but one instance of gallantry which I saw him do, and I know of no instances of cowardice at any time. When Capt. Benteen's command joined on the hill, Maj. Reno turned around and said in a very inspiring way to his men: "We have assistance now and we will go and avenge the loss of our comrades."
- Q. Was that before the command moved down the river?
- A. It was when Capt. Benteen first joined with his command.
- Q. State if you know, who ordered Capt. Weir to move out?
- A. I don't know anything about that. He left when I was after the pack train.
- Q. State in your opinion if you know whether Maj. Reno rose equal to the emergency of the circumstances surrounding that command, and give the facts upon which your opinion is based.
- A. I can only tell you from the way it turned out. He got his command out of there. I think Maj. Reno's action saved what was left of the regiment.
- Q. If you have anything further to state in answer to the question, state it.
- A. As I said before I saw no evidences of cowardice. It is very hard for me to answer the question. That was the only action I was ever in of any prominence and I don't know whether he rose equal to the emergency or not. I have not much to go upon in making an estimate.
- Q. State whether he did or not, by his conduct and example, inspire his command with zeal, confidence and courage, and state fully the circumstances on which your opinion is based.
- A. His conduct was always good. I don't know that I saw anything particularly inspiring about it except what I told you. He seemed to be very cool at all times.
- Q. From the place you last saw Genl. Custer's column when moving, and from where you afterwards saw the battlefield, state what in your opinion was the point Genl. Custer had reached at the time Maj. Reno's command left the timber or the bottom.
- A. I think Genl. Custer must have opened his fight near about the time that Maj. Reno left the woods - probably a little before. From the fact that the first dead man was found about half a mile from the point B.
- Q. State what route Genl. Custer's command took near the village, and describe the route with reference to Maj. Reno's position on the hill, the stream, the village, and what developments you saw in regard to the fate of General Custer and his command.

- A. I saw what was supposed to be General Custer's trail that went down on the left (sic) bank. The first evidence of the fight was a dead man of "E" Company. Probably 300 yards, from where the final stand was made, there were 28 men of "E" Company. I assisted in burying the men of E Company and remember more about them.
- Q. Describe the other evidences of fighting as far as you saw them. How it must have been from the nature of the ground?
- A. I think the Indians must have been around them all the time. The country was rough and cut up with ravines, and if they run the Indians from one place they could get from 75 to 200 yards of them all around; there was a deep cooley which run into the (river?) near B with cut banks, and there was another cooley over beyond where General Custer was killed.
- Q. Was there any chance for the command to get out by charging through?
- A. I don't know about that. I don't think they could for some distance back, by the looks of the country.
- Q. Then the first evidences you found of Genl. Custer's fight was near the point "B" where the first dead body was found?
- A. Yes sir, it was.
- Q. Did you find any other evidences of fighting between that and the point "B"?
- A. I don't know whether there was or not; about the only evidences we could find were dead men.
- Q. Would ammunition shells indicate it?
- A. I did not see any of ours.
- Q. Were the bodies you found mutilated or changed in any manner?
- A. They were mutilated. I don't know that they were changed. There were evidences on the field of bodies having been dragged off, but I think those were the bodies of dead and wounded Indians.

QUESTIONS BY MAJOR RENO

- Q. You have said you were not present at the separation of the columns of Major Reno and Captain Benteen from the main body?
- A. I was not present.
- Q. What orders had been given Captain Benteen with regard to uniting with Major Benteen? (sic. An obvious error in transcription. "Major Reno" was undoubtedly what the recorder said. H.A.G.)
- A. I do not know.
- Q. Do you know whether Major Reno had any knowledge of it?
- A. I do not.
- Q. Then in any estimate in which Captain Benteen would figure with his column, would it not be necessary for Major Reno to know upon what duty Captain Benteen had been sent, and whether he had been ordered to unite with Major Reno?
- A. Under the circumstances it would be very important.

- Q. Could he form any estimate with regard to his duty as commander, based on any action of Captain Benteen's, unless he knew what Captain Benteen was ordered to do?
- A. I think not.
- Q. At the time Major Reno's command left the timber, was Captain Benteen's column in sight?
- A. I did not see him.
- Q. Were there any evidences of his approach?
- A. Not that I know of - I did not see him.
- Q. State whether there is in the river between the point A and where Major Reno's command crossed to the top of the hill, any place where a column of cavalry coming from the right side of the timber could have crossed?
- A. I don't know - I never was over that ground.
- Q. What view of the country does a man have who looks back from the timber in the direction of the point A?
- A. He can see all the way back to the ford.
- Q. What would be about the range of view?
- A. About two miles from the timber back to the crossing.
- Q. You were on detached duty, were you?
- A. Yes sir.
- Q. Not connected with any of the companies in the timber?
- A. No sir, I was on duty with the scouts, but not with any company.
- Q. You were subject to no company orders?
- A. No, sir.
- Q. You did whatever your own sense of duty dictated?
- A. I was under no orders.
- Q. How much of Major Reno's action in the timber did you see?
- A. I saw him but once; and he was about fifty yards from me then.
- Q. What was he doing?
- A. He was going from the park out on the skirmish line.
- Q. What part of the park?
- A. Near the edge - toward the outside.
- Q. From what direction was he coming?
- A. From the direction where the horses were.
- Q. Do you know of your own knowledge of his taking company G, and going into the timber to ascertain where some Indians in there were firing?

- A. I do not.
- Q. Can you give any opinion whatever as to the correctness of his disposition of the forces in the timber and the coolness of his own behavior?
- A. I can tell nothing of his own behavior as that was the only time I saw him; but the disposition of the troops was a very good one, I thought.
- Q. Did you see any evidences of the want of courage or coolness among the men?
- A. I saw no evidences of fear among the men.
- Q. You speak of seeing some Indian lodges and a large cloud of dust raised by the Indians riding back and forth on the plain?
- A. Yes, sir.
- Q. Did that indicate the presence of a very considerable number of Indians that were unseen by the command?
- A. I don't know whether the command could see them or not. They could certainly see the dust; I don't think they could see the tepees.
- Q. What impression did that make on your mind? Did it not indicate that there was a considerable body of Indians that had not disclosed themselves?
- A. Yes sir. Everybody knew there were lots of Indians there.
- Q. How far was that cooley in front of the skirmish line?
- A. About 300 yards.
- Q. What body of Indians came from that cooley?
- A. I think there must have been 400 or 500.
- Q. State what in your judgment would have been the effect on the column of Major Reno if he had continued to advance in the direction of the village?
- A. I don't think he would have got a man through.
- Q. State how long the column would have lasted?
- A. Not over 5 minutes, I think.
- Q. If he dismounted his men he would have a better chance?
- A. I am speaking of the men mounted. Had he gone 300 yards further mounted, I don't think he would have got a man out.
- Q. Does that dismounting and deploying the men in the way he did, commend itself to your judgment as a soldier?
- A. I think it was the only thing that saved us.
- Q. State, if you have any opinion to give, in regard to the movement back to the river and then to the high lands beyond - whether disorderly or not.
- A. There is certainly more or less disorder about a cavalry column moving at a fast gait, but I don't think that command was very much demoralized when it got on top of the hill, because when I got there the men were halted in column; they were going into line - the men were moving into line without any difficulty whatever.
- Q. Would that be the case if there had been demoralization in the timber or plain? Would they recover themselves with that rapidity?

- A. I never saw a demoralized or panic stricken set of men; but I judge it would be difficult to get them in order.
- Q. You went by Major Reno's order for the pack train?
- A. Yes, sir.
- Q. And returned without waiting for the packs?
- A. Yes sir.
- Q. By whom were you sent to join Captain Weir?
- A. By Major Reno.
- Q. Captain Weir's company belonged to Captain Benteen's column?
- A. Yes, sir.
- Q. That column had not been under fire?
- A. No sir.
- Q. State whether Major Reno lost any time after the pack train came up and the ammunition had been replenished and the wounded men were properly cared for, in moving his command in the direction in which General Custer and his men were afterwards found?
- A. I can't say, because as soon as I got back from the pack train, I went to Captain Weir; and when I came back I met Major Reno going down. He could not have lost much time or he would not have been at the point where I met him.
- Q. How far did the column under Major Reno go down the river in the direction that General Custer was found?
- A. I think about a mile. It may be a little more. My estimate of distances may be very inaccurate.
- Q. To whom did you communicate what Captain Weir's company was doing?
- A. To Major Reno.
- Q. What reason did you give Major Reno, if any, for Captain Weir's ceasing his forward movement?
- A. When I returned I told Major Reno what Captain Weir had said to me, and I looked up and saw Captain Weir coming - joining the column.
- Q. What was the reason of Captain Weir's ceasing his movement in the direction of General Custer's battlefield?
- A. The whole country in front of him was covered with Indians.
- Q. Were the Indians in such numbers as to render it hopeless for him to attempt any further advance?
- A. There were probably 1500 Indians in sight at the least calculation.
- Q. Was the character of the country favorable or not for the concealment of a larger number of Indians?
- A. Yes, sir - very favorable.
- Q. With regard to selecting a place where the column should make a final stand, state whether it is not customary for an officer second in command to consult with his commanding officer in regard to questions of that kind?

- A. I don't know. I think that depends a good deal on the commanding officer himself.
- Q. Would it be any evidence of cowardice or indecision for Major Reno to have consulted Captain Benteen, or to have received suggestions from Captain Benteen in regard to the selection of a place to make a stand?
- A. I think not.
- Q. And the selection of the place was according to the best judgment of the commanding officer and the second officer in command?
- A. All I heard about it was this conversation before the position was taken.
- Q. I wish you to speak now with reference to the character of the river at the point B, and state whether there was an opportunity for a command to get from the right bank of the river to the left. State whether the banks were such as to make a good crossing?
- A. It was easily forded. The entire command passed down to water there.
- Q. The approach of Major Reno was almost directly on the printed line on the map?
- A. Yes, sir. We went there on the morning of the 28th.
- Q. State what was the condition of the banks on the other side? Did they present any obstacles to a ford?
- A. Very little. On the right bank it was a gravelly bottom. On the left bank it was a little boggy, but not so much as to prevent it being a good crossing.
- Q. State if there were any evidences indicating to your mind that any engagement had taken place at the point B, or between that point and the position where Major Reno made his stand?
- A. None.
- Q. State whether the point B did not afford as good a place for fording that stream as A did?
- A. Just about as good.
- Q. How far from the point B were the first dead bodies found?
- A. I think about half a mile or a little less.
- Q. What evidence did the position of the dead man present to your mind of a prolonged struggle?
- A. I don't know anything about that. I can't say anything in particular about the appearances.
- Q. State whether you found any men in skirmish line except those about Captain Calhoun?
- A. I did not see his company. Lieut. Smith's was the only one I saw, and 28 of his men were in a cooley.
- Q. Did the position of those men indicate a prolonged resistance?
- A. It indicated skirmish order. They were about at skirmish intervals.
- Q. As far as you know the position of the men and the character of the country where they were found, can you give any judgment whatever with regard to the probable length of the struggle those men under General Custer made against the Indians?

- A. I don't think it lasted at the outside over three quarters of an hour.
- Q. State in regard to Major Reno's conduct on the hill. Did you see any indications whatever of cowardice?
- A. I did not.
- Q. State whether, in your opinion, he was wanting in any particular in the proper disposition and control of his command?
- A. I think the command was under good control and the forces well disposed - the best that could be made under the circumstances.
- Q. Were not his duties at each part of the command such that a general view could not be obtained of the conduct of the Commanding Officer at all parts of the command?
- A. Yes sir. You could not see him from all parts of the command.
- Q. Might not the commanding officer be fully discharging his duties without being seen by all the officers in that engagement?
- A. They could not all have seen him at the same time.
- Q. You have been asked a question as to the effect upon the command when retiring from the timber, if a thousand Indians had closed up on it. Was not the number of Indians constantly increasing?
- A. I don't know about that. I hardly think they were.
- Q. Was not one of the purposes of retiring from the timber to the hill to prevent those Indians from closing on the command?
- A. I suppose it was.
- Q. You said you believed that some of the men had fired, according to your judgment, about forty rounds. Do you think that the average number fired?
- A. Yes sir.
- Q. State whether the pack train was on the left or right hand side of the river.
- A. It was on the right hand.
- Q. Do you know whether it was understood or supposed that it would join Major Reno's command?
- A. I do not know.
- Q. Then there would be a third element in the question: that is, whether the command could make a combination with the pack train?
- A. Yes sir.
- Q. The Indians did not leave until after Major Reno had retired from the timber?
- A. No sir.
- Q. How long was Major Reno in the timber?
- A. Between 30 and 40 minutes.
- Q. What period of time elapsed between the crossing at A and reaching the timber?

- A. About 10 or 15 minutes more.
- Q. What was the total then?
- A. It would be between 40 and 55 minutes.
- Q. Then whatever diversion Major Reno made against the Indians occupied 45 and 50 minutes?
- A. About that time.
- Q. If at the time the line was deploying in skirmish form, a column had been passing at the point 2, would it not have had more than time to have reached B before Major Reno's command left the timber?
- A. I think it would have plenty of time to get there.
- Q. Then if the column was there at the point 2 when the line was being deployed, would not the command that was passing there have had more than time enough to reach that watering place?
- A. I think it would have had plenty of time to get there.
- Q. If a column was at the point 2 when Major Reno deployed his skirmish line, and the column was moving towards B, would it not have reached that point much sooner than the Indians on the left bank in the neighborhood of C, could have got there after Major Reno retired from the timber?
- A. That would depend on a good many circumstances.
- Q. How much start would a column have, being at that point when the line was being deployed, in reaching the point B, over the Indians who did not leave C until Major Reno retired from the timber?
- A. The column would have the 30 minutes that we were in the timber.
- Q. What order, if any, did you hear Major Reno give in the timber?
- A. I did not hear him give any.
- Q. Did you not hear him give any in relation to the deployment of the skirmish line?
- A. I was not paying much attention to the line. I was by myself.
- Q. What orders, if any, did you hear Major Reno give on the hill other than you have already stated?
- A. Yes, I said yesterday I did not hear Major Reno give any orders when the line was being deployed. I am mistaken. I have refreshed my memory, and I did hear him give orders about deploying it when being rallied on the hill.
- Q. How soon was that after crossing the river?
- A. It was just as I got on the top of the hill.
- Q. Was it immediately after the retreat from the timber?
- A. Yes sir.
- Q. You heard Major Reno giving orders for the disposition of the troops in proper military form?
- A. Yes sir; I heard him give orders about the disposition of the men in skirmish order.

Q. Did you communicate to Major Reno the fact that you heard firing in the direction of General Custer's battle field?

A. No sir.

QUESTIONS BY THE RECORDER.

Q. You state that the Indians were in front of Major Reno's column in a cooley, and when the command halted they came pouring out of the cooley. Could Major Reno see there were Indians in that cooley when he halted?

A. No sir; I could not see them myself, and I was in a better position than he was.

Q. Did he halt before the Indians came out of the cooley?

A. Yes sir.

Q. State if you know why he halted the command then and there, if he did not know there was that body of Indians in front?

A. I don't know.

Q. State whether it is expected of an officer in command of a column ordered to charge the Indians, that he will know all about the particular features of the ground he will have to go over?

A. Not necessarily.

Q. On the contrary has he not got to make the charge to find out what is there?

A. That would be the way I would do it.

Q. Do you know whether General Custer's trail came near to Major Reno's position on the hill?

A. I think it must have come pretty close to it.

Q. Why so?

A. That was the best way to move down that divide, and if he was seen on the hill as I have heard, he must have passed close by that place.

Q. Could not the command have been seen through a notch in the bluffs at a point further down than that?

A. I don't know. I don't think it could. I think the ridge next the river is higher than the ground back of it some distance.

Q. How was it farther back up the river?

A. I think they could have been seen. I am not certain.

Q. Did you see any evidence of General Custer's trail coming near Major Reno's position on the hill?

A. I did not.

Q. You state the ford B is as practicable as the ford A; which is nearest the hostile village, B or A?

A. B is right at the village - right across in the bend.

Q. In regard to the severity of the fighting on General Custer's battle-field, did you see any evidences that there was hard fighting there or the contrary?

- A. I think there must have been very hard fighting especially where General Custer fell.
- Q. You think there was a hard struggle?
- A. Undoubtedly there was a very hard struggle. I found a few shells.
- Q. Do you or not know it was the habit of the Indians to pick up those shells?
- A. Yes sir, it is.
- Q. You have been asked in reference to a column being seen at the point 2 at the time Major Reno was deploying his men as skirmishers. Had General Custer seen Major Reno deploying his column at that place, would he have had reason to believe, or to suppose, that Major Reno would retreat from there in 30 or 40 minutes?
- A. He could very easily see that there were five times as many Indians as we had men.
- Q. Could he see into the timber and into the cooley beyond?
- A. If he saw them after the line was deployed, he saw the Indians come out of the cooley.
- Q. If he saw that command in the act of deploying, would it be any indication in General Custer's mind of the number of Indians in front of them?
- A. Immediately after Major Reno dismounted, those Indians came out of the cooley, and if he had been there he could have seen them come out.
- Q. Even if that was the case, would he have any reason to believe that Major Reno would retreat from that position in 30 minutes, knowing that he had 100 rounds of ammunition per man?
- A. I don't know about that.
- Q. State whether or not General Custer as commanding officer, would have presumed that Major Reno would obey his order unless opposed by a greatly superior force, and then if he could not obey the order, that he would remain in that position in the timber?
- A. If he gave an order as commanding officer I suppose he, as all other commanding officers, would naturally suppose it would be obeyed if possible.
- Q. The command having got into that position would he not expect it to remain there as long as it possibly could?
- A. He would naturally think they would stay there if they could.
- Q. If Major Reno with 100 men could get away from 1000 Indians, cross a river and climb a hill, could not General Custer with his command, by leaving his dead and wounded, fly the field?
- A. I think he could.

QUESTIONS BY MAJOR RENO

- Q. When you speak of the struggle on the bank of the river, do you mean that it was a prolonged one?
- A. No sir, I think not.
- Q. Does the point 2 afford a view of the Indian encampment below on the plain?
- A. No sir, I don't think it does.

- Q. Does this point a little lower down?
- A. You can see a part of it from there. I can't tell anything about this point 2 from the map. There is a point some distance below, where Major Reno made his stand, from which you can see the upper end of the village.
- Q. If Major Reno was to be supported from the lower side, would the ford B be the proper place to do it?
- A. You would have to go through the village to him, and I think that would be a poor place.
- Q. Was there any evidence of any more determined stand at B than there was on the part of Major Reno at the point C?
- A. About the only evidences are dead horses and men and I did not see any at the point B.

QUESTIONS BY THE COURT.

- Q. Did you cross the river at B?
- A. I did, personally. The command did not.

The witness then retired.

Then at 2 o'clock P.M. the court adjourned to meet again at 11 o'clock A.M. tomorrow, Wednesday, January 29th.

FIFTEENTH DAY

Chicago, Illinois, Wednesday, January 29, 1879,
11 o'clock A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his counsel.

The proceedings of the last session as far as written were read and approved.

LIEUT. CHARLES DeRUDIO, 7TH CAVALRY, A WITNESS CALLED BY THE RECORDER and being first duly sworn to testify the truth the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, regiment and where serving.
- A. Charles de Rudio, 1st Lieut, 7th Cavalry, serving now at Fort Meade, Bear Butte.
- Q. State what duty you were on on the 25th of June 1876: under whose command serving as commanding officer.
- A. I was attached to Company A, 7th Cavalry, serving under General Custer.
- Q. State if you were under command of Major Reno as commanding officer that day; if so where was it his command marched ahead of General Custer's column on that day?

- A. On the 25th of June, about 11 or 12 o'clock, the command of General Custer was divided into three battalions. One was put under command of Captain Benteen, the ranking Captain of the 7th Cavalry; three other companies were put under command of Major Reno of the 7th Cavalry; I being attached to one of the companies of his battalion, served with him. We followed down a creek that emptied into the Little Big Horn, on the left hand side of the creek, the creek running east and west; and General Custer with five companies following parallel with us on the right hand side of the creek for several miles. Pretty soon we reached a vacated village where there was a tepee with some dead Indians inside. The impression was that the Indians had left that village very suddenly not long before. We passed that abandoned village at a trot. We were moving in column of fours. I was in the centre of the battalion.
- Q. Was that the place where Major Reno's command marched ahead of General Custer?
- A. Yes sir. General Custer diverged his command to the right after we passed that village. That was 4 or 5 miles from the ford.
- Q. How far was that tepee from the place where Major Reno crossed the Little Big Horn?
- A. About 4 or 5 miles. We were going at a trot over a broken country.
- Q. How long did it take you to reach the crossing from the time you passed that tepee?
- A. Probably half an hour.
- Q. Do you know whether Major Reno gave any orders or instructions to the command, going to the crossing?
- A. I heard none.
- Q. Describe that crossing, and if there was any delay there, state for what purpose?
- A. There was no delay that I remember. I remember that Major Reno was the first man to go into the river. My horse was stubborn and would not go into the river only on the jump, and when he jumped into the river he splashed water on Major Reno; and after I got across I could not hold my horse for about 100 yards. I there checked him and waited till the company came up.
- Q. State if you saw the hostile Indians before crossing?
- A. I saw a few.
- Q. Where did you see them?
- A. Going down the creek in the bottom.
- Q. About how many?
- A. I can't judge very well. I was not in position, I was in the middle of the column.
- Q. Did you see them before you crossed the river?
- A. Yes, just after we passed the abandoned village. We supposed they belonged to that village.
- Q. How near to the crossing of the river were you when you saw those Indians?
- A. I can't tell, it was very near.

- Q. Did you notice what they were doing?
- A. No sir. Some of our Rees were ahead too, and those Indian scouts scatter all over the country.
- Q. Tell all you know about the advance of Major Reno's column, from the time it crossed the stream till it reached the point where it halted and was deployed as skirmishers.
- A. As soon as we cleared the woods on the other side of the river, Major Reno called the battalion into line of battle. As soon as the line was formed, Major Reno moved them at a gallop. Major Reno was ahead of me, probably 10 or 15 yards. Major Reno was continually checking the men, keeping the line in good order. We probably galloped $2\frac{1}{2}$ miles across the plain - it was sandy and full of sage brush, rather difficult for cavalry to go through. When we had got near to the woods on the right hand side of the line, I heard some bullets whistling, but not the noise of the explosion. In front of us there was an immense dense dust, and we could see the shadows of some Indians in that dust. Pretty soon Major Reno gave the command to dismount and prepare to fight on foot. The battalion halted promptly, and dismounted and deployed very nicely. It surprised me much, as there was a lot of recruits among them, and many of the horses were green. The battalion deployed, the right of the line at right angles with the woods.
- Q. You say you saw Major Reno checking the men coming down. What horses do you refer to?
- A. For instance, the horses of the right company were rather unruly and the men could not check their horses - one or two I noticed myself.
- Q. Were the horses generally pretty frisky?
- A. They were rather excited. They had never seen such service, and horses generally get excited after galloping a mile or two.
- Q. After Major Reno's command crossed the river, state if there was any trumpet or bugle call sounded going down.
- A. None that I heard.
- Q. What were those Indians that you saw in the dust doing - advancing towards Major Reno or running?
- A. They were running around raising a dust.
- Q. Were they advancing towards him at the time he halted?
- A. No they seemed to be standing waiting for the command to come up.
- Q. How far was that from the line?
- A. 5 or 600 yards.
- Q. State the gait at which the command moved in going over the bottom.
- A. The regular gait was at a gallop, soon after we cleared the woods.
- Q. How long did it take you to go from the crossing to where the command was deployed?
- A. The distance was about $2\frac{1}{2}$ miles and (we) went at a gallop. I think we were 12 or 15 minutes.
- Q. When was it the Indians opened fire after you crossed? Was it before you halted or as you were in the act of halting?

- A. Some bullets had whistled past before.
- Q. Few or many?
- A. I heard several shots.
- Q. Did the command halt right away after that?
- A. Yes sir, right away, as soon as the command was given.
- Q. Go on from the time the command was halted there, and describe in your own way, carefully, all that occurred to your knowledge as to the movements of the Indians and of the troops; what orders or instructions were given by Major Reno, stating all you know about his conduct up to the time the command left the timber or woods.
- A. As soon as the line was deployed as skirmishers, some Indians began to come out of the dust and started on their right and our left on the high bluffs. They came all round, and pretty soon after came on our flanks. The skirmish line advanced 75 or 100 yards during that fire, and then the fire being on that flank it turned. Our carbines did not carry that far; the bullets were striking short of the Indians. The Indians must have had rifles, as their bullets reached our line. They continued to come out in lots of 3 or 4 or 5 together. Pretty soon their fire was all around us on our front left and rear. The only side there was no fire was on our right next the woods. Probably the skirmish line remained about 10 minutes there, and during that time I saw Major Reno encouraging the men.
- Q. Describe the act of encouragement.
- A. He stood in his position that he ought to be in, and directed the men to direct their fire properly and steadily, etc. Pretty soon Lieut. Wallace, as we were sitting together, called my attention to the Indians coming in on the other side of the woods. I started right down a little path with 5 or 6 men on the right of the line, to go and see. That woods makes a kind of horse-shoe shape. There was a regular bench or bank, and then another woods that continued nearly to the river where Major Reno crossed over. The skirmish line was formed at right angles to the woods. They halted a little farther down, and advanced about 75 or 100 yards. There was a clearing inside in which there were some tepee poles and some meat drying. I came across that and saw some Indians through the woods.
- Q. Was that looking down stream or up stream?
- A. Down stream. We were facing the village. I stood there probably 10 minutes with my men. We were facing the Indians coming through the woods up stream. Probably 10 minutes after we were there, the trumpeter of my company brought up my horse and said "Lieut. here is your horse". I said, "I don't want my horse." I was then standing on the bank of the creek. The man said: "They are going out", and the men I had with me immediately mounted their horses. I tried to check them, but they would not listen to me but pushed on through. I stopped at the creek trying to keep the men steady as the last man passed me. I noticed the guidon of the company on the bank of the creek, and I told him to go get it before he went out. The man said it was too hot there for him, and continued on his way. I thought it was not very hot, and went and got the guidon myself. It was not more than 40 feet which I had to go back. I crawled up to the top of the bank and grabbed the guidon, and there were 20 or 30 Indians coming, not more than 40 or 50 yards from me, scattering as they saw the head of my horse over the bank. They fired a volley at me. The bullets came whistling about me and I dropped down.
- Q. By that time had the command all got out as far as you know?
- A. Yes sir, those that were with me. The woods were thick and dense and I could not see the men very far.

Q. Had the command gone at that time?

A. The left was going out.

Q. Did you hear any bugle or trumpet calls there in the timber?

A. No sir.

Q. Would you have been likely to have heard them if they had been sounded?

A. I think so.

Q. Did you see Maj. Reno about the time the command left the timber?

A. No sir.

Q. Did you hear any orders given by him?

A. No sir.

Q. Was the order that came to you from him in the usual way?

A. No sir. I had seen Lieut. Hodgson a few minutes before. He said his horse was wounded and was leading him, but I could see no wound and told him I thought it was a spent bullet.

Q. You saw Maj. Reno on the line?

A. Yes sir, and after that I did not see him again.

Q. What position was he in on the line?

A. He was standing on the skirmish line.

Q. What was the condition of the men you saw, when they were leaving the timber? Were they demoralized or not?

A. I could not tell. When I got back again on the south side of the bank up the creek - when I got the guidon - I struck through a dense woods I could not get up there.

Q. You tried to stop those men; were they demoralized or not?

A. It appeared to be a panic.

Q. How do you judge it to be a panic?

A. Because they would not obey my orders to stay there.

Q. How many Indians did you see at the place you speak of, coming up through the timber?

A. At that particular place probably 30 or more. I could not tell; the country was full of woods and they may have divided.

Q. You spoke of Indians that passed on the bluff to the left. How many Indians do you think you saw passing around there?

A. Probably 100 to 150, not all together: 3, 4, and 5 at a time. They were continually going across.

Q. During the first half hour did the Indians come to Major Reno's front or flank, and how near?

A. Some of the Indians came within 2 and 300 yards.

A. In force or body?

- A. No sir - scattering as they always do.
- Q. About how many did you see?
- A. I only saw a few. They came to our left over the bluffs; but they were constantly coming through, and there were evidences of the Indians coming through the woods.
- Q. Of those you saw 30 or 40?
- A. Yes sir; that was in my immediate front.
- Q. Looking down stream?
- A. Yes sir.
- Q. Did those 30 or 40 Indians come down to where Maj. Reno was?
- A. They came on top of the bank, and when they saw me and fired, I struck across the thick woods, and unless you get a path there you cannot get through, it is so thick. When I had got only about half way, the Indians had got to the place where I took the guidon and fired on me.
- Q. That was after the men had left?
- A. Yes sir.
- Q. What I want is before the men left - what Indians did you see coming in?
- A. It was the same party probably. 2 or 300 were firing at us and we fired back again.
- Q. At the time Maj. Reno's command left the timber, had the Indians got into that bunch of timber where Maj. Reno's command was?
- A. No sir. I don't think any Indians had got in that timber at all.
- Q. State if you know, what had become of the large number of Indians that were around Maj. Reno's command after he left the timber, and where did they go?
- A. Soon after he left the timber and reached the hill, the firing commenced on the other side of the village. I heard immense volleys of firing and more than half the Indians around Maj. Reno left. Part of them went on the highest bluffs and part went down the river. Some of them picketed their ponies under the bluffs and lay down flat, watching Maj. Reno.
- Q. From the time Maj. Reno deployed the men down in the bottom, how long was it before the command left the timber?
- A. I judge it was 20 or 25 minutes; perhaps half an hour.
- Q. How do you fix the time?
- A. I had a watch; and as I was left behind I was anxious to know what time it was. I was looking for night to get out of there.
- Q. What time was it when you looked at your watch?
- A. Some where about 2 o'clock as near as I remember.
- Q. Did you look at the time just after the command left?
- A. Yes sir; just after. I know it was between two and three o'clock. I can't remember the exact minute now.

- Q. Was it after 2 o'clock?
- A. Yes sir. I looked at my watch every ten minutes.
- Q. State if you know about how many rounds of ammunition the men fired away before the command left the timber, as near as you can estimate it.
- A. I don't think they could have fired over 30 or 40 rounds while in open skirmish line. They would probably fire more than in the timber when covered, when they had a chance to aim and fire whenever they pleased.
- Q. How long did the skirmish line stay there before it came in?
- A. 10 or 12 minutes.
- Q. The greater part of the ammunition was fired up there?
- A. I think so.
- Q. How near did the Indians come to that line?
- A. 2 or 300 yards from it, in front.
- Q. How many?
- A. Probably 2 or 300. Not in mass but in groups of 2 or 4 or 5. That is the reason I could not judge of the number.
- Q. Was anybody hit on the line?
- A. Yes, I saw a sergeant killed.
- Q. Was he the only one?
- A. No, I saw two or three others wounded. Sergeant White was wounded in the arm and afterwards went out with Maj. Reno.
- Q. How did he get out; on horseback?
- A. I suppose so.
- Q. Was he able to ride a horse?
- A. I suppose so.
- Q. Did you see the wound?
- A. He said he was wounded in the arm.
- Q. Severe, or slight?
- A. Very slight.
- Q. How long did you remain in the timber after the command left it?
- A. Till about 9 o'clock that night.
- Q. From the time you got there till you left, what view had you of the Indian village?
- A. I could not see the village well because the woods were in front of me, only in places. I did not go to see the village. The nearest tepee was probably 1200 yards from the position I was in.
- Q. Was that position you were in the same as that the command was in?
- A. Yes sir.

- Q. You were as near to the village as the command had been?
- A. Yes sir, just the same.
- Q. About how many lodges did you see; or could you judge?
- A. I could not judge. I could only see a few lodges where the river makes a bend.
- Q. Go on and state if you heard any firing after Maj. Reno's command got to the timber. If so in what direction, and how long did the firing last?
- A. The fire started soon after Maj. Reno got on top of the hill: at least a few minutes after, I could hear immense volleys on the other side of the village. It was down the river and the fire lasted probably an hour and a half; then died off at a distance with small shots and pretty soon the fire entirely died away. Before it died away entirely, the same Indians who left Maj. Reno soon after he left the timber, came right back again and part of them went on the bluff, and part of them went right across the plain and to the south of Maj. Reno's position on the bluff.
- Q. From what you afterwards knew of the fate of Genl. Custer's command, state if that firing you heard came from his field of battle?
- A. I think so. I was in the valley of the stream and could hear better than if I was in any other position.
- Q. Give from the map if you can, a description of the timber Maj. Reno left, and state if it was a good defensible place, and if so why?
- A. It is a bunch of timber which I have described as having a horseshoe shape. There was an opening; I believe the creek was a dry creek. The bottom was probably 25 yards wide and very thickly wooded. There was a very thick undergrowth and very large cottonwood trees on the stream. There was a clearing where I was. The bank was ten or twelve feet high, probably more; and there were but very few places that you could go down only on the pony paths. In other places you could not get down because the banks were almost perpendicular. On the bottom there were paths going in the same direction as the creek; not much wood on it. The banks were about the same on both sides.
- Q. Then the plain came into the edge of the timber all round?
- A. Yes sir.
- Q. Then there was a jump off of how many feet?
- A. 10, or 12.
- Q. When and where did you join Maj. Reno's command after it left you in the timber?
- A. I joined on the 27 of June, about 3 o'clock in the morning; on the same hill that he went to on the 25th.
- Q. Did you see the Indian village moving away on the 26 of June?
- A. I saw part of them. Part passed right by where I was at that time. I was in the woods near where we forded the river the first time.
- Q. Was it there you saw them first?
- A. We came out of the timber at the point "C" and attempted to join Maj. Reno's command the night before, and we found there were lots of Indians between us and the river and of course we could not pass through.

- Q. State where it was you saw the Indians moving away?
- A. I was down near the ford "A" on the morning of the 26th between 10 and 11 o'clock. I saw some moving away. I could hear the cries of the children and dogs.
- Q. How far did they pass from you?
- A. 5 or 600 yards.
- Q. What was the size of the village, from what you saw?
- A. They lasted several hours before they all passed. I could hear the noise of the travois and of the dogs and children.
- Q. Could you see the travois?
- A. Yes sir; some of them.
- Q. Were they closed up or scattered?
- A. They were scattered in some places, and in some places thick.
- Q. Where they were thick, what did they appear to be?
- A. Women and children that I saw.
- Q. How many warriors did you see?
- A. The warriors were round Major Reno the time they were moving out, and kept up a brisk fire.
- Q. Did you see the warriors moving away?
- A. Yes; about half past four on the 26th.
- Q. Could you judge of their number?
- A. No: those that I saw, went off at intervals and not all together. My attention was first called to it while I was in the woods near the point A. There was an Indian 50 or 60 yards from us on a point; at first I supposed he was watching us. The woods were on fire at the time all around us, except a bunch of bullberries, and the grass was green around it and we had withdrawn into it when the fire came, and remained there, and it was clear all around so we could see.
- Q. About what was the width and length of the moving Indians? How many did there appear to be of the warriors?
- A. I could see Indians standing on the bluffs and lying flat down on the bank of the bluff. They extended all around. We were at least two miles and a half from Major Reno's command. We could not see it, but we heard their firing and heard some cheering once or twice, but did not know what it was for at the time. About half past four o'clock, that Indian standing at the point there, fired four shots with his pistol in the air, which I considered a signal. Pretty soon an Indian Chief whom I could not see, but whose voice I could hear, commenced calling; and a lot of Indians on the bluff left their places and passed where I was. They went away singing; but still there were lots of Indians left on the bluff and they kept up a firing. About half an hour after, the same Indian fired four more shots in the air, and the same Indian that had called out the first time called out again; and another party of Indians came down from the bluff. Then there were but a few Indians left on the bluff. By the time that all had left, it was about six o'clock in the evening. I thought at the time that probably the command had left. I knew nothing about General Custer's defeat and thought we had better stay there till dark, when there would be

no fear of meeting Indians as we had done the night before. As soon as it was dark I dropped into the river, did not look for the ford at all, as we could not find it the night before. The water was about up to my armpits. We finally got across the river and got onto the bluffs. It was a moonlight night, but cloudy. When the moon was out of the clouds, it was pretty bright, and we were afraid there were still some Indians in there. When we got nearly to the top of the bluff I said, "we had better not rise on the bluff suddenly, because if there are Indians there they will fire." Then we laid down flat and rolled over.

Q. Did you after that, visit the place where the Indian village had been located?

A. Yes sir.

Q. When was it?

A. On the 29th of June I think it was.

Q. Tell what you know about the size and location of that village.

A. The location was all along the bank on the western side of the river and was 3 or four miles long.

Q. About how wide?

A. Probably about a mile and a half in some places, and in some places the bluffs came nearer together, and there it would not be so wide.

Q. Did you make any count of the places where the lodges had been?

A. I did not.

Q. Did you make any examinations - find out how many lodges had been there?

A. I did not, but my opinion was there were twelve or fifteen hundred, because where lodges have been, there are marks, even if they have only been there twenty-four hours, and there were lots of lodges left there.

Q. Is that estimate your supposition or have you any means of arriving at it?

A. It is a mere guess. I know it took nearly half a day to destroy the things left there. Some of the tepees were left standing and some were taken down. Our orders were to go up the river and look for caches. We found several places where meat was cached. We went about 12 miles up the river.

Q. What is your estimate of the effective fighting force of the village?

A. I think somewhere about three or four thousand warriors.

Q. How do you get at it?

A. Simply by the number of tepees and wickiups.

Q. You guess at those?

A. Yes sir; and I guess at the number of men entirely.

Q. Was that your estimate then at the time, or is it your estimate now?

A. It is my estimate now - at that time I probably estimated larger.

Q. You have testified that you heard firing for some time from the direction in which General Custer's battlefield was ascertained to be. State how long after that firing ceased before you heard firing like a general engagement towards Major Reno's position on the hill?

- A. The fire on Major Reno's hill was almost continuous, and soon after the fire ceased on the other side of the village, a quantity of Indians came back there and surrounded Major Reno, and reinforced those they had left there before.
- Q. You heard very heavy firing down stream?
- A. Yes, sir.
- Q. You said when Major Reno moved out, it seemed as if most of the Indians had moved out and gone down to some point below?
- A. Yes, sir.
- Q. State from the time the heavy firing died away, how long was it till there was a sound like a general engagement round Major Reno?
- A. As soon as the Indians came back.
- Q. About how long?
- A. I should say about 20 minutes.
- Q. Did you go over General Custer's battlefield before the bodies were buried?
- A. Yes sir; the same day I came in.
- Q. Describe all you saw in reference to that field.
- A. Captain Benteen was ordered by General Terry to take a company with Lieutenant Bradley and explore that battlefield. I volunteered to go with Captain Benteen, and asked for a horse which he gave me; and we started for the place. Capt. Benteen, Lieut. Bradley, Capt. Nolan and myself went up to that place. We struck a ford on the north side of the village on the right bank of the river. It appeared to be a natural ford, though there were no signs of the cavalry having forded there at all. We saw tracks of cavalry horses going over the bluff diagonally at that point. The lines on the map describe it about right. Probably 500 yards from the ford we found a dead body; that was the first dead body we found, lying in the bottom of a little cooley. He was so much disfigured that I did not know who he was, only the marks on his pants showed he was a trumpeter. I followed Lieut. Bradley and soon we found more dead bodies. They were scattered all over in all positions. Wherever there was a chance to make a stand in the cooleys. You could see that they had attempted to fortify themselves, but the formation of the country was such that they could not protect their rear. At last we got to (the) top of the knoll where General Custer and several others were; and the horses I should say from my observation at the time, had been killed to form barricades for defence. There were higher points all around where they could not defend themselves in both front and rear, and they appeared to have been overcome by overwhelming numbers.
- Q. Did you see any cartridge shells?
- A. I saw a few - I am informed that the Indians pick them up.
- Q. Don't you know they do it?
- A. Yes sir, I know it. There were but few shells found. On the knoll where General Custer lay, there were a few shells found of our calibre.
- Q. Did you visit the place marked as D, where Lieut. Calhoun's body was found?
- A. Yes sir, I saw that.

- Q. What were the evidences of fighting there?
- A. The dead bodies of men and horses.
- Q. Did you examine the ravine where several dead bodies were found?
- A. Yes, sir.
- Q. How many bodies were found there?
- A. I don't remember. I remember it was a part of the gray horse company.
- Q. How near the river was that?
- A. The ravine was 40 or 50 yards from the bank of the river.
- Q. Near the position of General Custer's body in a straight line to the river, did you notice any ravine there with dead bodies in it?
- A. Yes, sir.
- Q. How near was that to the river?
- A. From 150 to 200 yards from the river.
- Q. What were the evidences of fighting there?
- A. There seemed to have been a resistance there. Their position was lower than that of the Indians, and they had to defend themselves from the enemy in front and rear.
- Q. State from the sounds of firing which you heard in the timber after Major Reno's command had left, which came from the direction of General Custer's battlefield, how long was it from that time till General Custer's command must have been annihilated?
- A. I don't think it lasted over an hour and a half - the heavy firing.
- Q. Can you state whether the same Indians who engaged Major Reno down in the timber where the command was deployed were the same Indians who afterwards went after General Custer?
- A. I can't tell. I saw Indians going down the river. Whether they got there in time to assist the others or not, I can't say.
- Q. Did they go before that heavy firing commenced?
- A. No, as soon as the heavy firing commenced they started.
- Q. What became of that heavy body of Indians after Major Reno left the timber?
- A. There were plenty all around there.
- Q. Did they remain there?
- A. Some remained there and some went on the bluffs through the ravines and were in a situation to fire on Major Reno. I could see them, but from the position Major Reno was in he probably could not see them. They had picketed their horses below. The great bulk of the Indians went down the river as soon as they heard the heavy firing and returned soon after the firing began to die away, but returned in much greater force than they went away.
- Q. State whether Major Reno's position threatened the Indians in that village?
- A. I think it did.

- Q. Why do you think so?
- A. It was right near by and a short charge would have taken us right into it.
- Q. To what extent would it threaten it? What I mean is, would it hold a large force there?
- A. It would hold all that part of the village to defend it. While that command was so near, they would not leave it in that position so near their village.
- Q. Did you see enough of Major Reno there in the timber to form an opinion as to his conduct?
- A. As I said before, I saw him about ten minutes on the skirmish line and during that time I admired his conduct.
- Q. Did you see him all of that time?
- A. Yes, sir.
- Q. Were you looking at him all the ten minutes?
- A. I did, and at other officers.
- Q. What were the men doing at that time?
- A. They were acting very well. Men and officers and all.
- Q. Were the men engaged in firing at that time?
- A. Yes sir.
- Q. Now (How?) do you know that there was any general notice given to that command that it was going to leave the timber?
- A. I don't know anything about that. The only knowledge I had of the retreat was through the trumpeter who brought me my horse.
- Q. Did you see any Indians on the 25th or 26th of June that had been fighting General Custer?
- A. Yes sir.
- Q. What were the evidences and how did you see them?
- A. On the morning of the 26th about the break of day, from the position I was in on the left bank of the river, I heard a party of mounted men fording the river below us. I could hear the clanking of the horseshoes and the splashing of the water. I expected the command to come back there about the break of day, to renew their attack upon the village. Not knowing what had become of General Custer, I thought he was with Major Reno all the time. I crawled up the bank of the river to see who they were and to my surprise they were going out instead of coming in. They were crossing 15 or 20 yards below. The river makes a bend near there, and I could not see the party crossing; but when they got across they came right opposite where I was, through a path going up the bluff. I recognized some of the horses of our regiment and some of the men had on white hats and blouses. I noticed one man coming along, - it was just break of day and still dark under the bluff, and I noticed a man whom I took to be Captain Tom Custer. He had on a buckskin jacket, a white hat and rode a sorrel horse, and I was certain it was him, and I stepped on one side and said "Tom, send your horse across here". There was an Indian there, but I took him to be one of our Ree Indians, as Tom Custer generally had some of the Indian scouts with him. They stopped and looked all around, but they could not see where I was, because the branches fell down and concealed me. I said again "Here I am, don't you see me". Then some of the Indians

noticed where I was, and gave a yell and sent a volley back at me. Then I thought I was mistaken. Those men had evidently been engaged in the attack on General Custer, and had taken their clothing and horses.

- Q. State if you know whether that large force of Indians did not pursue Major Reno's command to the top of the hill?
- A. The time Major Reno's command went out of that timber the Indians were following him; but when they got near the river some of the Indians yelled and all stopped running, and some of the Indians pointed up the stream. When I saw and heard that, I expected Captain Benteen was coming, and I looked up and saw Captain Benteen's column coming towards the same ford where we crossed; but when the troops got to a certain place I saw the rear of the column turn around and disappear over a bluff on the right bank. The Indians watched that column probably ten minutes, and as soon as that column disappeared, the heavy firing commenced on the other side and they left.

QUESTIONS BY MAJOR RENO

- Q. What number of Indians do you suppose were in the neighborhood of Major Reno's command when it left the timber and went to the hill?
- A. In the direction I was, I would say there were probably 200. I could not say how many there were on the left.
- Q. How long had you been away from the skirmish line before the column left the timber?
- A. I was all the time with the skirmish line - it withdrew into the woods the same time I did.
- Q. To what part of the timber did you go to get that guidon?
- A. On the top of the bank on the east side.
- Q. Where was the skirmish line at the time?
- A. It was in the woods on my left.
- Q. Where was the line halted and dismounted?
- A. Just on the east side of the curve, almost at right angles with the woods.
- Q. How close to the point C?
- A. The right of the skirmish line was near the woods and extended out into the plain.
- Q. How long before any advance was ordered of the line?
- A. It was ordered soon after it was dismounted. It advanced about 75 or 100 yards, and from there withdrew into the woods.
- Q. What point on the map represents the advance of the skirmish line?
- A. The advance of the skirmish line is very nearly represented by the dotted line on the map. It was more at right angles with the timber.
- Q. To what company were you attached?
- A. To "A" Company as one of the company officers.
- Q. How did you come to leave that company and go into the woods?
- A. I did not leave the company. The company was at the right of the line - right at the timber.

- Q. You went into the timber?
- A. Some of my men went into the timber and I went with them.
- Q. By whose orders did you go in the timber?
- A. No one's. Lieut. Wallace said some Indians were coming there, and I went in.
- Q. You separated yourself from your command?
- A. No sir; the command came into the woods with me. Some of the men were in there when I went in.
- Q. Did you follow them or lead them in?
- A. I followed them.
- Q. By whose order did the men start to go into the woods?
- A. I don't know of any order.
- Q. Did Major Reno give an order to leave the line and go into the woods?
- A. Not that I know of.
- Q. Did you not have time to get out of the woods if you had not lingered to pick up the guidon?
- A. I suppose I had.
- Q. The trumpeter brought you your horse?
- A. Yes, sir.
- Q. Then you could have got out with the command?
- A. Yes sir, if I had gone with the men as soon as my horse was brought me, I could have got out as soon as the men did.
- Q. It was your own act that you were left in the woods?
- A. Yes sir, it was a delay of a couple of minutes that cut me off.
- Q. Was there any necessity that there should be bugle calls sounded with a command of that size, and going that distance towards the timber?
- A. I think so - it could be better heard than a verbal command where there was so much firing.
- Q. Going from the point A to where the line was deployed, was it necessary there should be any bugling?
- A. Usually the bugle is used, but a verbal command is as good if it can be heard. Major Reno gave the commands in a strong voice. He has the reputation of being a first rate drill-master, and has a good voice to command.
- Q. Was not the entire command under the orders of Major Reno till the point was reached where the men were dismounted?
- A. Yes sir, they obeyed his orders as commanding officer.
- Q. Can you indicate the spot where the firing commenced which you think came from General Custer's battlefield?
- A. No sir, I only heard the sound of firing.

- Q. Did it seem to grow very much more distant?
- A. Yes sir, the first volley was very plain - then it got farther on - and then it died out.
- Q. Did it seem to go very much farther away?
- A. No, not much. I could hear the volleys and tell they were going away.
- Q. Was there such a decrease in the volume of sound as to indicate a very great change of position?
- A. The firing was steady for a long time and in volleys; and after that it was scattering and lasted but a short time.
- Q. Was there anything to indicate that during the time that firing lasted, that the men engaged in it at that point had travelled any considerable distance?
- A. I could not tell about the distance, they could have gone over during that time.
- Q. You speak of the point B as a fording place?
- A. Yes, sir.
- Q. How soon after Major Reno left the timber did the heavy firing commence?
- A. Almost simultaneously. Major Reno was about at the top of the hill when that fire started.
- Q. Any diversion that Major Reno's column might have effected lasted until that heavy fire commenced?
- A. Yes, sir.
- Q. What distance was it from Major Reno's position on the hill to the place where that firing took place?
- A. Between 4 and 5 miles.
- Q. What was the distance between the place where this firing occurred and Major Reno's position in the timber?
- A. Probably about the same distance, maybe a little shorter.
- Q. Then when the diversion ceased, the Indians that were diverted or detained by him were distant about 4 miles from the place of firing?
- A. Yes sir, about that.
- Q. You heard the firing at the point Major Reno occupied on the night of the 25th?
- A. Yes sir.
- Q. Making allowance for the greater distance between the firing you heard on the afternoon of the 25th and that which you heard on the night of the 25th, have you any reason to think that the column under Major Reno was assailed by any less number of Indians than the column under General Custer?
- A. I think probably Major Reno had more - the Indians about General Custer I do not know anything about, as I did not see (them?). Those about Major Reno I did see, and I make my estimate from the number of Indians in the village, and I think Major Reno had the most of them around him.

- Q. When you saw the Indian clad in part of the costume of Captain Custer, how long was that after Major Reno had left the timber?
- A. That was on the morning of the 26th at daybreak.
- A. Did you see any evidences of a struggle at the ford B?
- A. No sir, none at all. At the right side of the river, there were marks of two horses feet. Then they swung around: you could see the swinging of their shoes. We followed their trail up and the first thing we struck was the dead body of a soldier.
- Q. With reference to the bodies you found in a gully some distance from the river, did not they present the appearance of men trying to escape or to get under cover for protection?
- A. I could not tell.
- Q. What is your judgment?
- A. I think they were in a position to make a stand.
- Q. Did that position indicate that the men had stood there or were separated?
- A. It looked like they were separated from the main body, and made a stand for themselves.
- Q. The character of that country was what?
- A. Very broken.
- Q. Was it such as to present opportunities for prolonged defence?
- A. No sir, it was a poor country for that.
- Q. As far as you saw Major Reno from the time he crossed the river till he left the timber, and so far as you may have seen him at any time after that during the engagement, state if you saw any evidences of cowardice on his part?
- A. No sir, none at all.
- Q. Did you see any evidences of want of skillful disposition of the men?
- A. No sir; I thought at the time he halted, and said, "Good for you". I saw that we would have been butchered if we had gone 500 yards further.
- Q. You perfectly approve the wisdom of his halting where he did?
- A. Yes, sir, I do.
- Q. With regard to the cartridge shells, did not some of them indicate the cartridges used in the Winchester rifle?
- A. Yes sir, some of them.
- Q. They were used by the Indians?
- A. Yes, sir.
- Q. The arms the cavalry used were what?
- A. 45 calibre Springfield carbines.
- Q. State if you believe that from the length of time the Indians were there, and the amount of fighting they were compelled to do, and the dead and

wounded they had to care for, they had any time to pick up the cartridge shells or any disposition to do so?

A. Yes sir, they had time to mutilate the bodies and take their dress away.

Q. Had they any disposition to do it?

A. I think their disposition would be to gather the shells - they would desire to preserve the shells to fit the carbines.

Q. They did not pick them all up?

A. No sir, they left some.

Q. If they had time to pick them up at all, had they not time to make a clean job?

A. I think so; but a few shells can be very easily overlooked.

QUESTIONS BY THE RECORDER

Q. Do you think the Indians in gathering up the shells, would hunt the ground over for one or two missing shells?

A. No, of course not.

Q. What men were with you on the 26th?

A. Private O'Neill of G Company.

Q. Only one person?

A. That was all.

Q. You were asked about a charge from the point A to the point C. Was there any charge made going there?

A. No sir; as soon as we cleared the ford and got out of the woods, the command was brought into line of battle; and as soon as the line was formed, Major Reno gave the command to gallop.

Q. Was there any charge made going down there?

A. No sir; there was no order to charge.

Q. Was there anything to charge that you could see?

A. No sir.

Q. When you got opposite that timber the command halted?

A. Yes sir.

Q. You did not charge?

A. No sir.

Q. What is the object of having trumpet or bugle calls in cavalry?

A. According to tactics, it is to sound every command, and the call is given in drills so as to habituate the men to know all the calls given.

Q. State if it is not especially important in battles or engagements that calls should be sounded so that the men can hear them?

A. Yes sir, it is more important then than in drills.

- Q. Was there any necessity of sounding the calls in the timber?
- A. I think it would have been better, because the men could not see each other well.
- Q. Did you see all of the Indians that were around Major Reno's position when he was in the timber?
- A. No sir; I could only see those on my right.
- Q. Do you know how many Indians were going ahead between him and the village?
- A. No sir.
- Q. Do you know what force was there?
- A. No sir.
- Q. How many Indians might have been there and you not know it?
- A. There might have been a thousand.
- Q. Were there not a great many Indians passing round and kicking up a dust between him and the village?
- A. Yes sir, there were.
- Q. Do you know what became of the Indians that were in the village after Major Reno left?
- A. I do not. I was looking out for a chance to get out myself. My intention was to join Major Reno; and if I could have crossed the stream, I could have followed the river to the bluffs and joined him.
- Q. What effect did the sight of Captain Benteen's column coming seem to have on the Indians?
- A. It had the effect of stopping them from going any farther, and to watch and see if that column was coming across the river. At first it looked as if they were going to come across the river; but the column swung around and went off. I don't know what caused it.
- Q. What was the further effect it had upon the Indians?
- A. They stopped pursuing Major Reno; and as soon as that column disappeared, the fire on the other side commenced and the Indians left and went there.

QUESTIONS BY MAJOR RENO

- Q. Is not the purpose of bugle call to give information of what is going to be done?
- A. Yes sir; the command is given to the trumpeter by the commanding officer and the trumpeter sounds it.
- Q. Then when the troops are doing what the commanding officer wants done, there is no need to have the bugle sounded?
- A. That is a queer question to put. The bugle is tactically for that purpose; to sound a command because cavalry generally occupy a large space of ground, and very few men have sufficiently strong voices to make themselves heard along the whole line.
- Q. Do you know whether orders were given by the commanding officer of the 7th cavalry that bugle calls should not be sounded?

- A. Yes sir; that was on the 22d of June, and was for the purpose of not calling the attention of the Indians to us.
- Q. Was it not to prevent any unnecessary noise at any time?
- A. No sir; it was to prevent the Indians discovering us; but when we were in the fight, there was no necessity for any further precaution.
- Q. Where was Girard on the night of the 25th; and when did he become separated from you?
- A. He and a half breed named Jackson were with me, and both were mounted. We went together from the first woods. I was holding on to the tail of Girard's horse. We were hunting for the ford, and the plain was full of Indians. We struck into a band of Indians who were evidently waiting for us, as they could hear the tramping of the horses feet. I was holding to the tail of Girard's horse so I could go at the same gait. The first thing we heard was a "How"; and at that Girard swung his horse to the left and struck for the woods at full speed and I had to let go. The other man did the same thing.
- Q. Did you see him after that?
- A. The next time I saw him was when I joined Major Reno's command.
- The witness then retired.

SERGEANT EDWARD DAVERN, COMPANY F, 7TH CAVALRY, A WITNESS CALLED BY THE RECORDER, and being first duly sworn to tell the truth the whole truth and nothing but the truth testified as follows:

QUESTIONS BY THE RECORDER.

- Q. State your name, rank, company and regiment and where serving.
- A. Edward Davern, Co. F, 7th Cavalry, serving at Ft. Totten, D. T.
- Q. What duty were you on on the 25 and 26 of June, 1876, on what duty were you on and where and with whom?
- A. I was orderly for Maj. Reno near the Little Big Horn River.
- Q. What officer were you with when the command was moving down the bottom after crossing the river?
- A. Lieut. Hare.
- Q. Were you with Maj. Reno when his column was with that of General Custer on that day?
- A. Yes sir.
- Q. What was the condition of your horse on that morning?
- A. He was in tolerably good condition.
- Q. What was the condition of the other horses of the command, if you know?
- A. They were in tolerable good condition.
- Q. State whether you heard Adjutant Cook give any orders to Maj. Reno when he was moving towards the Little Big Horn River?

- A. I heard Adjutant Cook give him an order.
- Q. Tell what that order was, and where you were when it was given.
- A. The order was - "Girard comes back and reports the Indian village three miles ahead and moving. The General directs you to take your three companies and drive everything before you". Those I believe were the exact words.
- Q. Was anything else said?
- A. Yes sir; "Colonel Benteen will be on your left and will have the same instructions".
- Q. Are you sure those were the orders?
- A. Yes sir.
- Q. Do you remember passing a tepee when with Maj. Reno's column, before crossing the river?
- A. Yes sir. We halted a short distance from that tepee.
- Q. How far was that from where the command crossed the river?
- A. A mile and a half or 2 miles.
- Q. Was that the place where the orders were given that you heard?
- A. Yes sir.
- Q. Did you go with the command to the crossing and cross with it?
- A. Yes sir. I stopped a short distance before I got to the river to fix my curb strap, as my horse was becoming unmanageable.
- Q. What were the Indians doing after you crossed the river, and the command was moving down the bottom?
- A. I first saw a few Indians away down the bottom. They appeared to be riding around in circles.
- Q. About how many do you think you saw there at that time?
- A. I cannot say; there may have been 20 or 30 or 40.
- Q. Where were you when you saw those few Indians?
- A. I saw those before I got to the ford.
- Q. How far from the ford were you when you saw them?
- A. But a short distance.
- Q. After you crossed the river, tell what was done with the command going down the bottom, and what you saw in regard to Indians going down there?
- A. I am not sure whether the whole command was deployed in skirmish line or not. There was a mounted skirmish line thrown out.
- Q. Where was that?
- A. Across the river.
- Q. How far after you crossed the river?

A. It might be 200 yards.

Q. Was that the whole command, or just some of the men?

A. I don't know whether the whole command or not; it was by order of Maj. Reno.

Q. Did you form in line of battle?

A. Yes sir; in skirmish line.

Q. What were you doing at that time?

A. I got permission from Maj. Reno to go with Lieut. Hare, and went in advance of the line about 200 yards.

Q. What did you do?

A. I moved on down the bottom about 200 yards ahead of the skirmish line to get a shot at some Indians about 200 yards to our left.

Q. Was that near where the line halted?

A. It was where the line was advancing.

Q. Was it down near the timber where the fight was made?

A. No, it was a good way out on the left of the line across the bottom. I don't know whether the right rested on the timber or not.

Q. You saw Indians 2 or 300 yards to the left of the line?

A. Yes sir.

Q. Were those the nearest Indians you saw?

A. Yes sir.

Q. Were they firing at you?

A. No sir.

Q. Were the Indians firing at anybody about that time?

A. I heard no bullets at that time.

Q. Where did the command halt - how far from the crossing?

A. I don't know how much line(?) the skirmish line went over. It went at a gallop part of the way. (The sixth word "line" is obviously an error in transcription. Witness probably said "ground" or "distance". W.A.G.)

Q. Where did it halt?

A. It halted in the bottom near a point of timber to the right.

Q. Where was the right of the line; near the timber?

A. I don't know whether the right rested on the timber or not. It was near the timber.

Q. When the line halted there, what were the Indians doing and what were you?

A. When the line halted I came back.

Q. What were the Indians doing?

A. Still circling around and getting thicker in front.

Q. Were any of them moving to the left?

A. Yes sir.

Q. How many?

A. I could not say they were moving to the left all the time.

Q. In squads or together?

A. Mostly singly.

Q. Where did you go and with whom; and what did you do after the line halted?

A. After the line halted I came back and saw Maj. Reno near the woods. The left of the line had swung round to the woods.

Q. What was Maj. Reno doing when you reached him?

A. He was on the skirmish line firing at the Indians with a carbine.

Q. How far were the Indians away then?

A. 7 or 800 yards.

Q. About how many Indians were there?

A. I don't know; there was a regular cloud of dust.

Q. Were the Indians firing much?

A. No sir; our own line was firing very fast.

Q. What did you do at that place?

A. I did not stop there long. I went into an open glade in the woods with Lieut. Hare, and saw some Indian tepees.

Q. What did you do with your horse?

A. I tied him with "G" company. The line was dismounted when I got back.

Q. Why did you tie him with "G" Company?

A. I knew some of the men of that company that were holding horses. I was the orderly for Maj. Reno, and was supposed to be holding his horse.

Q. You went with Lieut. Hare?

A. Yes sir.

Q. Where were those horses put?

A. In the timber.

Q. You say you saw some tepees there. How far were they from the glade in there?

A. I think, to the best of my recollection, 1000 yards to the nearest tepee, I could just see the tops of them.

Q. Could you see many or few?

A. I saw a good many.

Q. Were they scattering or thick?

A. Scattering.

Q. About how many did you see?

A. 8 or 10.

Q. Who was with you when you were on the line at the edge of the timber?

A. A man named Clair, orderly for Lieut. Hare; a man of "G" Co.

Q. Were there any citizens there?

A. I don't recollect seeing any there.

Q. Did you say anything to anybody in there about the Indians whipping the command; and if so what did you say, and to whom?

A. I heard the fire pretty heavy on the skirmish line, and I made the remark to Lieut. Hare, "It can't be possible that the Indians are driving us."

Q. Did you see Maj. Reno about that time?

A. I did; he came out on the line about that time.

Q. What was he doing at that time?

A. He was firing at the Indians.

Q. Do you know who gave the order for G company horses to go into the timber?

A. Maj. Reno.

Q. How was the order given?

A. He told them to take their horses under cover from the fire of the Indians.

Q. How was it under cover from fire of the Indians?

A. The timber protected them, and there was a rise in the bank there.

Q. Did you go down or up to get to the horses?

A. Down; the slope was not very steep right at that point.

Q. State if you saw the skirmish line on the plain break up, and if so, describe how it was done.

A. I don't remember seeing the skirmish line on the plain break up.

Q. Where did you see it?

A. In the woods.

Q. Where was it in the woods, along the edge of the timber or upon the plain?

A. The men were mixed up and huddled together.

Q. State whether the command left the timber; and state how it left; if you knew it was going to leave, and how you knew it was going to leave?

A. The only way in which I knew it was going was seeing G Co. men run for their horses. Then I went to look for my own horse; that was the only way I had of knowing.

Q. Was anybody holding their horses?

- A. Number fours were holding the horses.
- Q. How did they go?
- A. They ran through the brush.
- Q. What happened then?
- A. The bullets came along pretty thick, and but very few of "G" Co. got out mounted.
- Q. Where was the balance of the command?
- A. I did not see it.
- Q. Tell what you saw and what you did there.
- A. I looked round till I found my horse; and when I found him there was another horse tied to the check piece of his bridle. I led them both out and met a Sergeant of "G" Co. and gave him the "G" Co. horse. When I got there, I saw the command running as fast as they could.
- Q. Were they going at a trot, a gallop or a run?
- A. At a run.
- Q. State whether the men in the timber had time to get their horses and get out; all of them?
- A. I believe they had time to have got their horses.
- Q. Then why did they not get them?
- A. I don't know.
- Q. Were they mixed up?
- A. Yes sir.
- Q. Was there anybody there directing them what to do?
- A. I believe they were so demoralized was the reason they did not get the horses. All that did get the horses got out.

At 2:30 P.M. the Court adjourned to meet at 10:30 A.M. tomorrow.

SIXTEENTH DAY

Chicago, Illinois, January 30, 1879, 10:30 o'clock A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings as far as written up were read and approved.

LIEUT. CHARLES DERUDIO BEING RECALLED BY THE RECORDER testified as follows:

QUESTIONS BY THE RECORDER

- Q. State whether you saw the column of General Custer, or any portion of it, at any time after Maj. Reno parted from him at the abandoned tepee. If so where, and what effect did what you saw have on you?

- A. I did not see any part of the column of General Custer. The only observation I made was while I was in the woods. General Custer, Lieut. Cook and another man I could not recognize came to the highest point of the bluff and waved their hats, and made motions like they were cheering and pretty soon disappeared. I judge by that that probably his column was behind the bluff.
- Q. Where was that?
- A. It was on the highest point on the right bank of the creek, just below where Dr. DeWolf was killed.
- Q. Did you see the place generally known as the point where Capt. Weir went to?
- A. Yes sir, I saw it.
- Q. Was General Custer on that point?
- A. No; on one nearer the river, and the highest point on that side. Where I saw General Custer, the river comes right under the bluff. The bluff comes in very narrow there, hardly wide enough for a horse to stand on. In my opinion this map is not correct as to this line of bluffs.
- Q. How far was it from where you were to where you saw General Custer?
- A. I judge he was 1000 yards from where I was.
- THE WITNESS THEN DESIGNATED ON THE MAP BY THE FIGURE "7" ABOUT THE POINT WHERE HE SAW GENERAL CUSTER ON THAT OCCASION.
- Q. About how far do you think it was from the point on the bluff occupied by Major Reno?
- A. I think it could not have been more than 5 or 600 yards. It was a higher point, but lower down on the river.
- Q. Was it the highest point down the stream?
- A. Yes sir; and up stream too it was the highest point around there. I went on the top of it afterwards on the 27 with Capt. Benteen.
- Q. When was it you saw those men?
- A. Four or five minutes before Maj. Reno retreated. I was looking closely to the right and the left, expecting to see one or other of the battalions coming to join us.
- Q. What effect had that on you?
- A. I supposed General Custer's command was coming down some of those cooleys, and was watching for it, but did not see it; and as pretty soon after that the fire began on the other side of the village, I argued that General Custer went to the rear of the village, to attack it that way.
- Q. Do you think General Custer, from the position he occupied at the time you saw him, could take in the whole situation of the Indian village?
- A. Yes sir; I think he could take a pretty good view of our position, at all events.
- Q. Do you think he could see the village?
- A. He could see a part of it. He could see the village as far as the conformation of the ground would permit him.
- Q. You having seen him there, and having heard the firing soon after, which

you believed pertained to his command, where in your opinion was the first attack made by General Custer on the Indians?

- A. I believe it was at the point marked "B". I believe he was met there by the Indians and started for a position over the hill, and the Indians followed him up.
- Q. State whether you believe General Custer moved down with the intention of attacking the village, and with the expectation that Maj. Reno was still holding the Indians in check in front of the village.
- A. When I first saw him cheering us, I expected him to come and join us; but not seeing him come, I expected he was looking for a place to ford the river down those bluffs; and pretty soon Maj. Reno retreated, and soon after that I heard the firing. I expected that General Custer had attacked the village on the other side.
- Q. State in your opinion as an officer, whether an attack by General Custer as you have described was an effective support of Maj. Reno in his attack on that place.
- A. If the command to Maj. Reno was to hold that place, it would probably be an effectual assistance.
- Q. You state you were in the timber where Maj. Reno had taken position until about 9 o'clock that night?
- A. Yes sir.
- Q. State if that timber could have been held with the number of men he had and how long?
- A. He could have held it as long as he had ammunition.
- Q. If the ammunition had been handled coolly and carefully, and had not been fired away rashly and at random, how long would that much ammunition have lasted?
- A. Probably 3 or 4 hours, depending on circumstances.
- Q. State if you know, what would have been the effect of an attack by General Custer on the Indians rear, had Maj. Reno's position (been held?) for a quarter of an hour?
- A. I could not say, because I did not know the force that General Custer would have to attack there.
- Q. You don't know that all of the Indians were attacking Maj. Reno, or that a part of them were down below watching General Custer?
- A. I think they were pretty well divided: half watching Maj. Reno and half General Custer.
- Q. State why you went back to get the guidon?
- A. Because I did not think that was the place to leave it, and I did not think there was any danger in going to get it; and I did not know then that our rear was cut off so suddenly as that.
- Q. Did you then, and do you now, think you did your duty in going back to get that guidon?
- A. Yes sir; I think it the duty of every soldier to preserve his colours even at the risk of his life.

QUESTIONS BY MAJOR RENO

- Q. How far from the point "B" do you fix the place where you saw Genl. Custer?
- A. I judge it was 3 miles or probably $3\frac{1}{2}$.
- Q. How far is it from the point "B" to the point "E"?
- A. I should say probably a mile or a little more.
- Q. Looking at this map, is that the way you distribute distance?
- A. Yes sir.
- Q. Is it 3 times as far from Maj. Reno's position to B as it is from B to E?
- A. Yes sir, I think so; at least it is twice as far.
- Q. What is the distance between where you saw General Custer and the point "B"?
- A. I judge between 3 and $3\frac{1}{2}$ miles. This map don't give the correct distance. I think I went over the ground on the morning of the 27th with Capt. Benteen, and followed the trail of General Custer down that cooley to the ford and from that ford up over the bluff.
- Q. Then how far do you say it is from the point B to the point E?
- A. I judge not more than a mile and a half at the furthest. When we went through that country, we did not go in a direct line - we went looking for dead bodies.
- Q. Where were you when you saw Genl. Custer?
- A. I was standing on the right hand side of the creek in the timber.
- Q. Who were with you?
- A. 5 or 6 men of Co. "A".
- Q. Were any officers with you?
- A. Not that I remember.
- Q. What were you doing?
- A. Firing into the 30 or 40 Indians coming down.
- Q. How many shots did you fire?
- A. I did not fire any at that time. I had fired two shots from my revolver a short time before.
- Q. Where was Maj. Reno at that time?
- A. I did not see him at that time.
- Q. Did you tell him that you had seen General Custer at that point?
- A. Not at that time.
- Q. Was he on the skirmish line?
- A. I think probably he was looking over the command in the woods.
- Q. How long was it after you reached the timber before you saw Genl. Custer?

- A. Probably 5 or 6 minutes after I reached the place I was in.
- Q. How long after the command reached the timber did you reach that place?
- A. Probably a minute or a minute and a half.
- Q. Then six or seven minutes after you got to the timber, you saw Genl. Custer?
- A. Yes sir.
- Q. How long did the command remain there till it retired to the hill?
- A. Probably 10 or 12 minutes after the whole command went into the timber.
- Q. How long was Maj. Reno on the skirmish line?
- A. The skirmish line was 10 or 12 minutes outside before they were withdrawn into the timber.
- Q. How long was the line on the plain before you saw General Custer?
- A. It was five or six minutes.
- Q. How long did you remain in that position after you saw Genl. Custer?
- A. Five or six minutes after I saw General Custer, the line withdrew.
- Q. How long was that before it retired from the timber?
- A. 5 or 6 minutes.
- Q. 10 or 11 minutes before it retired from the timber you saw General Custer on the opposite side of the river?
- A. No sir; I saw General Custer 5 or 6 minutes before Maj. Reno retired from the timber.
- Q. How long did you allow him to go from the timber to the top of the hill?
- A. I could not tell you, because when I came out on the south side of the river, the command had gone some distance. Some of the men had crossed the river and some I could see going up the hill. I don't think it took him 5 minutes to go across; not over six anyhow.
- Q. Then in eleven minutes after you saw General Custer, where would he be?
- A. Not very far unless he galloped.
- Q. How far do you suppose he would be in 11 minutes after you saw him?
- A. Probably a mile and a half or two miles, and probably more if he galloped fast.
- Q. According to your estimate, how far would he be?
- A. I judge a mile and a half; it depends on the gait he took.
- Q. If he had travelled a mile and a half from the time you saw him and the time Maj. Reno got to the top of the hill, would he not have been within sight of Maj. Reno's command where it got on the top of the hill?
- A. No sir. He would have been on the other divide down in a cooley.
- Q. Do you state it as a fact that according to the trail General Custer took, that he could not be seen at a distance of a mile and a half from the position Maj. Reno took on the top of the hill?

- A. Yes sir. He probably could not be seen 500 yards down there.
- Q. In eleven minutes you think he could have gone a mile and a half?
- A. I think so; but that depended on the gait he was going.
- Q. In twenty minutes do you think he could have reached the point "B"?
- A. Yes sir; if he had taken a gallop he could have reached there before that.
- Q. In 20 minutes after you saw him, would he have time to have reached the point "B"?
- A. Yes sir.
- Q. Would he not have had time not only to reach there, but to have gone some distance beyond there?
- A. I can't answer your question unless I know the gait he was going at.
- Q. You stated yesterday you heard the firing in 20 minutes after Maj. Reno's command reached the hill?
- A. I heard it commence about 10 minutes after Maj. Reno's command reached the hill.
- Q. Did you not say 20 minutes yesterday?
- A. I don't think I did.
- Q. What do you say now?
- A. I say it was not more than 10 minutes, because the Indians stopped firing on Maj. Reno's command when they saw Capt. Benteen's column, and soon after his column disappeared the firing commenced on the other side.
- Q. Did you not say that the firing commenced about 20 minutes after Maj. Reno's command left the timber, and did not that same amount of time figure in the calculations of the questions I have put to you?
- A. It was probably 20 minutes after Maj. Reno left the timber. I can't tell the actual minutes; I judge from memory, that is all.
- Q. If the firing had taken place in 20 minutes after Maj. Reno's command left the timber, where would the firing indicate General Custer to have been?
- A. At the time I thought he was on the other side of the village - afterwards I saw that he was on the other side of the ford, because the first man was found 5 or 600 yards from the ford.
- Q. Yet 20 minutes after Maj. Reno left the timber, you heard firing which indicated that General Custer was below B?
- A. Yes sir.
- Q. Now if General Custer had a view of Maj. Reno's command, did he not also have a view which indicated to him the extent of the village?
- A. Part of the village he could see from that place and part he could not.
- Q. Could he not see a very large portion of the village?
- A. Yes sir; he could see the largest part of the village.
- Q. Could he not see enough to know it was a very large camp of Indians?

- A. He knew that, before; he had been told that it was a very large village.
- Q. How long did he remain at that very high point where you saw General Custer?
- A. Not more than a minute.
- Q. Who was with him?
- A. There were 3 together; one was Lieut. Cook, the other one I could not recognize. I don't know whether it was another officer or an orderly. I recognized General Custer and Lieut. Cook by their dress; they had on blue shirts and buckskin pants.
- Q. What was the color of the buckskin pants?
- A. Buckskin color.
- Q. Were they colored at all?
- A. No sir.
- Q. You were 1000 yards away?
- A. Yes sir.
- Q. Did you have any glass?
- A. No sir, Genl. Custer had my glass.
- Q. Do you mean to say that you could distinguish General Custer at that distance?
- A. I could not, only by knowing he was about there, and by recognizing his peculiar dress. He and Lieut. Cook were the only ones who had blue shirts and no jacket and buckskin pants; and besides, Lieut. Cook had an immense beard which could be recognized at that distance.
- Q. Do you mean to say that at the distance of 1000 yards you could distinctly distinguish General Custer and Lieut. Cook without a glass?
- A. I did recognize them simply by their dress.
- Q. Then General Custer saw Maj. Reno standing there with his skirmish line in front of that timber?
- A. Yes sir; he had a regular birdseye view of the whole thing.
- Q. He saw the size of the village?
- A. He saw part of it.
- Q. He must have left that hilltop with that knowledge in his mind?
- A. I don't know about his knowledge. I was not there to think for him.
- Q. As commander don't you suppose he would observe what was there?
- A. As commander I suppose he would observe everything that passed about him.
- Q. He had an opportunity to reach that knowledge before he left the hill top?
- A. I think so.
- Q. Do you think he had any opportunity to change his knowledge of what Maj. Reno was doing before he reached the point B?

- A. I don't think he did. The formation of the country was down a deep cooley, and he could not see anything but what was in view there, before he got to the point "B".
- Q. The point "B" was the proper place to cross was it?
- A. It was the first place to cross.
- Q. If he wanted to support Maj. Reno's column that was an opportunity to do it?
- A. Yes sir.
- Q. Was there a chance there to give an active support to Maj. Reno?
- A. There was a chance to attempt to cross.
- Q. Was there any evidence that there had been an engagement there?
- A. No sir.
- Q. Did you not state that part of the men in the timber were beyond your control?
- A. They were soon after they saw the skirmish line going out.
- Q. Do you mean to say that you can regulate the number of shots by men scattered in the timber, against an enemy that does not advance in line but comes up in groups at irregular distances?
- A. Not very well.
- Q. Is it within the power of any officer, no matter how good, to control the discretion of cavalry men firing at different ranges at Indians?
- A. It is very hard under such circumstances to do so.
- Q. You testified that they expended between 30 and 40 rounds of ammunition?
- A. Yes sir.
- Q. 40 rounds was almost half the ammunition that the men had when they went into the timber?
- A. Yes sir; but I said most of the ammunition was expended in open skirmish line.
- Q. You went into the timber to fire at Indians?
- A. Yes sir.
- Q. You fired at them from the timber?
- A. Yes sir.
- Q. How long had you been in the timber?
- A. I should say I was there altogether 10 or 12 minutes.
- Q. How long, in your judgment, would 100 rounds of ammunition last, if during the time the men were on the skirmish line and the time they were in the timber 40 rounds had been expended, bearing in mind that you went with the soldiers to fire, not from the line, but from the timber at Indians?

- A. The men in the timber were firing slow and only when they saw a good chance to hit some Indians. I don't think the men that were there fired over three or four shots apiece while I was there. They were perfectly covered and there was no danger of being shot, and they took time to fire.
- Q. How long do you suppose 100 rounds of ammunition would have lasted in the timber?
- A. Probably 2 hours, at all events.
- Q. A hundred rounds would last that long?
- A. The balance that was left would, if it had been properly shot.
- Q. Would it be the fault of the commanding officer if the soldiers ammunition was not properly used?
- A. It would be the fault of both the inexperience of the men and the officer not being on that part of the field at the time. I heard Maj. Reno on the line tell the men to be careful of their ammunition. In the timber it would be difficult for officers to know.
- Q. Are not the companies not (sic) under the control of company officers and is not the commanding officer like a major, in command of the whole body of men? (The repetition of the word "not" an obvious error of transcription. W.A.G.)
- A. He is.
- Q. Is it not the duty of company officers as much as of the commanding officer to see that ammunition is properly expended?
- A. Yes sir.
- Q. Then when you speak of the fault of officers, you do not refer to Maj. Reno alone?
- A. No sir.
- Q. Do you mean to say that it is within the control of company officers to prevent the men from improperly and rashly using their cartridges when the command is separated and attacked by Indians at different ranges? I ask you this as a military officer?
- A. Every officer had a certain number of men under his control, and could certainly use his influence and prestige over the men to make them be careful of their ammunition.
- Q. Do you really think it possible for them to prevent the men, some of them new recruits, from firing indiscriminately?
- A. It was hard to do, but it could be possible.
- Q. Did you ever know it to be done?
- A. I kept the fire of the men that were with me.
- Q. Did you give them any orders?
- A. Yes sir; I told them not to fire unless they were sure to hit some one.
- Q. Were they men of your company?
- A. They were men of A company to which I was attached. I had only been with it two or three days.
- Q. Had you ordered those men to go there?

- A. No sir; I followed them in there. I took that position and told the men to be careful of their ammunition and not to fire until it was necessary.
- Q. You allowed those men to leave their places without orders?
- A. They went in there.
- Q. Did you order them back?
- A. I ordered them to stand their ground.
- Q. Did you leave with the permission or direction of your commanding officer?
- A. The men left the line, and I was the last man out.
- Q. You followed them out?
- A. No sir; they went out and I went back to get the guidon.

QUESTIONS BY THE RECORDER

- Q. In a fight or engagement what are officers and file closers for?
- A. For the purpose of seeing that the men fire properly.
- Q. Who are the file closers?
- A. The Captain and Lieutenants.
- Q. Any other men, any noncommissioned officers?
- A. The sergeants.
- Q. What is the duty of an officer in command of men; to fire himself or to regulate the fire of his men?
- A. It is to regulate the fire of the men; but unfortunately I must admit that many officers of that command were firing themselves.
- Q. Did you ever go to the point where you saw General Custer?
- A. Yes sir.
- Q. Then from that point did you have such a view of the village as to see every Indian tepee?
- A. When I was there the tepees were all gone.
- Q. Could you see the ground that had been occupied by the tepees?
- A. No sir, not all of it.
- Q. Could you from that point see everything that was going on in the timber?
- A. Yes sir; I had a regular birdseye view of it.
- Q. Were you not on low ground in the bottom, and did you not see those men against the sky?
- A. Yes sir; they were on the top of the bluff, and that was why I could recognize them.
- Q. Can you recognize an object better by looking down or up?
- A. Looking up.

- Q. As regards the ford "B", state whether it is nearer as regards the hostile village than Maj. Reno's position in the woods?
- A. It was nearer.
- Q. You stated that you were pleased that Maj. Reno halted his command. Explain why you think the point B was a good place for General Custer to go to, to attack the Indian village?
- A. Because it was a better crossing than where Maj. Reno crossed.
- Q. You don't mean it was easier for General Custer to get across with the Indians there?
- A. No sir; only because it was a better crossing.
- Q. How many rounds of ammunition could the men fire from their guns without heating them; that is, with that rapid firing?
- A. Not a great many. I noticed that the men had to take their knives to extract cartridges after firing 8 or 10 rounds.
- Q. State in fighting there with the Indians, how many good shots per minute a man could get at the enemy?
- A. When the Indians were moving he would get but a very few shots; that is, with any degree of accuracy.
- Q. Do you know of any Indians being killed there?
- A. Yes sir. I saw two Indians killed in front of me, and I saw several wounded go back to the village. I saw some of the Indians on the open skirmish line drop off their ponies. Lieut. Hare shot one.

QUESTIONS BY MAJOR RENO

- Q. If the men had not hit the Indians would that be the fault of Maj. Reno?
- A. No sir.
- Q. Why did you not attempt to rally the men and keep them from going back out of the woods?
- A. I did attempt to, but could not do it.
- Q. Why did you allow those men to go?
- A. They would not obey me, and the whole line was going out. If the whole line was not going out, I would probably have used force to stop the men. As it was, I did not feel justified in forcing the men to remain.
- Q. You could not control those men?
- A. No sir. Not at that time.
- Q. You thought it was your duty to stay behind?
- A. I think it is the duty of an officer on a retreat to be the last one out, and on a charge to be the first one.
- Q. Do you think it was more important to get the guidon than to control the men?
- A. No sir, but I thought it was my duty to get the guidon after it was abandoned.

Q. And allow the men to go out in disorder instead of restraining them?

A. I have answered that and will not answer it any more.

QUESTIONS BY THE COURT.

Q. What was the nearest point, from all indications, you said (say?) that Genl. Custer's command approached the river?

A. The nearest point it approached the river was at the point "B".

Q. Did you notice (at?) that place whether there was any attempt to cross?

A. No sir! I did not notice.

Q. There were other fords, were there?

A. Yes sir; there were several fords lower down the river. The regiment forded the river the day we left, below there.

Q. You think that was the point he approached the river first?

A. Yes sir. I noticed that two American horses had gone close to the water; the ground was clayey there and you could notice where two horses had gone down and turned to the right, and we followed their trail diagonally away from that ford.

Q. Where were the nearest signs of fighting?

A. The first man was found within 5 or 600 yards of that ford.

Q. Were there no evidences of fighting nearer than that?

A. No sir.

Q. Do you know the name of the man you told to get the guidon?

A. I don't know. I was almost a stranger in the company, having been attached to it but 3 days before.

The witness then retired.

THE EXAMINATION OF SERGEANT DAVERN WAS THEN RESUMED BY THE RECORDER as follows:

Q. Tell how you got your horse and why it was you left the timber?

A. Because the balance of the command had left the timber.

Q. Had you heard any notice or order given about leaving the timber?

A. No sir.

Q. Did you hear any calls in there?

A. No sir.

Q. Would you have heard any of the calls had they been sounded in the usual way?

A. I think I would.

Q. Tell about your going to the edge of the bank to join the command, and what occurred there. Did you have any difficulty in getting up the edge of the bank?

A. There was a horse tied to mine. I had no other difficulty.

Q. Where were the troops when you got out?

A. Running towards the river.

Q. Was there anybody with you then and if so, how many?

A. There was no person with me.

Q. Who was near you?

A. I met a sergeant of G Company when I got out of the woods, and gave him the lead horse I had.

Q. How far was the command away from you at that time, or could you see?

A. I saw part of the command running towards the river.

Q. About how far were they away when you got to the edge of the bank?

A. Some were about 10 yards away and some were down a good ways.

Q. Where did most of the command seem to be?

A. At the river, crossing it.

Q. And men were still coming out of the woods?

A. Yes sir.

Q. Did you see any Indians between you and the command or near there?

A. Yes sir.

Q. About how many?

A. I could not say. They kept going on the flanks at the head of the column.

Q. Tell what happened to you in going out from there.

A. Between there and the river my horse fell as I was passing two G company men who were dismounted. There were Indians on the left, and they made a rush for the G Company men, I thought. About that time my horse fell and I went over his head. I looked around and saw that my horse was getting up and I saw the G Company men were mixed up with the Indians. The Indians had run their ponies together and were dismounted. I rushed back and got on my horse and got away.

Q. Were the two men of G Company dismounted?

A. Yes sir, going on foot, running.

Q. Did you ever see those men after that?

A. I saw the bodies of two men down at that place afterwards.

Q. Tell what you did then?

A. I got on my horse and got down to the river, and crossed it near Lieutenant Wallace. There were Indians on the right of the command firing at Lieut. Wallace.

Q. When you got to the river, what were the men doing there?

- A. Nothing - only trying to get out of the river. The opposite bank appeared to be closed up with men and horses.
- Q. How did they appear to be?
- A. Trying to get out.
- Q. Did they appear to be demoralized or a command retreating in good order?
- A. They seemed to be retreating in as good order as could be expected. About that time Lieut. Hodgson jumped his horse into the river, or his horse fell in and his horse got away from him. A trumpeter of M Company crossed the river at the same time, and he caught hold of his stirrups to help him out. I heard Lieut. Hodgson speak to the trumpeter, but I could not hear what he said. Lieut. Hodgson got out and that was the last I saw of him.
- Q. Were the Indians firing into the command? If so, where were the Indians?
- A. They were not.
- Q. Did you see Indians close to the river?
- A. Not after I got into the river.
- Q. Did you see Indians firing into the men that were crossing?
- A. Yes sir.
- Q. How many Indians did you see near there?
- A. I could not say.
- Q. Was anybody on that bank or on the other bank returning the fire of the Indians?
- A. I did not notice any.
- Q. If there had been any body of troops trying to drive the Indians away, would you not have seen them?
- A. Yes sir.
- Q. Where did you cross the river - at the head or rear of the column?
- A. In the rear of the column.
- Q. Did you cross where the other men did?
- A. No sir, I crossed a little below; it was a narrow passage up the opposite bluff.
- Q. Why did you go below to cross?
- A. The upper place was too crowded.
- Q. As fast as the men got on the other side, what did they do?
- A. They run on up the hill.
- Q. Did you see Major Reno at that crossing? If so, what was he doing?
- A. I did not see him there.
- Q. Where did you go after crossing?

- A. I went part of the way up the hill and stopped there.
- Q. Did the Indians follow the troops up the hill after they crossed over?
- A. I saw two Indians over to the left and farther up the hill than I was.
- Q. Did any of the Indians you saw in the bottom follow Major Reno's column across the river?
- A. No sir.
- Q. What officer did you see as you were going up - the time you stopped?
- A. I saw Lieut. Wallace shoot across at some Indians who were killing a man three or four ridges from there. That hill was divided into ridges or water cuts.
- Q. On which bank of the river was that?
- A. On the right bank that I saw Lieut. Wallace and the Indians both.
- Q. The Indians were killing a man?
- A. Yes sir; I found out afterwards it was Dr. DeWolf.
- Q. When you got to the top of the hill did you meet any officer?
- A. Yes sir, I saw Major Reno.
- Q. What did he say to you, if anything?
- A. I don't recollect exactly. I think he asked me if I had any water. I said I had not and he gave me some.
- Q. Did you hear any firing after you got on the hill?
- A. The firing had ceased, only there were some scattering shots by the Indians on the left.
- Q. Did you hear any firing from any other direction down stream any where?
- A. Shortly after I got on the hill I did.
- Q. Describe that firing.
- A. It was in volleys.
- Q. Where did it seem to come from?
- A. From down stream.
- Q. How did you happen to hear it: did you go out to any point, or were you there with the others?
- A. On the hill where the others were.
- Q. Was the balance of the command there?
- A. Yes sir.
- Q. Was the firing plain or faint?
- A. It was not very distinct, but a person could distinguish it was firing.
- Q. You could tell it was volleys?
- A. Yes sir.

- Q. Did you hear any firing between the volleys?
- A. No sir.
- Q. What did you see in the direction from which the fire was coming at the time?
- A. I saw what I supposed to be Indians circling around in the bottom on the opposite side of the creek from where we had our fight, away down in the bottom.
- Q. Could you tell from where you were on which side of the creek they were?
- A. I might be deceived because there were so many bends in the creek.
- Q. About how many Indians did you see?
- A. There were a good many there.
- Q. Were they raising much dust?
- A. Yes sir, I called the attention of Capt. Weir to it at the time.
- Q. What did you say to him and what did he say to you?
- A. I said to Captain Weir "That must be General Custer fighting down in the bottom". He asked me where and I showed him. He said "Yes, I believe it is".
- Q. What did he do then?
- A. Not anything.
- Q. Where was Major Reno at that time?
- A. I don't know, he was somewhere on the hill.
- Q. About how long was that after you got on the hill?
- A. Maybe half an hour after.
- Q. Refresh your memory about what was done by any part of the command right away after that firing was heard.
- A. Nothing was done.
- Q. Had Captain Benteen got up with his column at the time you heard this firing and spoke to Capt. Weir about it?
- A. I think he must have been there.
- Q. Did you see his column come up?
- A. No, I did not; but I saw the pack train come up soon after I got on the hill.
- Q. Do you know whether Capt. Weir was in the bottom with you?
- A. He was not.
- Q. Whose command was he with?
- A. Captain Benteen's.
- Q. Then he being there, you suppose Captain Benteen's command was there?
- A. Yes sir.

- Q. Where was it you first saw Major Reno after crossing the stream on the retreat?
- A. On the hill.
- Q. Were there men coming up from the river at the time you came up?
- A. There might be a few straggling up - some dismounted men came up after.
- Q. Did you hear Major Reno give any orders to any one on the hill?
- A. Not that I recollect.
- Q. Do you recollect his giving an order to Lieutenant Hare or any other officer there?
- A. I think he said something about going to look for Lieut. Hodgson to some officer, I don't know who it was.
- Q. Where did Captain Weir go about the time you spoke to him, as you stated?
- A. No where.
- Q. Where did the company go?
- A. No where.
- Q. Do you remember whether Captain Weir moved his company down the stream?
- A. Not at that time. He did later in the evening.
- Q. How long after you spoke to him about the firing?
- A. Over an hour.
- Q. How long was that after the pack train came up?
- A. Between one and two hours.
- Q. Where did he go?
- A. What I heard was, to open communication with General Custer.
- Q. Do you mean two hours after you crossed the stream or two hours after you got on the hill?
- A. Two hours after I got on the hill.
- Q. Did the whole command go down?
- A. Yes sir.
- Q. At the same time?
- A. Shortly after Captain Weir moved out.
- Q. How soon after the pack train came up did the whole command move down?
- A. About two hours after the advance of the pack-train came up.
- Q. Were you sent to Captain Weir with any word?
- A. No sir.
- Q. Did you go to him that afternoon?
- A. Yes sir.

Q. Who sent you?

A. He called me himself, and asked me to tell him the details of the fight in the bottom.

Q. Who did you report to after that?

A. Major Reno.

Q. What duty were you doing for him that afternoon?

A. I was his orderly - holding his horse.

Q. How long was it after Major Reno's command halted and deployed, before it left the timber?

A. A half or three quarters of an hour.

Q. You say something about the advance of the pack train. What did it have?

A. Ammunition.

Q. How much ammunition did you fire while you were in the bottom?

A. About twenty rounds.

Q. Were you firing most of the time when you got a good chance?

A. Yes sir.

Q. How long did the firing last that you heard down the stream?

A. I heard it occasionally for about an hour and a half.

Q. Do you know what became of all those Indians after Major Reno started back on the hill?

A. I do not.

Q. Do you know in what direction they went?

A. I do not. I saw they had all left when we got on the hill.

Q. Did you notice in what direction they went?

A. I supposed they were the same Indians I saw circling round in the bottom.

Q. While you heard that firing in the bottom which you say lasted about an hour and a half, state if you saw any Indians watching Major Reno's command on the hill?

A. I don't recollect that I did.

Q. The command moved down a little ways with Captain Weir?

A. Yes sir.

Q. Tell what you know about the command going down there. What it did, and how long before it came back?

A. It did not go forward very far and it was probably fifteen minutes before it came back.

Q. Were you with Major Reno at that time as his orderly?

A. Yes sir.

- Q. Where did he go?
- A. At the head of the command.
- Q. Where was Captain Weir?
- A. He was ahead.
- Q. What did you do after you went down?
- A. The column halted and Major Reno sent for Capt. Weir.
- Q. Then what was done?
- A. We went back a short distance - threw out a skirmish line - the Indians were returning from the other side of Capt. Weir, and his company had just time to form when they got back.
- Q. Did they go back to near the place where Major Reno went when he first went on the hill?
- A. A little to the right of that - I believe some of the companies occupied a position farther up stream.
- Q. How near is your position as orderly, to the commanding officer?
- A. Within calling distance.
- Q. Do you usually hear what the orders are?
- A. Sometimes I hear.
- Q. State if you know what orders were given by Major Reno at the time you started back to take position?
- A. I don't know of any orders - I saw Major Reno and Captain Benteen talking together, but I don't know what they said.
- Q. How long have you been in the service?
- A. Sixteen years.
- Q. Tell what preparations were made there that you saw?
- A. The companies were deploying in skirmish line - the pack animals removed into a depression in the hill - those were all the preparations that I saw.
- Q. What were the Indians doing?
- A. Closing up - advancing on the command.
- Q. Did the fight begin about that time?
- A. Yes sir.
- Q. How long did it last that day?
- A. Until dark.
- Q. How long before dark did it commence?
- A. A little before sundown - I don't think it was an hour high.
- Q. Do you know what time the sun sets in that latitude at that time of year?

A. No sir.

Q. About how many hours did the fight last there at that place that afternoon?

A. About 2 hours.

Q. Were you with Maj. Reno during that fight there?

A. No sir.

Q. Where were you?

A. He sent me to the depression on the hill with his horse and told me to remain there so that he would know where I was if he wanted his horse.

Q. Could you see him at all during that fight?

A. I could see him occasionally.

Q. Where did you see him?

A. At different places. The troops were formed in a kind of circle, and I saw him going to different parts of the line.

Q. How far was he away from that depression?

A. One part of the line was close to it, and I saw him there one time.

Q. How close was the line to that depression?

A. Within about 50 yards at one place.

Q. When did you report to Maj. Reno next?

A. At dark or shortly after.

Q. How long did you continue with him from that time on: what was he doing and what did you do?

A. He told me to go to his pack mule and get his bedding and fix it for him, and I did so.

Q. What did you do then?

A. I stopped there within 2 or 3 yards of him.

Q. Was that right after dark?

A. Yes sir.

Q. Where was that place?

A. It was close to the line.

Q. Was it in the depression or out of it?

A. It was in the depression.

Q. Did you make your bed there?

A. Yes sir.

Q. State what orders Major Reno gave you?

A. He told me to wait up till 12 o'clock and wake him, and then I could go to sleep.

Q. When did he tell you that?

A. When he laid down.

Q. When did he lay down?

A. I don't know - it was a while after dark.

Q. What time was it?

A. I don't know.

Q. How long was it after entire darkness or after the firing ceased?

A. It was quite a while - I can't say how long. It must have been 2 hours.

Q. Do you think it was two hours after dark when Major Reno laid down?

A. Yes sir.

Q. Were you with Major Reno from dark till the firing ceased - all the time?

A. Not all the time. He would go away and come back occasionally before he laid down.

Q. Did you see him most of the time?

A. Yes sir.

Q. How long was he away from you at any one time between the times you speak of?

A. I could not say - he was not away any great length of time.

Q. As much as half an hour at any one time?

A. He might have been, but not any more I think.

Q. After getting your blankets what did you do?

A. I went to sleep.

Q. When did you next see Major Reno?

A. Not till he had the trumpet sounded in the morning - I did not wake him up - I did not wake up myself.

Q. Were you with Major Reno the next day? If so, what occurred - state all the orders you heard him give, and all you saw him do that day during the fight with the Indians?

A. I was not with him that day - I got permission that morning to go on the skirmish line. I saw him several times during the day as he was walking about the line, going from one part of the line to another.

Q. Was that while the firing was going on?

A. Yes, sir.

Q. Was there anything else you saw him doing that day?

A. No sir.

Q. You were on the line the entire day till the fight was over?

A. Yes sir, except the times I went for water.

QUESTIONS BY MAJOR RENO

Q. What was your rank in the Army on the 25th of June 1876?

A. I was a Private.

Q. You have been connected with the service about 16 years?

A. Yes sir.

Q. You are an old soldier?

A. Yes, sir.

Q. Do you remember a man named McIlargy?

A. Yes sir.

Q. Did you see him at or about the ford A as Major Reno was crossing to the timber?

A. Yes sir.

Q. Where did you see him?

A. I saw him recross the river, coming back from Major Reno's command.

Q. Do you know where he was going?

A. I spoke to him as he was going across the river, and he said he was going to General Custer.

Q. Did he say what for?

A. I asked no further questions.

Q. Did he say who sent him?

A. No sir. I supposed Major Reno sent him.

Q. Do you know what position he occupied towards Major Reno - was he his striker?

A. Yes sir.

Q. By that you mean his body servant?

A. Yes sir.

Q. At what point did you see him?

A. Just crossing the ford on his way back.

Q. Did he afterwards join Major Reno?

A. No sir, I never saw him afterwards.

Q. With regard to firing in the timber - are you skilled with the carbine? Are you considered a good shot?

A. A tolerably good shot.

Q. Did you not fire more slowly than the other men?

A. Yes sir.

Q. You fired 20 rounds?

A. Yes sir.

Q. Did not you fire considerably slower than many of the men?

A. I believe I did.

Q. What was your duty on the 25th and 26th of June as orderly?

A. An orderly's duties are to take orders from the commanding officer to the different company officers, and to carry messages from him to other officers.

Q. With regard to taking care of Major Reno's horse in the timber, - what did he say to you about that?

A. He said nothing to me about his horse.

Q. Was it not your duty to take his horse into the timber?

A. Yes sir; but the horse was led in by some person already.

Q. Was it not your duty as orderly to look after his horse?

A. Yes sir.

Q. When Major Reno left the timber he was mounted, was he not?

A. I suppose he was, I did not see him when I left.

Q. If you had been with his horse you would have known when he left the timber?

A. Yes sir.

Q. It was your duty as orderly to be with his horse?

A. Yes sir.

Q. Had he not a right to expect you to be with his horse in the timber that day?

A. Not at that time. I believe I went and reported to him at the timber - that is, I spoke to him.

Q. What did you do?

A. I went on the skirmish line myself.

Q. Did you have his permission?

A. No sir; I did not ask his permission at that time.

Q. You went there without his permission?

A. Yes sir.

Q. If you had been with his horse you would have known when he left the timber?

A. Yes sir.

Q. There was where you ought to have been according to your duty?

A. I don't know; at that time, I was not there when he dismounted.

Q. Where was Capt. Benteen's column when Adjutant Cook gave the order to Major Reno about going down and charging the Indians?

- A. I did not see Captain Benteen's command after the regiment was divided into columns.
- Q. Where was Captain Benteen's column at that time?
- A. On the left bank of that little tributary of the Little Big Horn.
- Q. How close to Major Reno?
- A. I don't know - I did not see him.
- Q. Did you look for him?
- A. I don't know that I did.
- Q. Had Captain Benteen parted from Major Reno or the main column before that order was given by Adjutant Cook?
- A. Yes sir.
- Q. You think that Adjutant Cook came to Major Reno and gave the order?
- A. Yes sir.
- Q. Repeat in what way the order was given?
- A. "Girard comes and reports the Indian village three miles ahead and moving the General directs you to take your three companies and drive everything before you. Col. Benteen will be on your left and will have the same instructions."
- Q. How long before that had Captain Benteen left the column?
- A. I don't remember when the division was made into columns: whether it was shortly after we moved out of camp or not.
- Q. Captain Benteen's column was not in sight was it, at that time?
- A. I don't know, I did not see him.
- Q. Are you sure Captain Benteen was in sight or out of sight?
- A. From what I have learned since, I believe he was out of sight.
- Q. Did you know at that time?
- A. No sir.
- Q. After Adjutant Cook gave that order to Major Reno where did he go?
- A. I don't know where he went immediately after. A short time after, as the command started out, I saw him and Captain Keogh both with Major Reno.
- Q. Did you see any person go in the direction of Captain Benteen's column with any order?
- A. No sir.
- Q. Did Adjutant Cook go in that direction?
- A. I don't know - he would not have had time to go and reach that column and then join Major Reno as soon as he did.

Q. Then at the time that order was brought to Major Reno, that Captain Benteen would be ordered to do the same as Major Reno was, Captain Benteen was out of sight, at least you did not see him?

A. I did not see him.

Q. Where was that order given?

A. A short way from that Indian tepee.

Q. Above or below it?

A. Above it.

Q. Before you reached the tepee?

A. Shortly before - it could not have been more than 200 yards from the Indian tepee if it was that much.

Q. Was the command moving?

A. General Custer's and Major Reno's columns were halted.

Q. Were they on the same side of the creek?

A. Yes sir.

Q. On which side?

A. The right bank.

Q. How long before that had Major Reno crossed to the right bank?

A. A short time before that.

Q. Who was with Major Reno at the time this order was given?

A. I can't remember who was there. I think Lieut. Wallace was. I don't know whether Lieut. Hare was or not. I think he was. Lieut. Hodgson was there.

Q. How close were they to Major Reno when Adjutant Cook came up with that order?

A. I don't know.

Q. In what tone of voice was the order given?

A. In a clear distinct tone of voice.

Q. How far was Adjutant Cook from Major Reno when the order was given?

A. As close as his horse would allow him to get to him.

Q. And spoke in a loud tone of voice?

A. So that all around there would hear him.

Q. How close were you to Major Reno?

A. Right close.

Q. What were you doing?

A. Sitting on my horse.

- Q. Were you closer to Major Reno than Lieut. Wallace was?
- A. I don't know whether I was or not.
- Q. Were not Lieuts. Wallace, Hodgson and Hare there near enough to hear the order?
- A. They might have been.
- Q. Were they not as well placed to hear the order as you were?
- A. They might have been.
- Q. You saw no effort to carry the order to Captain Benteen?
- A. No sir.
- Q. Where do you fix the spot on the map where the Indians were circling around, if you can fix it at all?
- A. Somewhat further up than where the skirmish line is, and on the left, back in the valley.
- Q. I speak of the time when you spoke to Capt. Weir about seeing Indians in motion. Where were they when you saw them?
- A. I can't point it out on the map.
- Q. Was it far from the place where Major Reno had his skirmish line in the timber?
- A. It seemed to be about on a line with that skirmish line.
- Q. In which direction?
- A. On the right, in the direction of the skirmish line.
- Q. Was it far from that line or not?
- A. It would not be very far. I don't know how much ground the timber covered from the hill - it was not a great distance.
- Q. Was it half a mile?
- A. I think about a mile.
- Q. The place you saw the Indians circling around was about half a mile from the skirmish line?
- A. About that from where it was on the left.
- Q. How far did Captain Weir go down with his men?
- A. To the first rise - out to the right.
- Q. Did you ever go out as far as Captain Weir went?
- A. No - I went with Major Reno's column.
- Q. How far did that column go in the direction of Capt. Weir?
- A. I could not say.
- Q. Was it a mile or two?

A. I don't think it went a mile.

Q. What time do you think Major Reno's column reached the top of the hill from the bottom?

A. I think it was between two and three o'clock.

Q. Do you think it was before or after 3?

A. I think it was before.

Q. And remained there how long do you think?

A. They remained there about two hours.

Q. That would bring it to about 5 o'clock?

A. Yes sir.

Q. How long were they going to meet Captain Weir's company and returning?

A. I could not say.

Q. Was it an hour do you think?

A. It might have been an hour.

Q. Is an hour a fair estimate?

A. I don't know.

Q. Was it much more than an hour?

A. I can't state the time.

Q. What time do you suppose Major Reno's command crossed the river to go to the timber?

A. About 1 o'clock, maybe after 1.

Q. You think they got back, after they came back from where Capt. Weir was to where the stand was made, about an hour before sundown?

A. Yes sir.

Q. When Major Reno laid down had the firing ceased?

A. Yes sir.

Q. Were the men all in proper position to resist an attack?

A. Yes sir.

Q. All the military arrangements were completed, were they?

A. I suppose they were.

Q. Were the other officers and the men lying down?

A. I don't know, I went to sleep as soon as I laid down.

Q. Were not the men all in proper shape for resisting an attack?

A. I believe they were.

Q. Do you pretend to know all the orders Major Reno gave?

- A. No sir, I did not say I did.
- Q. He could, for all you know, have given other orders and you not heard them?
- A. Yes sir, I was not with him all the time that day.
- Q. When he sent his horse to the depression, it was for shelter, was it?
- A. Yes sir.
- Q. He did not go with the horse?
- A. No sir.
- Q. He was about the line as far as you saw?
- A. Yes sir.
- Q. The next day, as far as you saw, he was about the line?
- A. Yes sir.
- Q. Could you see the pack train when you came on the hill?
- A. Yes sir.
- Q. How far off was it?
- A. 50 or 100 yards. I went to speak to a sergeant of my company in charge of a part of the pack train.
- Q. How long after Major Reno reached the hill did you reach there?
- A. I don't know.
- Q. Did you see Lieut. Hare sent to the pack train to hurry it up?
- A. No sir.
- Q. Do you know that he went in that direction?
- A. No sir.
- Q. Did you see him coming back from that direction?
- A. No sir.
- Q. Did you say the pack train reached there 15 minutes after Major Reno reached there?
- A. No sir.
- Q. How much longer were you in getting to the top of the hill than Major Reno?
- A. I don't know. I was delayed on the side of the hill catching an Indian pony.
- Q. How long were you engaged at that?
- A. Maybe I was 20 minutes.
- Q. How long were you coming from the timber to the river?
- A. I came as fast as my horse would bring me.
- Q. Was it a half an hour or twenty minutes?

- A. I don't know.
- Q. Was Captain Benteen there when you came up?
- A. Capt. Weir was there. I don't recollect Capt. Benteen.
- Q. The pack train was how far away?
- A. The advance was on the hill when I got there.
- Q. From the timber to the river, how long did it take you - 5 or 10 minutes?
- A. It was more than that; my horse fell with me there.
- Q. Was it 15 minutes?
- A. I don't know how long it was.
- Q. Can you be accurate in the time you were getting to the top of the hill and reaching the pack train?
- A. I don't pretend to be accurate.
- Q. Did Major Reno send to Capt. Weir to come to him?
- A. Not that I know of.
- Q. Did you not say that the column halted and Major Reno sent for Capt. Weir?
- A. I don't think I did.
- Q. If you said so was it a fact?
- A. I am not aware I said so.

QUESTIONS BY THE RECORDER.

- Q. When you were going down the bottom, did you not say you had permission from Major Reno to go with Lieut. Hare?
- A. Yes sir; I had permission at the time. He said I could go with that officer.
- Q. When you went on the skirmish line did you go with Lieut. Hare?
- A. He was the officer I went with.
- Q. Did you consider you were disobeying orders then in going from the timber to the line?
- A. No sir; I thought I was doing my duty as a soldier.
- Q. Who was holding Major Reno's horse when you came back?
- A. I don't know. I did not see his horse at all.
- Q. You have repeated the order given by Adjutant Cook to Major Reno. Would you be likely to know, being Major Reno's orderly, whether General Custer sent any word to Capt. Benteen or not?
- A. Certainly not.
- Q. You say when you went on the hill you were talking to Capt. Weir about the firing - was it a fact that you had that conversation with Captain Weir?
- A. Yes sir.

- Q. Describe that dust and about how many Indians you saw fighting General Custer?
- A. I remarked to Capt. Weir that General Custer must be fighting the Indians; they were circling around in the bottom. He said "Why do you think so." I said "I hear the firing and see the dust; and see, the Indians have all left us."
- Q. You say that might be half a mile from the skirmish line; might it not be more?
- A. Yes sir.
- Q. You did not mean you were sure it was not over half a mile?
- A. I don't mean that.
- Q. When you got from the timber to the ford there were a good many men there?
- A. Yes sir.
- Q. You went from the timber across there as fast as you could?
- A. Yes sir.
- Q. How long did you stop when your horse fell?
- A. No longer than to recover myself - probably a couple of minutes - no longer.
- Q. Then how fast did you go?
- A. As fast as my horse could run.
- Q. Where did you overtake the command?
- A. At the river.
- Q. Did you stop or cross over?
- A. I crossed over right away.
- Q. Why did you stop on the hill?
- A. To catch an Indian pony.
- Q. How long did it take you to catch him?
- A. Not long; then I stopped with Lieut. Wallace to fire at some Indians that were killing Dr. DeWolf.
- Q. How many shots did you fire.
- A. 3 or 4.
- Q. How long did it take you to fire those shots and catch the pony?
- A. Ten or fifteen minutes.
- Q. Are you sure it was not over 20 minutes?
- A. Yes sir.
- Q. Then what did you do?
- A. Went on to the top of the hill.

QUESTIONS BY MAJOR RENO

Q. Did you see any evidence of cowardice at any time on the part of Major Reno?

A. No, sir.

The witness then retired.

SERGEANT F. A. CULBERTSON, A WITNESS DULY CALLED, and being first sworn to tell the truth the whole truth and nothing but the truth testifies as follows:

QUESTIONS BY THE RECORDER

Q. State your name, rank, company and regiment and where serving.

A. F. A. Culbertson, Sergeant Co. "A", 7th Cavalry, serving at Ft. Lincoln, D. T.

Q. Where were you serving on the 25 and 26 of June, 1876. Under whose command?

A. I was serving in "A" comp. 7th Cav. Capt. Moylan: serving under Major Reno's command.

Q. State if you accompanied Maj. Reno's column when it went ahead on the morning of the 25th. If so, where was it that it marched ahead and how far from there did the command cross the Little Big Horn River?

A. I was with Maj. Reno's command. It left Genl. Custer's command at a tepee about 3/4 of a mile from the river.

Q. At what gait did the command move down?

A. At a fast trot.

Q. How long were you crossing over?

A. There was a short delay of perhaps 5 to 8 minutes in closing up the column.

Q. Had you seen the Indians in the valley before crossing?

A. No sir; I had seen some dust.

Q. Describe the movement of that column after it had crossed, up to the time it halted and deployed as skirmishers. State all you saw during that movement?

A. After the companies formed, the command was given "Forward". We moved down the valley, and after going about half way, there were Indians come in on our left and front. Most of them would circle off to our left. There were a few shots fired some of which struck in front of "A" company.

Q. How far was that from where the line halted?

A. About half a mile.

Q. Was that regular firing or a few scattered shots?

A. Scattering.

Q. In moving down, were you opposed at any time in front by Indians meeting you?

- A. They were circling in our front. They were 5 or 600 yards in our front just before we halted.
- Q. Could you tell about how many Indians you saw, up to the time the command halted?
- A. There were then in our front 200 to 250 riding back and forth, and some crossed over to the bluff on our left.
- Q. How far were the hostile Indians from the command when they halted, and what were they doing?
- A. They were firing on us as we were about 500 yards from them.
- Q. Were the Indians still moving to the left?
- A. They were circling in front more than anything else, firing and riding back and forth.
- Q. When did the command commence firing?
- A. I heard no firing from the command until after we halted and deployed in skirmish line.
- Q. Where was the right of the skirmish line?
- A. I believe the right rested near the woods; I was on the left.
- Q. Were you near the extreme left?
- A. Yes sir.
- Q. About how far did the skirmish line extend?
- A. The intervals were not kept up well. I judge we were deployed about 200 or 250 yards; perhaps more.
- Q. State all that occurred on the skirmish line as it was in the open, how long it remained there, what it did and where it went?
- A. We remained on the skirmish line firing; some of the men were firing very fast. Many were new men: a great many men of my own company were new men and were firing fast. We remained there some time when I heard the command given, I don't know by whom, to move by the right flank. The skirmish line was moved by the right flank, every man moving off towards the timber. I stopped on arriving at the timber with 3 other men at the edge of the timber on the brow of the hill. The balance of the command went into the woods: I don't know for what purpose. I did not hear the command.
- Q. Had there been any casualties in the command out there?
- A. One man was wounded on the skirmish line that I saw. I saw others in the woods after I got in; we were on the skirmish line about 35 minutes.
- Q. You remained out there firing at the Indians after the command got into the woods?
- A. We stopped on the brow of the hill and fired 3 or 4 shots apiece, and some person called out at that time to go and get our horses. Then the man of my company was wounded that was with us. We left him and went and got our horses.
- Q. When you went and got your horses where did the command go? Where did you go and with whom?
- A. When we got our horses I went with Lt. Wallace. I could not find my own company, and I thought I would go with him. They said they were going to

charge, and Sergt. McDermott and myself rode out. When we got on the hill, we saw but a very few men in front of us; but there was a heavy body of Indians all around us. As soon as we got on the edge of the timber, Lt. Wallace rode forward, and we rode forward with him in the direction of the river. The command was all ahead then and I saw none at all but one or two straggling men.

Q. Were there any Indians between you and the command?

A. Yes sir; both on our right and left, and some in front of us.

Q. Can you tell why the skirmish line was taken from the open into the timber? Was it driven in by the Indians?

A. No heavy body of Indians charged on us until just as the last man got off the line. Then about 800 about 8 or 10 deep, came round to our left.

Q. Do you know in what order the command arrived at the ford?

A. I know nothing about that.

Q. Do you know how fast they moved?

A. I judge at a very fast trot; perhaps faster; I don't know. We were moving at a fast trot ourselves. Lieut. Wallace was loping; I was trotting.

Q. Could you see what the Indians were doing with reference to the command?

A. They were riding alongside and firing from the pommels of their saddles, and some fired pistols as we came along.

Q. Did you hear any command given there to charge or to retreat, or anything indicating what the movement from the woods was to be?

A. No sir.

Q. Did you have any idea what the movement was to be from the woods?

A. No sir; I did not hear the order, and don't know anything more than that someone said they were going to charge. I don't know where the order came from.

Q. Did you hear any calls sounded?

A. No sir.

Q. Would you have heard the calls if they had been sounded?

A. I think I should.

Q. After the command halted and deployed as skirmishers, state if you know where Maj. Reno was? What did he do or say, up to the time the command left the woods?

A. I did not see Maj. Reno, only for a second as the skirmish line was being formed. I saw him then riding towards the woods. After that I did not see him until the time I arrived on the top of the hill.

Q. Did you see him go into the woods?

A. No sir; I saw him going in that direction.

Q. Upon arriving at the ford in going back, state what you saw and did there?

A. As I came to the ford, there was quite a body of Indians firing at all parties who were dismounted, killing horses and men as they could. When

I came to the ford my horse jumped into the river. I passed Lt. Hodgson who was in the river. I could not stop my horse to assist him. Lt. Wallace stopped on the other side to give what assistance he could. As soon as I got out of the river, I saw Capt. French (and) Sergt. Lloyd; and the Sergt. said we had better stop and protect the wounded in coming across. I told him to speak to Capt. French about it and he did so. Capt. French said "I'll try, I'll try", and with that rode up the hill.

Q. Was there any body of men formed on the other bank of the river protecting the men in getting over?

A. No sir.

Q. Was the fire of the Indians returned by the troops to drive them from their position firing into the men?

A. No sir; I heard none.

Q. Did you see any other officer there?

A. Not any officer right there. I met Lt. Varnum about 25 yards above that, with a wounded man; the man who was taking care of his horse. He asked me to dismount and assist the man on his horse. I dismounted and caught a loose horse of "G" Co. and put the man on him and started on up the hill again.

Q. Do you know where Maj. Reno was at that time?

A. I can't say.

Q. Where did you next see him?

A. On top of the hill.

Q. Did you go on up the hill?

A. Yes sir; slowly.

Q. Were the men coming up from the river?

A. Yes sir; most of them dismounted.

Q. Did you cross at the same place the other men crossed?

A. On going into the river I went in at the same place; but I chose a place above that to go out.

Q. Did you observe any other wounded man besides that one in the woods?

A. The 1st Sgt. of my company was wounded in the knee, and I stopped and got him a horse.

Q. Who assisted you?

A. Sgt. McDermott.

Q. Did you get him up?

A. Yes sir.

Q. Were you under an Indian fire at the time?

A. Yes sir; they were firing from a high point on us.

Q. Did you see any other officer going up the hill, if so who?

A. No sir, no other.

- Q. When you got on top of the hill, what officer did you see and what was he doing?
- A. The first officer I saw was Capt. Moylan, and I heard him say he would not sell his horse for something; I don't know what.
- Q. What was Maj. Reno doing when you got on the hill?
- A. He was riding down to where his position was afterwards. In a few minutes after, I heard them say General Custer's column was coming.
- Q. Who did it turn out to be?
- A. Capt. Benteen.
- Q. How long after you got on the hill before Capt. Benteen's column arrived?
- A. About 5 or 10 minutes.
- Q. Did you hear Maj. Reno give any order on the hill, if so what?
- A. I heard him give an order to Lt. Varnum, but could not tell what it was.
- Q. Could you hear what it was about?
- A. No sir.
- Q. Could you hear if it was about any person?
- A. No sir; Lt. Varnum made answer that his horse was worn out, but that if he could get a new horse he would go. (An error on Culbertson's part. It was Hare, not Varnum, to whom he heard Reno give the order. W.A.G.)
- Q. What did you do after that?
- A. As soon as I arrived on the hill I went to where the most of the men of my company were, and as the wounded men came up, we took care of them.
- Q. Did the wounded men mostly come by themselves?
- A. There were only two other men came up at that time; I mean men of my own company.
- Q. Were they being assisted?
- A. No sir. One man wounded in the timber; we told him to hold on to his horse and he did so and rode up.
- Q. How about the other one?
- A. He came on horseback.
- Q. When riding across the bottom could you see whether there were men wounded on the ground or falling from their horses?
- A. I didn't notice any of the men, I believe, except one lying close to the brush. I don't know whether he was wounded or not.
- Q. You saw Maj. Reno riding towards the position you afterwards occupied for defense. When and where did you see Maj. Reno next and what orders did he give?
- A. I was called by Capt. Moylan and asked what men were wounded and how many were missing. I told him, and then Lieut. Varnum asked me if I had any water. While speaking to him and giving him a drink of water, he asked me if I had seen anything of Lieut. Hodgson. I said I had, and gave him

a description of where I had seen him last. He either called Maj. Reno or he came up about that time, and I told him I had seen Lieut. Hodgson in the river. Maj. Reno asked me if I thought I could find him. I said I thought I could. He said he was going for some water, and I should go along with him. 10 or 12 men and myself then went with Maj. Reno to the river. We went down to the river and I found the body of a man lying at the edge of the river. I at first thought it was Lieut. Hodgson and called Maj. Reno's attention to it; but it proved to be a man of my own company. We filled our canteens above where the man was lying in the river, and came up on a little bench again advancing up the hill, and a man of my Co. came across the body of Lieut. Hodgson and called Maj. Reno's attention to it, and he came up to the body. We found that his watch and chain had been taken off except the little gold bar inside of his vest; and a plain gold ring, Maj. Reno took that off and said it was his class ring. We went on up the hill and found a man of "G" company in the brush and took him out. He had lost his horse and had hid in there until he got an opportunity to get out. We then went on to the top of the hill.

- Q. When you went down to the river were there any Indians in that immediate vicinity?
- A. Not in the front, but on our right there were Indians on the hill.
- Q. Was there any special or great danger or only a liability of being hit?
- A. There was a chance of being hit; they had killed several men right along there. The firing was not heavy, but we stood a chance of being killed.
- Q. When you went back to the top of the hill, what movement of troops was then made, in what direction, how far and how soon after you got back?
- A. I think in about 20 minutes, Capt. Weir's Co. moved out; the pack train was just coming up; a man of my company who came up with the pack train was there. "A" Co. had 4 wounded men and we had to take the saddle blankets to put them in. I believe that was done by Maj. Reno's order, but Capt. Moylan superintended it. It took six men to each wounded man, and the rest to take care of and lead the horses. We moved forward for a half or three quarters of a mile, where orders came back to halt and return to our old position. We were moving down the river following Captain Weir's Co. which was in advance.
- Q. How near did you approach the advance position of Capt. Weir's Co?
- A. I don't know; they were being driven back.
- Q. How far was it ahead when you noticed it was being driven back?
- A. About 600 yards.
- Q. How much time was occupied from the time you got on the hill in making that movement going down and returning?
- A. From the time we left the hill going down, returning and getting into position, about an hour and a half. We travelled slow: moved only a few feet at a time.
- Q. Do you know who ordered the column to move down stream?
- A. No sir.
- Q. Do you know who ordered Capt. Weir's Co. to move out?
- A. No sir.
- Q. After the return of the command, what orders did you receive about the packs, if any, and from whom?

- Q. While on the skirmish line Lt. Mathey came to me and said I should bring four men from the line and take off the packs and build breastworks for the wounded. While we were taking off the packs, one man was instantly killed; then an order came, I don't know from whom, but I think from one of the packers, not to take off the packs. Just then Maj. Reno came along and Capt. Mathey asked him about it and he said, "yes, take the packs off", and we took the packs off and built breast works for the wounded.
- Q. Go back to the timber when the skirmish line was thrown out there, and state how long the command stayed in the timber or bottom till it left there?
- A. We were on the line about 35 minutes and it took them from 5 to 10 minutes to get out of the woods; that would be about 45 minutes.
- Q. State if you can, from the time Maj. Reno left the command of General Custer at the tepee, how long it was until Maj. Reno and Capt. Benteen united their forces on the hill.
- A. It was about an hour and a half.
- Q. How long was it after Captain Benteen's arrival on the hill until the pack train came up or any part of it?
- A. I judge it took us about 25 minutes to go to the river and find Lieut. Hodgson's body and return. When we arrived on the hill there I found part of the train was up. The ammunition had arrived.
- Q. Do you know just when the ammunition arrived?
- A. I do not.
- Q. When was it Capt. Weir moved down the stream; before or after the ammunition packmule came up?
- A. It was after. He was on top of the hill when I came up from the edge of the river.
- Q. Did you occupy as much time firing at the Indians as the other men?
- A. I don't think I did as much firing as some of the others. I may have been three or four minutes longer than others.
- Q. How many rounds of ammunition did you fire?
- A. I found by my belt that I had fired 21 rounds.
- Q. State if you heard firing from the direction in which Gen. Custer's battlefield was afterwards ascertained to be. If so, when was it as compared with the time Capt. Benteen's column came up. Describe that firing and what was said about it?
- A. It was when Lt. Varnum called me to ask me for some water. He was sitting on the edge of a bank. While sitting there talking to Lt. Edgerly we could hear the firing; at first it was a couple of volleys, very heavy: afterwards it was lighter and appeared to be more distant. Lt. Varnum made the remark that General Custer was hotly engaged or was giving it to the Indians hot, or words to that effect; and in a few minutes after Maj. Reno came up and we went down to the river and I did not hear it any more. If there had been any firing after that the hills would have broke the sound.
- Q. Was Maj. Reno on the hill the time you heard the firing?
- A. Yes sir.
- Q. Was he near you at the time?

A. He came up while the firing was going on.

Q. What did he do?

A. He came up and commenced to talk with Lt. Varnum, and I stepped back as soon as he came up.

Q. Was he looking down the river?

A. He was.

Q. By himself?

A. No sir; Lt. Varnum was sitting there at the time facing rather down the river.

Q. Could you hear the firing at that time?

A. Yes sir.

Q. What position did Maj. Reno occupy with reference to the firing, as compared with your position?

A. He was a little in front and to my right.

Q. How long did you continue to hear that firing?

A. Only a few minutes.

Q. Then where did you go?

A. Down to the edge of the river.

Q. Did you hear any firing after those volleys?

A. I did hear some little firing.

Q. Was it regular or short and quick like men engaged in battle?

A. It appeared more like skirmish line firing.

Q. To whom was the remark of Lt. Varnum about the firing addressed?

A. I think to Lt. Edgerly.

Q. Where was Maj. Reno at the time that remark was made?

A. I think he was too far back to have heard it.

Q. Did he step up at once?

A. No sir.

Q. How long after?

A. A few minutes after.

Q. Are you sure you heard firing after Maj. Reno came up from the direction of Genl. Custer's battlefield?

A. Yes sir, I am sure of it.

Q. How long after that was it till the movement of the command was made down stream?

A. I should place it a few minutes inside of an hour.

Then at 2 o'clock P. M. the court adjourned till 10 o'clock A. M.
tomorrow Friday Jan'y. 31, 1879.

SEVENTEENTH DAY

Chicago, Illinois, January 31, 1879, 10 o'clock A. M.

The Court met pursuant to adjournment. Present - all members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings as far as written were read and approved.

LIEUTENANT CHARLES DeRUDIO BEING RECALLED BY MAJOR RENO testifies as follows:

QUESTIONS BY MAJOR RENO

- Q. What conversation if any did you have with Mr. Girard in the timber, in regard to his being a non-combatant?
- A. I did not converse with him. He said it served him right being in that position; that he had no business in the fight, as he was not employed to fight; that he was not a combatant but only an interpreter, and that if he had kept with the pack train he would not have been found in any such position.

QUESTIONS BY THE RECORDER

- Q. State from your experience as an officer, what is the correct position of a man employed as interpreter in regard to such matters: whether he is expected to go into the line and fight as a soldier, being employed as an interpreter?
- A. I don't know anything about that; it is a question of contract between him and the commanding officer; he is expected to carry out whatever he is employed to do.
- Q. Is it a part of the duty of an interpreter as such to fight?
- A. Not that I know of.

The witness then retired.

THE EXAMINATION OF SERGEANT CULBERTSON WAS THEN RESUMED as follows:

QUESTIONS BY MAJOR RENO

- Q. What commands if any, or instructions, did you hear Major Reno give to Company "G" on their way to the timber?
- A. I heard him say to Co. "G", not to get excited; that they would have hot enough work or words to that effect.
- Q. State if there was not a very considerable cloud of dust in front of the Indian encampment as you moved down?
- A. A very large cloud of dust.
- Q. State how many Indians you could see outside of that cloud?
- A. At times from a hundred to a hundred and fifty; at times more, riding back and forth.

- Q. Did you see Maj. Reno frequently and if so what was he doing?
- A. I saw him but once, and that was when the line was being deployed. His adjutant deployed the line on the left, and Maj. Reno was on the right of the line.
- Q. State what in your judgment would have been the effect on the skirmish line if it had not been retired to the timber?
- A. Had it not been retired within 3 minutes from the time it was, I don't think any one would have got off the line.
- Q. How long, in your judgment, could Maj. Reno have held that timber with his command?
- A. I don't think he could have held it but a very few minutes.
- Q. State what is your estimate of the number of Indians at and about the position of Maj. Reno, on the skirmish line and in the timber?
- A. I think from a 1000 to 1200.
- Q. With regard to the number of shots that you fired, what was your manner of firing?
- A. Four of us were together, and we always stopped and knelt before firing.
- Q. Did the troops generally do that?
- A. No sir; the majority were new men never under fire before and fired at random.
- Q. Did you have any conversation with other men on the skirmish line and in the timber; and if so what were their statements about the number of shots fired by them?
- A. I have had men tell me that they fired 60 rounds.
- Q. When you got on the hilltop, state if you heard Maj. Reno give any orders to Lt. Varnum?
- A. I heard him give an order but what it was I do not know.
- Q. How long was that after the command reached the hill top?
- A. It was just as we got on the hill top. Lt. Varnum was close to me.
- Q. State if there was any delay or waste of time in making the movement down the river after the packtrain joined the command on the hill?
- A. Nothing more than to get the wounded fixed with the blankets.
- Q. How far down the river in the direction of Genl. Custer's battlefield did the command move?
- A. About a half or $3/4$ of a mile; we were in the rear.
- Q. Was the front part of the column much in the advance?
- A. Probably 600 yards, perhaps more.
- Q. State whether the firing of which you have spoken that you heard while on top of the hill, was heavier in the direction of General Custer's battlefield than that which was heard in the timber?
- A. It was not any heavier than that we had on our skirmish line.

- Q. State if the firing at any time you heard it, was sufficiently heavy to convey to you or anybody else the idea that General Custer was having more trouble than he could contend with?
- A. It did not appear to be the impression with any person that he was having any more trouble than we had ourselves.
- Q. State whether you had any conversation on the hilltop with Capt. Moylan with regard to the impression that General Custer had wounded men and could not join Maj. Reno's command?
- A. I had no conversation with him myself, but there was a remark made on the night of the 25th by someone as Capt. Moylan was passing along, that Lieut. Calhoun had been wounded. He stopped and asked who brought the word in. The man said he did not know, that some scout had brought it in. He said he did not think it was true, as he had not heard it.
- Q. That was on the night of the 25th?
- A. Yes sir, just after dark.
- Q. State whether the firing you heard down the river at the time the command moved in that direction was heavy or light?
- A. There was firing between Maj. Reno's command and the Indians; none further down.
- Q. Did you hear any firing from General Custer's battlefield?
- A. Not at that time.
- Q. State with regard to the firing on the top of the hill which you spoke of yesterday, how long after you heard that firing did you and Maj. Reno look after Lt. Hodgson's body?
- A. A very few minutes: probably 5 minutes.
- Q. State whether you heard any firing after you left the hilltop with Maj. Reno?
- A. Not in that direction.
- Q. When you came back to the hilltop from the edge of the river, did you hear any firing?
- A. I did not.
- Q. How long do you suppose you were gone there with Maj. Reno?
- A. I judge it took us half an hour to go and come back.
- Q. As far as you saw on the afternoon of the 25th, was not Maj. Reno exercising caution over his command?
- A. Yes sir.
- Q. Speaking of Maj. Reno going to the pack animals, state what he said there, and if it was a position of great exposure or not?
- A. Maj. Reno was standing on the opposite side of the packs on a side hill which was a very exposed place, mules were being killed every second and men were being killed.
- Q. Was a man killed right there?
- A. Yes sir.

- Q. What time was that?
- A. About 20 minutes after the Indians came down and engaged us that evening.
- Q. Fix as far as you can that period of time?
- A. I should think it was 5 or half past.
- Q. On the evening of the day he had been in the timber?
- A. Yes sir; on the 25th.
- Q. After dark did you see him, and was he in a position of danger?
- A. I saw him that evening on the left, where the breastworks were being built. He asked if all the stuff had been put in the breastworks. I said no, there were some few boxes in front still, which were used by the men on the skirmish line, and he said we should extend it as far as possible.
- Q. Was the place you saw him in, one of danger or of security?
- A. It was a dangerous place.
- Q. State what arrangements were made for the security of the command on the night of the 25th, after the firing ceased?
- A. I can only speak for our own line.
- Q. I call your attention to pickets being thrown out.
- A. There had been pickets put out. Capt. Moylan I suppose received orders from Maj. Reno, and put pickets out in front of the breastworks.
- Q. After the pickets were put out, did the command lie down and rest?
- A. Yes sir.
- Q. State if anything was said on the night of the 25th in regard to sending a despatch to Genl. Custer?
- A. Lt. Varnum spoke to Sergt. McDermott in the vicinity of the packmules and asked him if he would volunteer to go with him provided he, Lieut. Varnum, had to go out. Sergt. McDermott said he did not want to volunteer, but if he was detailed he would go. Lt. Varnum said it was very likely he would have to go and he wanted the Sergt. to go along with him.
- Q. It was the belief that night that Genl. Custer and his command were alive?
- A. Yes sir, there was no other impression.
- Q. State if at any time or in any way the idea ever entered into the minds of the officers or men of Maj. Reno's command during the 25th and 26th of June, that General Custer and his command could possibly be destroyed?
- A. There was no such impression at all.
- Q. Was it not the impression on the part of officers and men that General Custer and his men were just as able to take care of themselves as Maj. Reno was with the column he had?
- A. The impression was that General Custer had wounded and was not able to come to us, as we were not able to go to him.
- Q. Speak of the conversation between Capt. Weir and Capt. Moylan on the subject of General Custer that night.

THE RECORDER OBJECTED TO THE QUESTION as being entirely too much in the direction of hearsay. The court without being cleared overruled the objection.

A. I heard Capt. Weir ask Capt. Moylan, when he was Adjutant whether General Custer ever gave him any particular orders about doing anything. Whether we were to go here or there. Capt. Moylan said No, that when he was Adjutant, General Custer never told him what he was going to do; he would order him to tell the Company Commanders to go to such and such places and that was all.

Q. State whether you saw Maj. Reno on the morning of the 26th. If so at what hour and where was he?

A. I saw him about 8 or half past coming from the direction of "D" Co's. line down to the breastworks where Capt. Moylan was.

Q. Who had Co. D?

A. Capt. Weir.

Q. Was that position a dangerous one or not?

A. It had been, the afternoon before; I was not there that day, though I heard that men were wounded there that day.

Q. Did you see Maj. Reno again on that day, and if so when and what was he doing?

A. I saw him moving around at different times behind "A" Co. I was not out from behind the breastworks of "A" Co., but could see him passing back and forth from one end of the line to the other.

Q. State if you saw him going past the packtrain?

A. I saw him pass it several times.

Q. Was that a position of danger exposed to the fire of the Indians?

A. Yes sir; it was the worst place there was.

Q. State if you saw Maj. Reno about 11 o'clock on the morning of the 26th, and heard him speak of going after water for the wounded?

A. I heard him say something about sending some men down for water.

Q. Did you know a man named McIllargy?

A. I did.

Q. State whether you saw him recrossing the ford in the direction of General Custer's command?

A. I saw him going back but not recrossing the ford.

Q. Do you know whether he rejoined the column under Maj. Reno?

A. He never did that I know of.

Q. State with regard to the horsemanship of a great many men of Maj. Reno's column?

A. A great many men were very poor horsemen.

- Q. State if you heard Adjutant Cook say anything to the men in column on the way to the ford?
- A. As we were crossing that tributary of the Little Big Horn, Adj't. Cook gave the order to close up; that there was hot work ahead of them.
- Q. Had the horses of the men at that time become unmanageable?
- A. No sir; nothing more than that some of the men were very poor riders.
- Q. Are you acquainted with the point on the map marked "B"?
- A. I have been there and crossed it.
- Q. Is it as good a ford as at the point "A" where Maj. Reno crossed into the timber?
- A. I think it is about as good.
- Q. As far as the country is concerned, would it not offer the same facilities for crossing?
- A. Yes sir; we crossed it several times in 1877, and it was a good crossing.
- Q. You heard no firing when you and Maj. Reno came up from the river to the hill?
- A. I did not.
- Q. Did you see Mr. Girard during that fight?
- A. I did not till the night of the 26th.
- Q. State if you had any conversation with him in regard to his watch and rifle?
- A. He and Jackson came in and Girard said he had lost his watch on the afternoon of the 25th, and threw his rifle into the river to try to get away.
- Q. State if you saw any acts of Girard that are of any importance in this matter?
- A. I saw him on the morning of the 27th; that's all.
- Q. State whether at any time during the advance to the timber or in the fight there; or in the return to the hill top or at any time during all those engagements, you saw any evidence whatever of cowardice on the part of Maj. Reno?
- A. None at all.

QUESTIONS BY THE RECORDER

- Q. Did you see Maj. Reno all that time?
- A. No sir.
- Q. About how much of the time during the 25th and the 26th do you suppose you saw him?
- A. I saw him frequently back and forth.
- Q. How many times did you see him, and how long at a time and how much time altogether?
- A. I suppose putting all the time I saw him together during the two days would amount to probably 4 or 5 hours.

- Q. Is that the time on which you base the opinion you have given?
- A. Yes sir; I only base my opinion on that.
- Q. You say you saw a cloud of dust at the head of the column going down?
- A. Yes sir.
- Q. State whether the Indians in driving their ponies make such a cloud of dust?
- A. They will.
- Q. Could you tell whether they were all ponies, or warriors on the move?
- A. I could not say.
- Q. You did not know what was in that cloud of dust?
- A. No sir.
- Q. You say the command would not have lasted three minutes if it had not been taken off the line into the timber?
- A. Yes sir.
- Q. How many men had been hurt to that time?
- A. A very few: only one that I know of; but the Indians would have cut us off at that time because just as the left of the line moved into the woods, about 800 Indians came around the edge, and Lt. DeRudio stopped and fired 2 shots at them.
- Q. Was there any halt made to give the Indians a volley?
- A. No; the skirmish line had moved into the woods.
- Q. Then the Indians passed round without getting the benefit of a volley?
- A. Yes sir.
- Q. Did the command go into the woods for protection?
- A. I can't say.
- Q. If it would have been destroyed on the line, in going into the woods was it protected?
- A. It would be more protected there.
- Q. State how many shots you actually fired?
- A. I found by my belt that I had fired 21 shots.
- Q. You state that the majority of the men were new men. What do you mean by a majority?
- A. Men not in the service more than 5 or 6 months. Most of "G" Company men were new and a great many of "A" Company were new.
- Q. Were half of A Company new men?
- A. No; about 1/3.
- Q. How much more than half of "G" Company were new men?

- A. Not more than half, about half.
- Q. How much had the other company?
- A. I don't know about the other company.
- Q. Do you say that the majority were new men?
- A. They detailed the oldest men for horse holders.
- Q. Is it not true that a great many men coming into the service and classed as recruits, have been in the service before?
- A. About one in ten have been in before.
- Q. Do you know that was the case there?
- A. We had but one man in the lot we got, who had been in the service before.
- Q. All the men had been in the service 5 or 6 months?
- A. Yes sir.
- Q. Cannot a man properly instructed in his duties, learn the ordinary duties of a cavalryman in six months?
- A. Yes sir, if properly instructed.
- Q. You say the command was delayed on the hill in making a move on account of the wounded?
- A. Yes sir.
- Q. And not on account of the pack train?
- A. I don't know. They said when I came on the hill that the ammunition had come up.
- Q. There was delay on account of the wounded?
- A. The delay was getting the blankets to put the wounded in.
- Q. Did you see 1200 Indians around Maj. Reno's command in the bottom?
- A. I judge I saw from a thousand to twelve hundred.
- Q. There might be some down in the village?
- A. I did not see the village. I could see a big dust there.
- Q. Describe the position of the 1000 to 1200 Indians you saw in reference to the position of Maj. Reno's command in the timber?
- A. The first Indians were across on our front and left; the skirmish line was then drawn in: there is a bend in the river and the village is more in that bend, and they came up around the bend, passing right where the line had been.
- Q. Then if there was danger to the command in being out in the open firing at the enemy, and of being destroyed in three minutes by the Indians coming there, state if there was not danger in going out and crossing the river to the top of the hill?
- A. There was great danger in passing out. The Indians rode alongside of us about 8 or 10 deep firing most of the time into us.

- Q. Do you consider there was very great danger in the commands going out of that timber and crossing that bottom?
- A. I consider there was danger there.
- Q. State if you know, up to the time the command started to leave the timber, of there being any order showing what they were going to do?
- A. No sir; nothing, only some of the men said they were going to charge. I don't know if it was an officer or a soldier.
- Q. State up to that time how many men had been disabled?
- A. There was one man wounded on the line, another after we got into the timber and another one was wounded just as he got on his horse; that was all I knew of at the time.
- Q. What became of those 1200 Indians you spoke of after Maj. Reno crossed the river?
- A. They rode up to the crossing; and as they came up, would swing around and ride back again.
- Q. In that movement down the stream after the pack train came up, who was in advance?
- A. Capt. Weir's Co.
- Q. Was he considerably in advance of the other part of Maj. Reno's column?
- A. He started before the balance.
- Q. What interval was there between his company and the column?
- A. He may have been 150 yards in advance when I saw him; he might have been further in advance at some other time.
- Q. You don't know when he moved out?
- A. No sir.
- Q. You don't know by whose order he moved, or if by any order?
- A. I do not.
- Q. State if you were in a position, when you went down to the edge of the river, to hear firing?
- A. No sir. After we left the top of the hill, the hills between us and Genl. Custer's battlefield would break off all sound.
- Q. When you came back on the hill you looked after the wounded men?
- A. Yes sir.
- Q. Did you put them where they would be near the water?
- A. No sir; not near the water. They were in a place Maj. Reno occupied afterward.
- Q. Was it in a low place or a high place?
- A. It was in a depression.
- Q. How much lower was it than the place where you heard the firing first?

- A. It was nearly on a level with it; a very little depression.
- Q. Were you paying any attention so that you might hear the firing, or were you attending to the wounded?
- A. I was not paying any attention to the firing; still, if there had been any I think it would have been noticed by some one and spoken of.
- Q. It might not have been heard by any one?
- A. No sir.
- Q. Was there not more firing as if from sharpshooters from the Indians in the distance, on high points or knolls?
- A. There was but little firing at that time around our position.
- Q. On the afternoon of the 25th during the fighting, how much did you see of Maj. Reno from the time the men took the final position for defense, until the engagement was over?
- A. I saw him twice to speak to him, and I saw him several times passing by. I suppose altogether, I saw him an hour and a half or two hours during the engagement that afternoon.
- Q. You say a man was killed at the time you were arranging the packs; how near was Maj. Reno to you at that time?
- A. Perhaps within 15 or 20 yards, standing on the opposite side of the packs.
- Q. You stated when fixing the line at night, you saw Maj. Reno giving instructions?
- A. Yes sir.
- Q. Were the Indians firing on the line at that time?
- A. The fire was ceasing.
- Q. Was the danger as great as it had been?
- A. No sir; the firing was going, but was not so heavy as it had been an hour and a half before.
- Q. You have said something about the impression that Genl. Custer was taking care of himself about as well as Maj. Reno was. Who had the most men at that time?
- A. I know he had 5 companies with him.
- Q. What was the average size of a company?
- A. About 40 to 45 men.
- Q. Before or after taking out the packers?
- A. I never saw them after the packers were taken out, but I judge there were 40 to 45 men.
- Q. He did not have over about 225 men?
- A. About that.
- Q. Do you know how many effective men Maj. Reno had on the hill that night?
- A. I judge about 300 or 325 men.

- Q. State whether there was any effort made, under cover of the darkness that night, to discover where Genl. Custer was?
- A. I do not know of any.
- Q. You say the pack train was in a most dangerous place: did it remain there?
- A. It could not be changed.
- Q. Was it in a depression?
- A. It was; but on the open side they were exposed to a fire in front of Company A.
- Q. How much had the bulk of that command ridden shortly before that time?
- A. During the month before, they had ridden probably 2 or 300 miles.
- Q. Did the men fight mounted or dismounted in the bottom?
- A. Dismounted.
- Q. Do you know anything about the ford "B" at that time or immediately after the engagement?
- A. I was there at the ford.
- Q. Can you describe the approach to it from the right bank?
- A. There is a small dry creek runs in there.
- Q. Describe the bank on the other side.
- A. On the up river side, it was more sloping than on the other side. There were places where the command could cross at "B".
- Q. You mean a command that could have had time to hunt a place?
- A. It would require no hunting.
- Q. Was it used at that time by the Indians as a ford?
- A. I think the ford "B" was fully as good as "A".
- Q. Did it appear to have been used as a crossing by the Indians to the same extent as "A"?
- A. I judge so. The right bank appeared to have been used a good deal.
- Q. How was it on the other bank?
- A. I did not go over at that time. It appeared to be a sloping bank.
- Q. Did you notice whether the trail went out on the other side?
- A. I did not.
- Q. How wide was the stream there?
- A. 40 or 50 yards.
- Q. Which was nearer to the hostile village, the point "B", or the place where Maj. Reno was in the timber?
- A. "B". It was near the centre of the village.

- Q. Did you examine the ground about the point "B" as to any evidences of fighting?
- A. No sir.
- Q. How near were the first evidences of fighting there?
- A. The first body I saw, I judge was about 200 yards from there. The companies were kept together to bury the dead as we came to them, and we did but little running around.

QUESTIONS BY MAJOR RENO

- Q. Was there not an attempt by the whole column on the afternoon of the 25th to open communication with General Custer and it was driven back?
- A. Yes sir.
- Q. Your impression of Maj. Reno's bravery was based on a longer inspection than that of a moment?
- A. Yes sir.
- Q. In point of fact how much were the new recruits instructed in the duties of a cavalry soldier?
- A. I could hardly answer that question. The men were on duty of other kinds so much. They did not have much opportunity for instruction of a cavalry soldier.
- Q. If they had enlisted 5 or 6 months before that, their duties were such that they could not receive very much instruction in the duties of a cavalry soldier?
- A. No sir; only what was given them that spring by Maj. Reno, and that was only a month or six weeks instruction.

QUESTIONS BY THE RECORDER

- Q. How long have you been in the service?
- A. 14 years.
- Q. In your duties as a non-commissioned officer are you often called upon to drill the men?
- A. Yes sir.
- Q. Did you drill those men frequently?
- A. No sir; it was mostly company drill and battalion drill: very little squad drill.
- Q. Did you consider those men, in your opinion as a sergeant, unfit to take into action?
- A. Some few I did.
- Q. Is there not always some men unfit to take into action in a command of any considerable size?
- A. It is very seldom that you can ever find so many poor horsemen as we had.
- Q. Was there any particular cowardice on the part of the recruits?

A. No sir; I don't mean to say they were cowards. They would fire at random, not in time. They were not well enough drilled in horsemanship.

The witness then retired.

TRUMPETER JOHN MARTIN, COMPANY H, 7TH CAVALRY, A WITNESS CALLED BY THE RECORDER and first being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

Q. State your name, rank, company and regiment and where serving.

A. John Martin, Trumpeter, Company H, 7th Cavalry, serving at Fort Abraham Lincoln, D. T.

Q. What duty were you on on the 25th of June 1876?

A. I was orderly trumpeter for General Custer.

Q. Where were you serving at the time - near what place?

A. About 4 or 5 miles from the little Big Horn River.

Q. Were you with General Custer at the tepee on the right bank of the river?

A. Yes sir.

Q. Where was it that Major Reno's column went ahead of General Custer?

A. It was at that tepee he took to the left and we took to the right.

Q. Were you on a little stream where you were?

A. No it was a kind of a ravine - we could see hills on both sides.

Q. On which side was General Custer?

A. He was on the right and Major Reno was on the left.

Q. After Major Reno went ahead, state if General Custer remained on that side?

A. Yes sir, we went on a jump all the way.

Q. How near did he go to the river there?

A. He did not go near the river at all; we struck a little creek where we watered our horses - that was the only place we halted.

Q. Was that after Major Reno had gone ahead?

A. Yes sir.

Q. Had Major Reno gone to the left of the creek?

A. Yes sir.

Q. What order did General Custer give there?

A. He sent his compliments to the commanders and directed them not to let the horses drink too much; that they had too much traveling to do that day.

- Q. How long were the horses drinking?
- A. About 5 minutes.
- Q. How long was the halt there.
- A. About 10 minutes altogether.
- Q. Tell how fast General Custer's column then went, and tell all you know about what direction and how far from the river, and whether you could see anything on the other side of the river?
- A. General Custer left that watering place and went about 300 yards in a straight line; then after that he turned to the right a little more and travelled that way four or five hundred yards; then there was a kind of a big bend on the hill - he turned these hills and went on top of the ridge. All at once we looked on the bottom and saw the Indian village; at the same time we could see only children and dogs and ponies around the village: no Indians at all. General Custer appeared to be glad to see the village in that shape, and supposed the Indians were asleep in their tepees.
- Q. As you went down you went on the right bank of the river?
- A. Yes sir; on the ridge.
- Q. As you were going down could you see the bottom on the other side of the river?
- A. Yes sir.
- Q. Could you see the timber?
- A. No sir; because the timber was under the hill - the hill was very high.
- Q. Could you see anything of Major Reno's column as you were going down?
- A. No sir; not at all.
- Q. How near were you to General Custer moving down that time?
- A. To the left and rear of him, riding as orderly within about two yards of him.
- Q. State if you know where was the gray horse company on that march?
- A. In the centre of the column.
- Q. Could you see the river as you went down?
- A. Yes sir; we could see the river when on the top of that ridge; then we went down a ravine and could not see the river or timber or anything else.
- Q. Did you hear any firing as you went down?
- A. No sir.
- Q. How fast did General Custer move?
- A. Always at a gallop.
- Q. Was everybody galloping?
- A. Yes sir; some of the horses wanted to go ahead all the time.
- Q. If you can tell the distance, state how far you had gone from that watering place to the place where you could look down and see the village?

- A. I should judge it was about an hour and a half after we left the watering place till we got to that place. There were hills to go up and down and we could not go so fast. (The seventh and eighth words are obvious errors. The witness was speaking of distance and probably used "a mile and a half." W.A.G.)
- Q. Could you see the children in the village?
- A. Yes sir; we could, children and dogs and ponies scattered around.
- Q. What did the children seem to be doing?
- A. Playing around and some standing still.
- Q. Did the whole column go on to the ridge to look down?
- A. No sir; the whole command passed over it.
- Q. Could you see the river from that place out there?
- A. No sir; the river was right at the foot of the bluff. We could see the village.
- Q. You could see it at that place?
- A. Yes sir.
- Q. What orders if any did General Custer give the men there - What was said and done there?
- A. After General Custer saw the village with no Indians in it, I suppose he was glad, and he pulled off his hat and gave a cheer and said "Courage boys; we will get them, and as soon as we get through, we will go back to our station."
- Q. Tell in what direction you were then going?
- A. We went more to the right from that ridge and went down to a ravine that went to the river. At the same time General Custer passed that high place on the ridge or a little below it, he told his Adjutant to send an order back to Captain Benteen.
- Q. What orders did you get there?
- A. General Custer turned round and called his Adjutant and gave him instructions to write a despatch to Capt. Benteen. I don't know what it was. Then the Adjutant called me. I was right at the rear of the General. He said, "Orderly, I want you to take this despatch to Capt. Benteen and go as fast as you can." He also told me if I had time and there was no danger in coming back to do so, but if there was danger or there were any Indians in the way, not to come back, but to remain with my company. My company was with Capt. Benteen, and report to him when I came down there.
- Q. Tell what you did then - where you went and how fast?
- A. My horse was kinder tired, but I went through as fast as he could go. The Adjutant told me to follow the same trail we came down.
- Q. Did he say you would meet anybody?
- A. No sir.
- Q. Did you follow the same trail?
- A. Yes sir.
- Q. Tell what you saw going back?

- A. After I started from Gen. Custer to go back, I travelled 5 or 600 yards perhaps $\frac{3}{4}$ of a mile. I got on the same ridge where General Custer saw the village the first time. On going back over that ridge I looked down into the bottom, and I saw Major Reno's battalion was engaged. I paid no further attention to it, but went forward on my business. Then I went on to the edge of the stream and about 3 or 400 yards above the creek where we watered our horses, I met Capt. Benteen.
- Q. What did you do?
- A. I delivered my despatch and told him what Lieut. Cook had told me - not to go back if there was any danger and to report to him when my company joined General Custer's command. Then Capt. Benteen took the despatch, read it and put it in his pocket, and gave me an order to take to Capt. McDougall to bring up the pack train and keep it well up.
- Q. Did you say anything to Capt. Benteen about what you had seen in the bottom?
- A. Capt. Benteen asked me where General Custer was. I said I supposed that by that time he had made a charge through the village, and that was all I said.
- Q. Did you say anything about Major Reno's battalion?
- A. No sir.
- Q. Why not?
- A. He asked no questions about it.
- Q. When you left General Custer was he still moving, or was he halted?
- A. No sir; he was going ahead. The Adjutant stopped to write the despatch.
- Q. Have you any idea how long it took you to get back to Capt. Benteen?
- A. I judge about $\frac{3}{4}$ of an hour or an hour. I can't judge very well as I had no watch.
- Q. You can't be certain as to the time?
- A. No sir.
- Q. Did you make any halt going back?
- A. No sir, as my horse was going I could look in any direction.
- Q. When you saw Major Reno's command in the bottom did you make any halt?
- A. No sir, I went on my business - I was told to hurry.
- Q. From that place where you looked down and saw Major Reno's battalion engaged - can you tell how long it was after that before you got to Capt. Benteen?
- A. I judge it was 15 or 20 minutes.
- Q. It was pretty soon?
- A. Yes sir.
- Q. Before that had you been travelling all the time from where you left General Custer?
- A. Yes sir.

- A. Yes sir.
- Q. Was it up hill or down hill or on a level?
- A. When I left General Custer it was up hill till I got up on that high point, then it was level for a while, and then down hill again.
- Q. You say Capt. Benteen gave you an order to go to Capt. McDougall?
- A. Yes sir.
- Q. Did you start right off?
- A. Yes sir.
- Q. How far did you go to find Capt. McDougall?
- A. About 150 yards.
- Q. Capt. McDougall himself was in front of his troops?
- A. Yes sir.
- Q. How were the packs?
- A. They were pretty well together.
- Q. What did you say to Capt. McDougall?
- A. I said Capt. Benteen sent his compliments and wanted him to hurry up the packs, and not to get too far behind, and to keep them well closed up.
- Q. Then what did you do?
- A. I went back to my company and took my position on the left of it.
- Q. Did Capt. McDougall close up the packs then?
- A. Yes sir.
- Q. When you gave Capt. Benteen that order, was he on the march or halted?
- A. He was on the march.
- Q. After you gave him the order, how fast did he go?
- A. After I gave him the order he went a little livelier.
- Q. How fast were the packs moving when you went back to Captain McDougall?
- A. Some were walking, some running, and some trotting.
- Q. After you went back to Captain McDougall what trail did you then follow?
- A. Gen. Custer's trail.
- Q. Tell what took place after that?
- A. We kept on on General Custer's trail; and after, we got on this ridge where I saw Major Reno fighting in the bottom. About the time we got there, I saw Major Reno's battalion retreating to the same side of the river we were on.
- Q. Did you go with Capt. Benteen's column or with the pack train?

A. I was with my company with Capt. Benteen.

Q. Were you with your company when it joined Major Reno's command?

A. Yes sir.

Q. How long did you have to wait till the packs came up?

A. Probably 10 or 15 minutes. I mean the packs made a long string and in 15 minutes everything was up.

Q. Did you move down the stream that day?

A. They were waiting for some men who were retreating from the bottom and for some packs and after everything was got together, we moved ahead again.

Q. Can you tell how long it was after the packs moved up, till the command moved down the river?

A. I think about an hour and a half. We waited for some men from the bottom and then moved out together.

Q. You came up with your company to where Major Reno was on the hill?

A. Yes sir.

Q. When you got there what did you do?

A. I did nothing - I was on my horse behind Capt. Benteen - I was his orderly.

Q. How long were you there before the command started to move out all together?

A. It was about an hour and a half.

Q. Did you see any troops move down before the whole command moved down?

A. No sir.

Q. Which company moved down the stream ahead?

A. I don't remember.

Q. Was any company ordered out ahead of the others?

A. I don't recollect.

Q. Did you see Capt. Weir's company go that way?

A. It went with the battalion when we went down stream.

Q. Do you mean he moved with the battalion at the same time it did?

A. Yes sir. At the time we got to the head of the ravine, Capt. Weir took his company a little to the right and then came back again.

Q. When you went down there, what did you see about Indians?

A. I was right in front of the column and could see Indians after we got to the head of the first ravine we struck. We halted there and that was the time Capt. Weir wanted to take his company and go down the stream to see General Custer. He went a little to the right and came back again. The Indians were leaving General Custer and coming back to us, firing; the bulk of them came up to the column where we were.

A. Then what did you do?

- A. Then the column turned back, as that was a bad position there; the Indians were on both flanks and the ravine was very deep, and we could not go through if we went down, and I expect nobody wanted to go; we went back, I don't know how far, and took position.
- Q. Did you come to near the place where you first saw Major Reno?
- A. No sir, it was a little further down the stream.
- Q. Did you see Major Reno on that day?
- A. I saw him the time we went back and took position.
- Q. Did you see him any more that day?
- A. No sir.
- Q. Did you see him the next day?
- A. Yes sir, and I saw him that night too.
- Q. At what time?
- A. About 12 o'clock that night. He sent an order to me to have reveille sounded at 2 o'clock the next morning.
- Q. Did you sound any calls that night?
- A. No sir.
- Q. Did you sound reveille the next morning?
- A. Yes sir.
- Q. Did you see Major Reno then?
- A. Yes sir.
- Q. Had the Indians commenced firing?
- A. Yes sir; after reveille they commenced firing and kept on after that.
- Q. Where was Major Reno at reveille?
- A. In the centre of the corral - I saw him standing there.
- Q. Did you see him again that day, and if so, what was he doing?
- A. He was around the skirmish line examining the position.
- Q. That is all you know about it?
- A. Yes sir.
- Q. Who were you orderly for the second day?
- A. I was the only one that sounded the calls. After the Indians left in the evening I sounded retreat, recall and march, as there might be some of our friends in the ravines that we could not see, and if they heard the calls they would come up.
- Q. Were you acting as Chief Trumpeter?
- A. I was trumpeter for Gen. Custer, but I could not go back and join him, and then I was trumpeter for Major Reno's battalion. I did not know where the other trumpeters were.

QUESTIONS BY MAJOR RENO

- Q. What time in the day was it when you saw the Indian village where you and General Custer looked at it?
- A. I judge it was about 12 o'clock.
- Q. Can you fix the point on the map where you saw the village? Look at the map and don't try to do it unless you can?
- A. It was on a line leading from Major Reno's position to the point 7 as I understand the map, because when I came back a little bit beyond our position on the hill, I saw Major Reno's column fighting.
- Q. Did you see General Custer after leaving him in sight of the Indian village?
- A. No sir.
- Q. Can you point out on the map in what direction General Custer went after he got to the point 7?
- A. General Custer struck to the right then struck a ravine and went down to the river. We could not go over the bluffs because the bluffs were bad lands.
- Q. He could not see as far as to the Indian village then?
- A. I don't know; I was not there myself.
- Q. How far did you go till you were sent back?
- A. It was about to the head of the ravine.
- Q. Where do you fix it, if you can fix it on the map. The witness indicated the point by figure 87.
- Q. At what gait was Gen. Custer and his column riding at the time you left them?
- A. They were galloping.
- Q. When you saw the Indian village from that point you have spoken of, was there any dust on the plain?
- A. No sir; there was no dust at all - we could see the dogs and children around the tepees.
- Q. You think that was about 12 o'clock and the Indians were asleep.
- A. Yes sir. General Custer said so. He said "Courage boys, we have got them; the Indians are asleep in their tepees".
- Q. How far was the point where you left General Custer from the point where you first saw the village?
- A. I could not judge.
- Q. How far was the point you left General Custer from the place where Major Reno made his stand?
- A. I don't know. I could not judge. It was 5 or 600 yards or probably 3/4 of a mile.
- Q. How long did you stay with Adjutant Cook before you turned back to carry the message to Captain Benteen?
- A. Not more than 10 minutes.

Q. Where did you see Major Reno fighting?

A. I was up on the ridge and he was in the bottom.

Q. Where was that point from which you first saw Major Reno fighting? Was it further up the stream than where he made the stand or at the same place?

A. About at the same place.

Q. Was his line deployed in skirmish form?

A. Yes sir.

Q. Then you would come back about three quarters of a mile from where you left General Custer?

A. Yes sir.

Q. You found Major Reno with his line deployed?

A. Yes sir.

Q. Then what did you do?

A. I went ahead to Capt. Benteen.

Q. Then you were sent back to Capt. McDougall?

A. Yes sir.

Q. When did you next see Major Reno?

A. After the whole battalion came up on the ridge.

Q. Did you see Major Reno afterwards in the timber?

A. No sir, I think not.

Q. How long after Major Reno got on the hill did you come up; or did you get to the hill at the same time Major Reno did, or before or after?

A. The men were retreating at the time we came there.

Q. From the time you had seen Major Reno fighting in the timber how many miles had you traveled?

A. I judge about 2 miles up the river.

Q. How far did you go to Capt. McDougall?

A. I think its about 150 yards in the rear of the rear of the column.

Q. Would that make more than 2 miles?

A. I judge about 2 miles.

Q. How long were you in coming back after you met Capt. Benteen to the spot you met Major Reno?

A. I judge it took $3/4$ of an hour or an hour to come back.

Q. $3/4$ of an hour after you joined Capt. Benteen you came back to the place where Maj. Reno made his fight on the night of the 25th and found the men retreating up the hill?

A. Yes sir; that was the time when we got on the ridge and saw the men retreating from the bottom and then we halted there.

- Q. How long did it take you to go from General Custer to Capt. Benteen do you suppose?
- A. I can't tell. I judge I went 5 miles.
- Q. How long do you suppose it took you to go that distance?
- A. I think it took an hour or an hour and a quarter or an hour and a half. I can't tell as I had no watch.
- Q. If it took you an hour and a half to go from General Custer to Capt. Benteen and an hour and a half to come back from Capt. Benteen to where you met Major Reno, then it was two hours and a half from the time you left General Custer till you met Major Reno coming up the hill?
- A. I was about an hour and a half going from General Custer to Capt. Benteen because it was a long distance. I can't say whether the whole time was two or three hours.
- Q. Might it not be less than two hours and a half from the time you left General Custer till you found Major Reno coming up the hill?
- A. I judge it was about an hour after I delivered that despatch.
- Q. Then it took you about an hour and a half to deliver the despatch?
- A. Yes sir.
- Q. Did it take you any longer to come back with Captain Benteen's column than it took you to go to him?
- A. I can't tell you.
- Q. How can you fix the time you waited for the column to move and for the pack train to come up?
- A. Everybody was there and we were all together then.
- Q. Were you doing anything?
- A. No sir.
- Q. Did not time seem long to you then?
- A. Yes sir, sometimes.
- Q. Does not time seem longer when you are not doing anything than when you are?
- A. Sometimes it goes fast and sometimes it goes slow.
- Q. Was there any dust in the village when you passed back to go to Capt. Benteen?
- A. No sir.

QUESTIONS BY THE RECORDER

- Q. That place from which you saw the village and children, dogs and ponies; was it the highest point down the river below where Major Reno made his stand?
- A. Yes sir, the highest hill; the very highest point around there.
- Q. When you moved down afterwards did some of the troops go on that high hill?
- A. No sir.

Q. How far was that high point from the head of the ravine you speak of?

A. About 500 yards.

Q. When you stopped to water your horses, as you speak of, was that after Major Reno had gone ahead?

A. Yes sir.

Q. Did you see any trail where Genl. Custer turned off to the right?

A. Yes sir. It looked like tepee poles had been dragged along there.

Q. Did you follow that trail?

A. Yes sir, we followed it till we got on the hill: then we turned a little to the right.

Q. After watering your horses you pushed ahead with Gen. Custer?

A. Yes sir.

Q. Did you go pretty fast?

A. Yes sir.

Q. When you left General Custer you could not see the river?

A. No sir, it was on the other side of the hill - the hill was in front of us.

Q. You went back with that order. Knowing you had no watch, don't you know you could not tell anything about the time?

A. I could only tell by the sun.

Q. You could only guess at it?

A. Yes sir.

Q. Did you go back as fast as you could make your horse go?

A. Yes sir.

Q. Did you pass that tepee before you met Capt. Benteen?

A. No sir. It was below the tepee I met him.

Q. Did you ever see the place Major Reno crossed over there?

A. No sir.

Q. Were you within sight of the tepee when you met Capt. Benteen?

A. No, sir.

Q. Did you cross Major Reno's trail?

A. No sir; he was sent to the left.

Q. Would you have noticed it if you had?

A. I don't know - I might have crossed it and not seen it.

QUESTIONS BY MAJOR RENO

Q. Did you go to the top of that high point?

A. No sir - nobody but the Indian Scouts.

Q. Did not you and Gen. Custer go to the top of it?

A. No, sir.

Q. Who was with Gen. Custer at that time on the hill?

A. His brothers and his nephew.

Q. Were those all round him at that time?

A. Yes sir.

Q. Every once in a while he would send a message to the companies?

A. Yes sir.

Q. You could not see the timber from that point?

A. I was not on that point.

Q. From the side where you were you could not see it?

A. No sir.

The witness then retired.

The Court then adjourned to meet again to-morrow Saturday,
February 1st, 1879.

HERE ENDS VOLUME 1 OF THE ORIGINAL RECORD

THE REMAINDER OF THIS VOLUME

INCLUDING EXHIBITS

CONSTITUTES VOLUME 2

OF THE

ORIGINAL OFFICIAL RECORD

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PROCEEDINGS OF
A
COURT OF INQUIRY
IN THE CASE OF
MAJOR MARCUS A. RENO

- - - - -

CONCERNING HIS CONDUCT
At the
BATTLE OF THE LITTLE BIG HORN RIVER
JUNE 25-26, 1876.

VOLUME II

- - - - -

Q.Q. 979

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EIGHTEENTH DAY

CHICAGO, ILLINOIS

Saturday, February 1st, 1879, 10 A. M.

The Court met pursuant to adjournment.

Present - All members of the court, the Recorder and Major Reno and his counsel.

The Proceedings to date were read and approved.

SERGEANT DAVERN BEING RECALLED BY THE RECORDER testified as follows:

QUESTIONS BY THE RECORDER

Q. State if you know what arms Maj. Reno had that morning or the night before the fight?

A. He generally carried a carbine and pistol.

Q. Did he have a carbine and a pistol the night before, and did you have charge of them for him?

A. I did not have charge of them. I generally handed them to him in the morning when he mounted.

Q. On the morning of the 25th when he got ready to start, do you remember handing them to him?

A. I always handed him his carbine after he mounted.

Q. Who had charge of his pistol before he mounted?

A. I think he kept his pistol that night himself.

Q. Did you see him with a carbine and pistol on the morning of the 25th?

A. Yes sir.

Q. After you got on the hill did you see Maj. Reno with his carbine and pistol?

A. No sir.

Q. What did he say about them?

A. I told him that I had lost my carbine when my horse fell, and he said he had lost his carbine and pistol both.

Q. Did he tell you how he lost them?

A. No sir.

Q. Did he tell you where he lost them?

A. No sir.

Q. Did he tell you when he lost them?

A. No sir.

QUESTIONS BY MAJOR RENO

Q. Don't you know that Maj. Reno had his carbine on the hill and fired it?

A. He had one there.

Q. Don't you know it was his?

A. I do not.

Q. Do you know it was not his carbine?

A. I could not swear it was not.

Q. How much did you examine it?

A. Not very much.

Q. You can't swear whether he had or had not his carbine on the hill?

A. No sir, I know he had one.

Q. You don't know it was not his?

A. I do not.

Q. Who was present when he said he lost his carbine?

A. I don't recollect.

Q. How long after you got on the hill was this?

A. Immediately.

Q. Did you go and talk to him about it?

A. I spoke to him about mine, and he said he had lost his carbine and pistol.

Q. Was any body nearby at the time?

A. I don't know.

Q. Had the skirmish line been thrown out?

A. No sir.

Q. It was before the skirmish line was thrown out on the hill?

A. Yes sir.

Q. Was it before Lieut. Varnum gave any orders?

A. I did not see him give any orders.

Q. Do you know whether he did give any orders?

A. I do not.

Q. Where was Maj. Reno?

A. Just where we came up the hill.

Q. Was he on his horse or not?

A. He was on his horse.

Q. How long had you been on the hill when he said that?

A. I just came up.

Q. How long had he been there?

A. I don't know.

Q. Was it before the skirmish line had been thrown out?

A. Yes sir.

Q. How long was the command on the hill before the skirmish line was thrown out?

A. I don't recollect the line being thrown out until the Indians came that evening.

Q. How close were you to Maj. Reno at the time the talk took place about the carbine and pistol?

A. I was close enough to speak to him.

Q. Was any one else around?

A. Not that I remember, there might have been.

Q. What else did he say to you at that time?

A. That was all I spoke to him about. I don't recollect any other conversation. He spoke about water, that was all, and gave me a drink.

Q. Do you mean to say that before the skirmish line was thrown out and just as you came on top of the hill, Major Reno said he lost his carbine and revolver?

A. I said no such thing. I told Maj. Reno I had lost my carbine, and then he told me he had lost his carbine and pistol both.

Q. He was firing a carbine that day and you don't know whether it was his or not?

A. No sir. Carbines mostly all look alike. I only had his word for it, that he had lost his.

Q. Don't you know that he fired his revolver that day?

A. No sir. I do not.

Q. Do you know that he did not?

A. I do not.

QUESTIONS BY THE RECORDER.

Q. Was it not a pretty easy matter to borrow a carbine and revolver after you got on the hill?

A. You could pick one up most any place.

The witness then retired.

CAPTAIN F. W. BENTEN, A WITNESS CALLED BY THE RECORDER after first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

- Q. State your name, rank and regiment, and where serving.
- A. F. W. Benteen, Captain, 7th Cavalry, Brevet Colonel, U. S. Army, serving at Ft. Lincoln, D. T.
- Q. What duty were you on on the morning of the 25th of June, 1876, under whose command and where?
- A. I was on an expedition with General Custer in Montana Territory between the Rosebud and Little Big Horn rivers.
- Q. Was Maj. M. A. Reno with that command; if so in what capacity?
- A. He was there by orders acting as Lieutenant Colonel of the Regiment.
- Q. Was he second in command?
- A. He was second in command under Lt. Col. Custer.
- Q. State what battalion organizations had been made of the command during his advance towards the Little Big Horn river, when it was done and where?
- A. On the 24th of June we marched till about 3 o'clock; bivouaced without orders to unpack the mules or unsaddle the horses, and on the next morning when we moved from there I got no orders. The command moved and I followed the rest.
- Q. State in regard to what battalions or organizations were made on the 25th?
- A. They were made probably 4 hours after we marched. I think at the first halt, an orderly came to me with instructions for the officers to assemble at a point where he was, for an officers' call. No bugle was sounded for officers' call: an orderly was sent to get them together. General Custer told us that he had just come down from the mountain; that he had been told by the Scouts that they could see a village, ponies, tepees and smoke. He gave it to us as his belief that they were mistaken; that there were no Indians there; that he had looked through his glass and could not see any, and did not think there were any there. Other instructions were given; - those were that the officer who first reported to him that his company was carrying out the conditions of an order that was given two days before, should have the advance; those requisitions were that a non-commissioned officer and six men from each company should be with the packs and no more; and that each man should have 100 rounds of ammunition in his cartridge belt and saddle pockets. I suppose that every officer there could have told him that those requisitions were being carried out; but as the others went for formality's sake, I went to my company and said to the 1st Sergeant, "there are so many men with the packs?" - "Yes Sir" - "and you have so much ammunition?" all of which I knew without his answering. I went to General Custer and told him my company fulfilled his requisitions. He then said I had the advance. We moved then probably 8 miles and halted in a kind of valley surrounded by high hills. I suppose that place was selected so as to hide us from any Indians, were any in sight, or in that vicinity. Then the division into battalions was made. I received three companies and was sent to the left to a line of bluffs.
- Q. How many battalions was the regiment divided into and what officers were put in command?
- A. I don't know; it was not told to me at all.
- Q. How many companies were assigned to your battalion?
- A. Three companies.
- Q. Describe where it was that you separated from Gen. Custer's column, what

orders if any did you receive at the time as to what you were to do, and where you were to go?

- A. I have described the country; it was a series of rough bluffs we were halted in.
- Q. State with reference to the divide between the Little Big Horn and the Rosebud.
- A. I don't know how that is. My orders were to proceed out into a line of bluffs about 4 or 5 miles away, to pitch into anything I came across and to send back word to General Custer at once if I came across anything. I had gone about a mile when I received instructions through the Chief Trumpeter of the regiment; - if I found nothing before reaching the first line of bluffs, to go on to the second line with the same instructions. I had gone, I suppose, a mile further, when I received orders through the Sergeant Maj. of the regiment, that if I saw nothing from the second line of bluffs, then to go on into the valley; and if there was nothing in the valley to go on to the next valley.
- Q. When your column separated from that of General Custer, describe the direction or angle of separation to the route you had been going?
- A. It was about an angle of 45 degrees, which is a left oblique.
- Q. Where was the pack train at the time of separation?
- A. The pack train at the time of the first halt was closed up; where it was at the second halt where we were divided, I don't know. I suppose it was close up to the rear of the regiment.
- Q. From the point you have reached in your description, go on and describe the movement of your command and what occurred up to the time you joined Maj. Reno on the hill, if you did so join him?
- A. I forgot to give some instructions of General Custer's, which were that I was to send an officer and about six men in advance of my battalion and to ride rapidly. The officer I selected was my 1st Lieut. and six men from my own company to head my battalion. I sent those ahead with the instructions I had received, but the greater part of the time I was ahead of that officer and six men with my orderly, the battalion coming as fast as they could. The ground was very rugged and we had to go through defiles and around high bluffs to get to the point to which I had been sent. I went to the second line of bluffs and saw no valley; and I knew the Indians had too much sense to go to any place over such a country; that if they had to go to any point in that direction, they had a much better way to go. The last I saw of the column was the gray horse troop at a dead gallop. I had an idea that General Custer was mistaken as to there being no Indians in that vicinity and, as there were no Indians there and no valleys, I thought my duty was to go back to the trail and join the command.
- Q. Describe your route back and where you struck the trail?
- A. The route was the same as going over, bearing to the right. At the same angle going back, at a right oblique, I struck the trail about a mile ahead of the pack train. I saw it coming on the trail. I then followed the trail to a kind of morass. My horses had not been watered since about six or eight o'clock the evening before, and I formed them around that morass and watered them. As I moved out from that place, two mules from the pack train rushed into the morass and were stuck in the mud. I then went on, I suppose about 7 miles, when I came to a burning tepee. I rode around it; I am not sure whether I dismounted or not; I know it contained the dead body of a warrior. A mile or so from that tepee, I met a Sergeant coming back with instructions to the commanding officer of the pack train to "Hurry up the packs". I told him the pack train,

I thought, was about 7 miles back and he could take the order back as I had nothing to do with that; that Captain McDougall was in charge of the pack train and would attend to the order. About a mile or so after that, I met Trumpeter Martin who brought a written order which I have.

Q. What was that order?

A. It has no date. It says: "Benteen, come on - big village - be quick, bring packs - P.S. Bring packs. W. W. Cook."

Q. At that point where you met Trumpeter Martin, can you state how far it was from the Little Big Horn River?

A. It was about 2 miles from where Maj. Reno first crossed.

Q. How far was it from that tepee?

A. It was about 2½ miles from the tepee that I met Martin.

Q. Did you then know whose trail you were following?

A. I did not. I will state here that Trumpeter Martin, after giving me that note, I asked him about this village. He said the Indians were all skedaddling, therefore there was less necessity for me going back for the packs.

Q. Then at the time Trumpeter Martin arrived, could you hear firing in the distance?

A. None at all.

Q. Where were you diverted from the trail, if at all?

A. At the time I received the order from Trumpeter Martin, I was riding 4 or 500 yards in advance of the battalion, accompanied by my orderly. Col. Weir was probably 200 yards in my rear. I waited till he came up and handed him the note. I asked him no questions nor did he volunteer any advice. When the command came up near enough to me, I ordered a trot. I went on ahead of it to the crossing of the Little Big Horn river at the ford "A"; that was my first sight of the Little Big Horn. There I saw an engagement going on and I supposed it was the whole regiment. There were twelve or thirteen men in skirmish line that appeared to have been beaten back. The line was then parallel with the river and the Indians were charging and re-charging through those men. I thought the whole command was thrashed and that was not a good place to cross. To my right I noticed 3 or 4 Indians, probably 4 or 500 yards from me. I thought they were hostiles and rode with my orderly towards them and saw as I approached them, that they were Crows. They said there was a big "pooh poohing" going on, which I had already seen. Then I saw the men who were up on the bluff, and I immediately went there and was met by Maj. Reno.

Q. At the time you received the order in regard to the pack train, did you consider it necessary to take your command and go and bring the pack train up?

A. I did not consider it necessary at all, because the Indians could not get to the pack train without coming by me.

Q. State where it was you first heard firing in the direction of the village; was it before reaching the Crossing "A", or at the time you reached it?

A. I heard very little firing at all. After I got on the hill where Maj. Reno was, I don't suppose I heard more than 15 or 20 shots.

- Q. I refer to the time before you saw the men on the hill.
- A. I could hear it while I was at the river, probably two miles from where it was going on, and that I could see.
- Q. What was the effective force of your battalion?
- A. I had about 125 men.
- Q. State, if you know, at what hour in the day it was when you reached Maj. Reno on the hill?
- A. I only know from Lieut. Wallace that it was 10 minutes after 12 when I started off with my battalion from General Custer.
- Q. Taking that as a basis what would be the time you met Maj. Reno on the hill?
- A. It must have taken me three hours to have gone where I did and back.
- Q. Then would you think it was about 3 o'clock when you met Maj. Reno on the hill?
- A. I think so.
- Q. State whether Maj. Reno was present when the order was given to you by General Custer to move to the left?
- A. He was not.
- Q. When you joined Maj. Reno on the hill, state how far the pack train was away?
- A. It was not then in sight. I suppose it was 7 or 8 miles off then.
- Q. State how long after you joined him on the hill was it that the pack train or any part of it arrived?
- A. I should think it was an hour and a quarter, or an hour and a half before it arrived.
- Q. State what was the condition of Maj. Reno's command on the hill in regard to efficiency, or in any other respect you may have observed it at the time you arrived there, if you did observe it?
- A. Those that were alive were in pretty good order and well shaken up.
- Q. Were there any evidences to your mind there of any demoralization of the command among the men or officers of the command when you arrived? If so, state what they were.
- A. Men coming up on foot on a big bluff would be pretty well blown, and so would the horses. They were not in line of battle but were scattered around at points, I suppose to the best advantage. They all thought there was a happier place than that I guess.
- Q. Were there any Indians engaging his command when you arrived? If so, in what numbers and at what distance?
- A. I think the Indians saw me about the time I saw them, and that checked their pursuit. They came around, probably 4 or 5 or more to the highest point of land there. Maybe they had been there all the time, I don't know about that.
- Q. Were they within easy range of the troops or long range?
- A. I should say they were nearly a mile away.

- Q. Were those the nearest Indians to the command there at the time you arrived?
- A. I saw about 900 Indians when I arrived circling around in the bottom. I stated in my official report I thought there were 900 Indians there when I got there.
- Q. Was that when you reached Major Reno's position, or at the crossing?
- A. When I reached the crossing: and the same Indians were there when I reached Maj. Reno's position.
- Q. In the same number?
- A. Yes, sir. I think they were.
- Q. How near were they to Maj. Reno's command in a straight line?
- A. About a mile I think, out of effective carbine range.
- Q. State whether or not you stated to Maj. Reno the purport of the order you have received from Adjutant Cook?
- A. Yes, sir. I showed him the order.
- Q. What communication did you have with him on the subject and what was the purport of the conversation between you and him there?
- A. I asked him if he knew where General Custer was. He said he did not; that he had been sent in to charge those Indians on the plain, and that General Custer's instructions to him, through Adjutant Cook, were that he would support him with the whole outfit; and that was the last he had seen or heard of him, and did not know where he was.
- Q. Do I understand that at the time of that conversation, Major Reno still said he did not know where General Custer was?
- A. Yes, sir. That was before my battalion came up, - it was following me. My battalion did not go with me to the crossing "A".
- Q. From the order which you had received through Trumpeter Martin, or from any other information you had received, had you at that time any knowledge or impression where General Custer was, or on which side of the river?
- A. No sir. My impressions from Trumpeter Martin were that the Indians were skedaddling. But my first sight of the fight showed that there was no skedaddling being done by the Indians and I, of course, thought that was the whole command; and, if it was the whole command, that it was whipped.
- Q. Upon reaching Maj. Reno's position and finding that it was not the whole command, state what your impression was as to where General Custer must have gone?
- A. I supposed he was down the river.
- Q. Did you or not so state to Maj. Reno at the time of your conversation?
- A. I don't remember having stated to him anything about it. He should have known more about General Custer than I could, as I had been started off some 12 or 15 miles back. It did not occur to me but that he knew more about it than I did.
- Q. Did Maj. Reno explain to you why he retreated from his position in the bottom to the hill?
- A. No sir.

- Q. Did Maj. Reno at that time, or about that time, express to you any solicitude or uneasiness in regard to General Custer and his command?
- A. No sir.
- Q. Did you at the time express anything of the kind, asking him for authority to proceed to make a diversion in that direction?
- A. Not at all; I supposed General Custer was able to take care of himself.
- Q. Describe Maj. Reno's condition when you met him at the time you arrived there, whether cool, calm and collected; or the reverse. State fully the facts as they impressed you at the time.
- A. He was about as cool as he is now. He had lost his hat in the run down below.
- Q. State whether you heard any firing from the direction of General Custer's battlefield, as it afterwards was ascertained to be. If so, describe that firing and how long it continued.
- A. That was the firing I tried to describe I heard after my arrival there; 15 or 20 shots that seemed to have come from about the ford "B", about the central part of the village. The village was in two divisions; and at the ford "B" was about the place where I heard the shots, and all I heard that were not in sight, were from that direction. I have heard, as a matter of course, officers disputing amongst themselves about hearing volleys. I heard no volleys.
- Q. That firing you have just described was all you heard?
- A. Yes sir, all I heard that I did not see.
- Q. State whether or not any advance was made by any part of the troops from the hill before the arrival of any part of the pack train, and what that advance was, and by whose order?
- A. Capt. Weir sallied out in a fit of bravado, I think, without orders.
- Q. About how long was that after you arrived there?
- A. I did not see him when he left. It must have been half an hour, I suppose.
- Q. Was it previous to the arrival of the pack train?
- A. To the best of my recollection it was. I don't recollect just the time he left.
- Q. At the time you noticed him had the train arrived?
- A. I think not.
- Q. Was there any movement ordered from that position down stream after your arrival that afternoon? If so, describe it.
- A. No sir. There was no movement ordered that I know of. I went down the same direction that Capt. Weir had gone, to the highest point of land and had the troops by file (defile?) on the river bluffs, and a company across at right angles from that line on another ridge with the intention of showing to General Custer, if he were down the river, our exact location as near as possible.
- Q. There was no order given to you by Maj. Reno for that movement?
- A. No sir.
- Q. Did you make the movement with your battalion?

- A. One company of my battalion had already gone. I think the bulk of the troops followed that movement.
- Q. Where was Maj. Reno during that time, when the movement started down?
- A. I don't know whether he had gone to Lieut. Hodgson's body or not. They had commenced to bury the dead and pick up the wounded when I made that movement. I went there to see for myself what was going on around the whole country that could be seen.
- Q. How far was that point to which yourself and the advance of the command arrived, from Maj. Reno's position on the hill?
- A. About a mile.
- Q. Can you locate it on this map?
- A. I suppose this figure 7 is intended for that point.
- Q. State whether or not a movement could not have been made down the stream in the direction it was supposed General Custer had gone, or might be found, immediately upon your arrival there.
- A. Yes sir, it could have been made; but we would all have been there yet.
- Q. Could that movement have been made there at once by the entire command as far down as you afterwards went?
- A. Yes sir, but we could have gone no further. We were driven back.
- Q. How long was it after you arrived there, till the balance of the command came down with Major Reno, if it did?
- A. I think Maj. Reno got to that point about as early as I did, or very nearly.
- Q. Describe your movement to that point, the location of the country, and everything you saw.
- A. That was my first sight of the village, after I arrived at that high point. That was the only point from which it could be seen, and I saw as I supposed, about 1800 tepees; there was no sign of any troops or of any fighting going on; nothing of the kind could be seen. We had not been more than 2 or 3 minutes at that high point before the gorge was filled with Indians rushing towards us; then we fell back to where we were corralled. Between this bluff at about the point "7" and the second ridge is a canon like ravine going to that ford, which is about 3 miles from that high point. As we fell back to where we were corralled, I was for halting before we got there so as to check the Indians and to select a better place when we had ample time, and not be rushed over by them. Maj. Reno thought, which was better, that we should go to the place where he first got on the hill, the line was formed in an irregular ellipse with the up river side of it knocked off. That is, there was a flat. In that our pack animals and horses were corralled, and the line thrown around them in the shape of a horseshoe, one prong of the shoe extending farther than the other. The Indians surrounded us there and kept it up pretty lively as long as they could see.
- Q. Do I understand you, the troops were formed entirely around a circle or was there an opening?
- A. It was in the shape of a horseshoe with one point longer than another, and the short point turned in at right angles a little. The long line was my position, and Capt. Moylan was at right angles partly across the ellipse.
- Q. During the return of the command from that position, state if you know, where Maj. Reno was, what he was doing and what orders he gave, if any?

- A. We were engaged in getting the line formed and there was not much time to swap pocket cutlery.
- Q. When the line was returning where was he? Was he back selecting a position, or was he with the troops checking the advance of the Indians?
- A. I had left one company on the ridge with instructions to send their horses back dismounted, and to hold that ridge at all hazards. Mind you, I was looking after things probably more than it was my business or duty to do. This company when we got back to the place where we were corralled, had left that point and were in the line coming back as rapidly as were any of the others. I then sent Captain Godfrey's company back to another hill to check the Indians till we formed, and that he was all right, that he would be looked out for, and they got in all right.
- Q. Where was Maj. Reno during that time, if you saw him?
- A. He was doing the best he could, I suppose; and every other man, everyone had enough to employ him.
- Q. Did you see Maj. Reno there or not?
- A. I saw him there. He came back with me and talked with me. As I said, I recommended a halt in order to check those Indians and then hunt for a better place to go to afterwards.
- Q. Do you know whether Maj. Reno gave orders for the return of the command from that advanced position?
- A. I don't know that he did. If he gave any orders I did not hear them. There was no necessity to give any orders about that time.
- Q. Did he give any orders in reference to placing the troops in position where they were corralled as you speak of, or what was being done by him, if you know?
- A. The first I knew of the formation of that line was my telling Lieut. Wallace to place his company there, pointing out the spot. He said, "I have no company. I have only three men." I said, "put yourself and your three men there. I will see that you are supported." He did so and from that the line was formed. Maj. Reno might have been at the other end of the line or in the center after the line was pretty well formed. I saw Maj. Reno about the middle of the line.
- Q. Give your estimate of the number of Indians that pursued or engaged that command on its return within engaging distance?
- A. I thought at that time there were about 2500 warriors surrounding. I think now there were between 8 and 9 thousand.
- Q. I refer in my question to the time the command was moving back to take position, and not to the engagement that followed.
- A. I think they were all coming.
- Q. This position that was taken after the advance, as I understand from your description, was near the point you first met Maj. Reno when you came up. Was it above or below, or immediately at that place?
- A. I think it was exactly the place where I met him.
- Q. Can you give the location of the troops entirely around that horseshoe shaped line you have described?
- A. First at the angle was company "A", then followed Company "G", "D", "B", "F", and "K", according to my recollection.

- Q. After taking position, were you assigned to any particular portion of the line by Maj. Reno? If so, what were your orders? What I want to know is if the battalion organization still existed?
- A. I was not assigned to any particular part of the line. My company had position on the extreme left of the line, if it were a right line.
- Q. Describe the engagement that ensued after the troops had taken the position you have described; the length and severity of it, and any circumstances connected with it, or the conduct of Maj. Reno pertaining to it?
- A. After we formed our lines it was about as lively a fire as you would like to stand up under. You only had to show a hat or a head or anything, to get a volley toward it.
- Q. How long did that firing last?
- A. Till it was too dark to see any longer.
- Q. How long before dark did the fire begin; at what hour?
- A. I should think it began about half-past five o'clock, when we got our line finished, or maybe a little later. I think we were under fire that evening about 2 $\frac{1}{2}$ or 3 hours.
- Q. What number of Indians do you estimate engaged the line in firing there? Was it the entire number you stated before, or only a portion?
- A. They had little picnic parties of a regiment or two standing in the bottom looking on; there was no place to put them.
- Q. I want the number of Indians you estimate engaging the command from the severity of the firing.
- A. I think a couple of thousand were around us waiting for a place to shoot from.
- Q. What position did those Indians occupy in reference to the command; whether they exposed themselves boldly or charged the command, or secreted themselves?
- A. The only thing you could see would be the flash of a gun. They came so close that they threw arrows and dirt over at us with their hands, and touched one of the dead men with a coup stick. That was the next morning. That afternoon was like the second day; we saw nothing to shoot at. We got volleys but could not return them.
- Q. State whether or not you found it necessary to give orders or instructions or suggestions to more than your own immediate company, and if so, what were those instructions or suggestions, and what, in your judgment, was the necessity for so doing?
- A. On the night of the 25th, Major Reno was up on the hill where my company was stationed after the firing had ceased. It was about dark, and he instructed me to build breastworks. I was pretty tired and did not think there was much necessity for building them, as I had an idea the Indians would leave us; but I sent for spades to carry out his instructions, but could get none. The next morning the fire was very much heavier than it had been the day before, and I had a great deal of trouble in keeping my men on the line; I had to go down in the pack train and run them out, and take them up there; and at one time I took up a lot of sacks of bacon and boxes of hard bread, and pack saddles and made a redoubt. I took about 12 or 15 sulking soldiers and packers and took them up to that place and turned the redoubt over to my first Lieutenant, and told him that I intended to drive those Indians out of the ravine. The redoubt was built and turned over to my 1st Lieutenant. I started with the men to drive the Indians out. There were only four Indians. They were right on our line -

as near to us as I am to Gen. Merritt. We then got water. I believe that is an answer to your question.

Q. Your movement in driving the Indians from the ravine, as I understand it, was made upon your own judgment. No order had been given you by Major Reno in regard to the matter?

A. None at all.

Q. State, if you know, where Major Reno was during that time and what he was doing?

A. He was over where the bulk of the companies were massed, as he had an idea the afternoon before that the main attack would be made at that point. He told me that the afternoon before.

Q. After driving the Indians from the position you have described, state if you visited or went over on any other part of the line?

A. I did.

Q. State what occurred there in regard to Indians or any particular part of the engagement.

A. After driving those Indians out and securing the place I wanted to have the day before, but could not get on account of the length of the line, I sent word to Major Reno to get all the camp kettles, canteens and pots and everything we could get, as I had secured the water. After getting the water I went over to Major Reno and told him I was being annoyed very greatly by the fire - I received a cross fire from every quarter - and was entirely unprotected save by the breastworks we threw up on the 26th; and asked him if I might drive those Indians away that were annoying me.

Q. State what followed, or what was done.

A. He said yes, I could; and we did it.

Q. Were the troops who drove the Indians from that place you describe, men of your own company or from other companies?

A. None of my own company I believe.

Q. Who gave the order for the troops which moved forward to drive the Indians from the place you spoke of last?

A. I told them to go, that was all; and I went with them.

Q. Did Major Reno go along?

A. I don't think he did.

Q. State whether the conduct and example of Major Reno as Commanding Officer was such as tended to inspire the men of his command with courage, coolness and confidence, or the reverse, describing his conduct fully as it came under your observation during the engagement?

A. I think it was all right, sir.

Q. State what time it was, or how long after dark, that Major Reno came to the place you have mentioned and gave some instructions about the breastworks?

A. I saw Major Reno probably every 15 minutes or half hour during those two days.

Q. And during the night of the 25th also?

- A. During that night I was with him nearly the whole time.
- Q. If you have not already done so, describe as far as you can the preparations made by the entire command that night to resist the Indians?
- A. I succeeded in getting the spades probably at 12 o'clock on the 26th and threw up breastworks; and threw up, I think, three redoubts. They were very anxious to secure those spades during the whole time I had them. They had scraped little holes in the ground principally on their side of the line. I don't remember having seen a good breastwork there, though they may have been there - I did not examine the ground all over. I paid no attention to it from the fact that I had enough to do to look after my own line.
- Q. Those redoubts you speak of, were they in reference to your own company or to all parts of the line?
- A. It was to my own company.
- Q. Go back to the time when you joined Major Reno on the hill that day, and state how long the 900 Indians or the number you have stated as being in the bottom, remained in their position on the bottom, as far as observed by you, and whether continuously; or did they leave and return after a while.
- A. I think they remained but a short time, how long I don't know; but not longer than a half or three quarters of an hour.
- Q. After leaving there, did they immediately engage Major Reno's command or go elsewhere?
- A. I don't think they thought they had enough just there to do that.
- Q. In what direction from all the circumstances there, must those Indians have gone - toward (down?) the river or up the river?
- A. I suppose they went down the river as their village was down the river.
- Q. At the time you reached Major Reno's position on the hill, and from what you saw before you moved down the stream, state whether the pack train was in any especial danger from an attack by the Indians?
- A. Had any attempt been made to go back after the pack train by the Indians, I had the right line and they had the arc, and they would have to go on the arc; - I could get there quicker than they could.
- Q. How many men did Capt. McDougall have with him - his effective force, including the detail from the companies?
- A. I think he had 45 men of his own company; he had 84 men from the 12 companies and the packers.
- Q. State whether or not you heard Major Reno say anything in regard to the ammunition or being out of ammunition upon your arrival on the hill, and any necessity for hurrying up the pack train on that account.
- A. I don't remember that he said anything about it. I know he sent Lieut. Hare back to hurry it up. I have heard Lieut. Hare speak of it.
- Q. State if you know, either from what Major Reno said, or any circumstance within your knowledge, what was his effective force when you reached him on the hill?
- A. I don't know, he did not say anything about it.
- Q. Could you judge or tell from what was afterwards known by you?

- A. I judge he had about 75 or 80 men.
- Q. State whether or not it would have been practicable for you to have joined Major Reno's command in the timber at the place where he engaged the Indians, giving in full your reasons?
- A. I could have tried, Sir.
- Q. Would not your line of march as being taken, have crossed at the ford and taken you over this same ground that he had gone over?
- A. Yes sir.
- Q. State whether or not in the event you succeeded in joining Major Reno, the pack train would have been in any imminent or great danger?
- A. I should not have attempted it without first getting the pack train.
- Q. State in your opinion whether with the pack train and your battalion, it would have been practicable to have joined Major Reno in the timber if he had remained there, from the circumstances as known to you then, or as developed afterwards?
- A. If I had undertaken it my losses would have been very much greater than they were, as it resulted.
- Q. Do you mean the entire loss to the command?
- A. The entire loss to the seven companies: In a word, I mean to say that what we did was the best that could be done - that if I had to go over it again today I would go over the same trail - that is, I could not improve it.
- Q. State whether or not you examined the position that was occupied by Major Reno's command in the timber at or about that time?
- A. I did not see it at all; only from the heights, till the 28th of June. We then bivouaced there in that timber for about three hours.
- Q. How far was that position from the place where the hostile village had been?
- A. The beginning of the village was about six or seven or eight hundred yards from there.
- Q. Describe that position as a defensible one for a command, say of 120 men.
- A. I think it was a No. 1 defensible position, from my knowledge of it now.
- Q. State, in your opinion, whether or not 100 men with an average of 60 rounds of ammunition per man, could have held that position any considerable length of time?
- A. They could have held it 5 or 6 hours, depending altogether upon the number of the opposing force.
- Q. From the character of the enemy they were engaging at the time, and the manner in which Indians usually fight, say those 900 there.
- A. They might have been reinforced by 900 more in a short time, and early the next morning they would all have been killed.
- Q. That is, if the command remained there without reinforcement or assistance?
- A. I think so.

- Q. In the event that you had joined the command with the pack train with axes and other implements, could not that place have been made as defensible as the position Major Reno retreated to on the hill?
- A. More so, sir.
- Q. Were there axes or anything with which to fortify or any spades or hatchets?
- A. There were a very few axes; there were five spades, I think.
- Q. There were some axes?
- A. I have no doubt there were some.
- Q. Was that position which Major Reno had occupied in the bottom one which would threaten the village, so as to hold a large force between him and the village?
- A. The village was probably, to the best of my recollection, 6 or 700 yards below that. I did not examine that place to see if there were any wickiups in that point of timber or not - there might have been plenty of those there - of that I know nothing.
- Q. Then as to threatening the village or being in such close proximity as to hold a large force there, could you express an opinion?
- A. I don't think it would threaten it much, as they could pull down their tepees and take them away. If they were very much annoyed they could take them away.
- Q. What is your opinion as to what force they would hold between that and the village to protect their families?
- A. I think the Indians thought they had a pretty good thing. I can't give any answer to the question.
- Q. With the position in the timber, with 8 or 900 Indians in the bottom, and being within 6 or 700 yards of the village; was it in such a position as would hold an immense force of Indians between that force and their families in order to prevent a sudden charge towards the village?
- A. Yes, sir; and I think they had enough there to do it.
- Q. You think it would have a tendency to hold a force there and they had that force there to do it?
- A. I think the 8 or 900 Indians was a very small proportion of what they had there.
- Q. State whether or not, in the event you had succeeded in joining Major Reno in the timber, would the position have been so threatening to the village that it would have contributed to the success or safety of Gen. Custer in attempting an attack lower down?
- A. It would not have made a particle of difference.
- Q. Do I understand the result would have been substantially the same with his command?
- A. Those 7 companies with the pack train would have been as completely corralled as they were on the hill. General Custer would have had to look out for himself the same as he did; and how he did, you know.
- Q. State whether, in your opinion, the abandoning or leaving that position by Major Reno did not enable the Indians that were confronting or surrounding him there, to go and attack, or join in the attack upon Gen. Custer's column?

- A. Doubtless it did. I don't think they had any use for them down there though.
- Q. Go back to the hill and state about what time on the morning of the 26th the engagement was renewed by the Indians?
- A. At early day-light - about half past 3 o'clock.
- Q. What is your estimate of the number of Indians who began the attack that morning?
- A. I think they stayed there all night; and as I said before, there were picnic parties of regiments ready and waiting to take the places of the others. My belief was then, as it is now, that there was not a foot of unoccupied ground in that country. There were Indians everywhere.
- Q. Within what radius do you estimate they so occupied the ground?
- A. From 12 feet to 1200 yards.
- Q. State whether you examined the route Gen. Custer had taken or was supposed to have taken, on the right bank of the river?
- A. I did, but I think now I was mistaken. The route I supposed he had gone to that ford, was down through a canon-like ravine or cooley. But I think now that he went around to the right of the second divide, and did not go to the ford "B" at all.
- Q. Did you examine what was supposed at that time to have been his trail?
- A. On the morning of Gen. Terry's arrival, I asked for permission to saddle up my company and go over to the battlefield of General Custer. I did so and followed down the gorge, thinking that was the route taken by Gen. Custer on the 25th of June. Now I am satisfied that was not his route; but it was all cut up by horse tracks and pony tracks so that it could not be told from any other trail. That was the same gorge the Indians rushed up when we arrived almost opposite it, when we made our advance down the river. That gorge was 50 to 60 or probably 100 yards wide - the bottom was irregular and cut up with ravines.
- Q. How near do you think he came to the point B?
- A. The nearest body that was found was about six or eight hundred yards from there.
- Q. Did you go over his field of battle?
- A. I did.
- Q. Give a description of it as far as it came under your observation - following as near as you can the supposed route of Gen. Custer.
- A. I went over it carefully with a view to determine in my own mind how the fight was fought. I arrived at the conclusion then, as I have now, that it was a rout, a panic, till the last man was killed: - that there was no line formed - there was no line on the battlefield. You can take a handful of corn and scatter it over the floor and make just such lines. There were none. The only approach to a line was, that there were 5 or 6 horses at equal distances like skirmishers. Ahead of those 5 or 6 horses there were 5 or 6 men at about the same distances, showing that the horses were killed and the riders jumped off and were all heading to get where Gen. Custer was. That was the only approach to a line on the field. There were more than 20 killed there. To the right, there were 4 or 5 at one place - all within the space of 20 or 30 yards. That was the condition all over the field and in the gorge.

- Q. On the point or knoll were there no evidences of the main body of men making a stand?
- A. Only where Gen. Custer was.
- Q. Did you examine the position where Capt. Calhoun's body was found?
- A. Those were the 5 or 6 horses and men I spoke of. Those were of his company. I buried that company.
- Q. Now, with reference to the point where Gen. Custer's body was found, taking it from there towards the river, were any bodies found in a ravine towards the river from there?
- A. Yes, sir.
- Q. How near the river were the bodies found?
- A. Probably within 50 to 75 yards.
- Q. State how many bodies were found there.
- A. If I am not mistaken there were 22. They could not shoot out of that ravine, and they certainly did not go into it to shoot out of it.
- Q. Had the men been killed down in the ravine or at the edge of it?
- A. Those men were killed, as I believe, by the Indians with stones and clubs in that ravine. They were unarmed. I think they were wounded men. The men had gone into the ravine, as the Indians say, possibly to hide.
- Q. Did the bodies of those men give any indication of what they had been killed with?
- A. I did not examine them at all. I rode along the ravine and looked down. The bodies had been counted by others. I made no personal examination of them.
- Q. Was there a ford there at the mouth of that ravine crossing to the village?
- A. I could cross that river almost anywhere.
- Q. Was there an Indian trail leading across there with the appearance of having been used by the Indians as a crossing?
- A. There was a trail; I think probably a hundred yards or so above that ravine. I crossed and recrossed that river at so many places that I am of opinion you could cross it most anywhere.
- Q. I understand, in your opinion the route General Custer had taken is not properly indicated on the map.
- A. Yes, sir.
- Q. Had you not until recently been of the opinion that it was properly indicated?
- A. Yes, sir; but I never could account for the fact that there were no dead bodies at that ford. If he had gone down to the river and been attacked there, there must have been some horses and men killed there; but there were none. There was a white horse a little distance below that ford which I killed myself on the 28th to put him out of his misery - he was wounded lying in a pool of mud and water. Immediately alongside of that horse were the trousers of an enlisted man hanging over a bough that protruded from a dead stump.

- Q. State, if you can, how near General Custer came to that ford B in passing down?
- A. I don't think he came within three furlongs.
- Q. Did you find many dead horses on the field?
- A. I counted seventy.
- Q. Were they the horses of the 7th Cavalry?
- A. They were the horses of those 5 companies and there were the bodies of two Indian ponies there.
- Q. Were there any evidences, to your mind, on visiting that field, that at any time during the fight there, the horses had been turned loose so as to have every available man for resistance?
- A. I think in all probability that was done, each man turning his own horse loose without any order.
- Q. Do you think there could have been no orders given as to the security and safety of the command by the officers, so as to have every available man for resistance?
- A. I think there might have been a great many commands given, but I think very few were obeyed, I think they were panic-stricken - it was a rout, as I said before.
- Q. Did you go over the ground occupied by the hostile village?
- A. Only partially. When I went over it, it was in the night and I did not go through but a small part of it in the daytime.
- Q. Could you form any estimate from that as to its size and extent or as to the ground it covered?
- A. The only estimate I formed of its size was from what I saw from the highest point of land on the opposite side of the river, and that was, that it was a village between 3 and 4 miles long.
- Q. What numbers of warriors do you estimate to a lodge, taking your estimate of the number of lodges as a basis?
- A. It is different. Sometimes there are 4, sometimes 5, and sometimes, I believe, as high as 7 warriors to a lodge - those affairs are always irregular, according to the strength of a family - the same with Indians as with white people.
- Q. In reference to that particular village, you gave your estimate that it contained 1800 lodges?
- A. You can have it 4 or 5 or 6 or 7.
- Q. You think it ranges from 4 to 7?
- A. Yes, sir.
- Q. Did you see that village move away on the 26th of June?
- A. I did.
- Q. What time in the day with respect to sunset?
- A. They commenced moving about sunset, and they were in sight till darkness came.

- Q. What was the size of that village and how far away did you see it?
- A. It was in a straight line about 3 miles; and I think it was at least 3 miles long and half a mile wide, as densely packed as animals could be. They had an advance guard and platoons formed and were in a regular military order as any corps or division.
- Q. Did that appear to be the entire village?
- A. It was the entire village.

QUESTIONS BY MAJOR RENO

- Q. How long have you been a soldier?
- A. Since the 1st day of September 1861.
- Q. State whether at any time during those engagements which have been here considered, you saw any evidences whatever of cowardice on the part of Major Reno?
- A. None whatever.
- Q. State whether at any time during those different engagements, you found it necessary to caution him with reference to the exposure of his person?
- A. I did, one time.
- Q. When was that and under what circumstances?
- A. It was after water had been secured; and at the time in question I was engaged in throwing up rifle pits.
- Q. Where was Major Reno and for what reason did you caution him?
- A. I cautioned him to be careful how he was standing around there in front of that point, as there were volleys coming there constantly.
- Q. Was the firing heavy or light?
- A. The firing was irregular.
- Q. I refer to that particular time.
- A. At that particular time I don't think it was very heavy.
- Q. Go back to the time you received the order from General Custer to separate yourself from the entire command, and state whether there was any order given to you to unite at any time with Major Reno's column?
- A. Neither with Major Reno nor with anyone else.
- Q. State whether it was any part of the plan which you were pursuing, that there should be any union between yourself and Major Reno?
- A. There was no plan at all.
- Q. What were your orders?
- A. Valley hunting ad infinitum.
- Q. State for what reason you returned from the direction you had been sent?
- A. Because I thought I would be needed at the ridge.
- Q. You acted on your own judgment in returning to the point where you met Major Reno?

- A. Entirely.
- Q. How far were you separated from Major Reno at the time you reached the greatest distance in the direction you were moving?
- A. Possibly 15 miles.
- Q. With what rapidity did Trumpeter Martin come with the order you have given in evidence?
- A. Not rapidly - at a jog trot.
- Q. And told you the Indians were fleeing?
- A. Skedaddling.
- Q. State at what gait you advanced to the place where you saw Major Reno, and from that to the point where you joined him?
- A. I moved at a trot from that point till I joined Major Reno.
- Q. State at what gait the last two miles were?
- A. It was a trot all the way through, from the time I left Gen. Custer till I met Major Reno, except the time it took to water the horses.
- Q. You fixed the number of Indians about Major Reno at 900 to 1000?
- A. About 900, I think.
- Q. State whether in any arrangement or plan that Major Reno would adopt for the defense in the timber, it would not be necessary for him to know that you were to join him, or had been so ordered, before he could place any dependence upon that fact?
- A. I should think so, as a matter of course.
- Q. Then if he had not been informed that you would join him, and did not know you were ordered to do so, would he have been justified in expecting you to do so?
- A. Certainly not.
- Q. At the time he was in the timber were you firing?
- A. I don't know when he was in the timber.
- Q. At the time you saw the skirmish line at the edge of the timber were you firing or not?
- A. No, sir; they were too far from me.
- Q. Where was the pack train at that time?
- A. I judge about 7 miles back - it was out of sight at any rate.
- Q. Between Major Reno and your column and the pack train there was a river?
- A. When I saw Major Reno, he was on the same side of the river as I was.
- Q. At the time you saw them skirmishing at the timber, the river was between your column and his and between him and the pack train?
- A. Yes, sir.

- Q. About how far from the ford A did you receive your order from Lieut. Cook?
- A. About two miles.
- Q. How far from the ford A did you receive your first orders from Gen. Custer?
- A. Having gone to the left and come back again, it is hard to say; I suppose it was about 15 miles in a direct line.
- Q. About how far from that tepee where you found the dead warrior was it, where Gen. Custer gave you the order to diverge with your battalion?
- A. About eleven miles.
- Q. How soon did you pass from the sight of the column after you received your orders?
- A. Probably three quarters of an hour.
- Q. How far towards the tepee do you suppose the column had advanced when you lost sight of it?
- A. The only company I saw was the gray horse company, and they were on a fast gallop. They could have gone down there in an hour and three quarters or two hours at the farthest.
- Q. In reference to the distance, how far do you suppose the command of General Custer was from the tepee at the time you lost sight of the column?
- A. I could not tell - it might have been 5 or 6 miles or more.
- Q. You were not in sight at the time the column reached the tepee?
- A. I could not see that column, and I think it was impossible for them to see me.
- Q. Was any order afterwards sent to you to join Major Reno or to assist him?
- A. Never.
- Q. The order sent to you was to join Gen. Custer and assist him?
- A. By Trumpeter Martin was the only one I got.
- Q. Do you know what was the size of Major Reno's command?
- A. When I left I did not know he had one.
- Q. The division had not been made into battalions for Major Reno?
- A. No, sir; I don't think he knew it at the time I left. When I passed he asked where I was going. I said I was going to the left with instructions to pitch into anything I came across.
- Q. The next you saw of Major Reno was on the hill?
- A. Yes, sir; the time I met him there.
- Q. After he returned from the timber?
- A. Yes, sir.
- Q. Do you know whether Major Reno replenished his ammunition from the pack train?
- A. I think so. I did not see it, but I heard he did.

- Q. How far down the river was the furthest point reached by any company under Major Reno?
- A. About half a mile below that highest point.
- Q. State what efforts, if any, that command made to inform Gen. Custer or his command of your position by planting guidons or flags or anything of that kind?
- A. The troops were by file on a line of river bluffs, and as I have stated another company was formed at right angles on another ridge. I planted a guidon at the highest point that looked over that country. Some of the officers say that the battlefield was in sight, but I know positively that it was not, having gone over it two or three times since.
- Q. State whether at that highest point you saw any evidences of fighting or heard the sounds of any firing?
- A. I saw no such evidences nor heard any firing.
- Q. What was the purpose of placing the guidon on that high point?
- A. To present an object to attract the attention of Gen. Custer's command if it was in sight.
- Q. Then in your opinion his command was then alive?
- A. I thought so.
- Q. As far as your knowledge extends, did anyone in that command imagine till Gen. Terry came up that Gen. Custer and his command were not alive?
- A. Not a soul, sir.
- Q. Had there been any reason in military history as far as you know for expecting the destruction of a command as large as that and equipped as they were?
- A. In my mind there had been.
- Q. Where?
- A. At the battle of the Washita.
- Q. Except that, was there anything to lead Major Reno's command to expect the entire destruction of Gen. Custer's command?
- A. Not that I know of.
- Q. Was not the first intimation of the fate of Gen. Custer's column received when Gen. Terry came up the second day after?
- A. That was the first we heard.
- Q. Up to that time you were entirely ignorant of his fate?
- A. Wholly so.
- Q. When Major Reno came on the top of the hill he said he did not know where General Custer was, did he not?
- A. Yes, sir.
- Q. Did you examine that point in the river marked B?
- A. Several times.

- Q. Does it present any obstacles to crossing?
- A. It was badly cut up with buffalo tracks and pony tracks and on the western bank it was a little boggy and quicksand.
- Q. State if the command could not have used it for a crossing?
- A. Certainly.
- Q. Was it not as easy for that purpose as the point A where Major Reno crossed?
- A. Quite as good I think, though I did not attempt to cross at the ford A and do not know how the crossing was there.
- Q. On which side of the river was that white horse you killed?
- A. He was on the right bank.
- Q. State if a commanding officer in the position in which Major Reno found himself, having just retired with only a few minutes time to make preparations to meet the advancing Indians, with no time to make plans before they had to be received by his command; state whether under circumstances of that kind, Major Reno was not necessarily compelled to look largely for assistance and counsel and to entrust largely the giving of orders to the company officers who assisted him?
- A. As a matter of course, sir.
- Q. Was it possible, under the firing such as you there experienced, with the short amount of time at your disposal, to make preparations to meet the attack of the Indians, for Major Reno to give all the orders?
- A. It was impossible.
- Q. Was he not compelled to rely largely upon the discretion and judgment of his brother officers, and entrust very much of the management of the action to them?
- A. I think so.
- Q. Then the kind of defense he was compelled there to make was conducted according to different rules than a defense behind artificial entrenchments?
- A. The reasoning would be the same.
- Q. With regard to the length of time you heard firing from the direction of General Custer's battlefield as it was afterwards ascertained to be -
- A. I heard none.
- Q. Did you at any time from hearing firing, have any intimation whatever that any engagement was taking place at any point lower down the river?
- A. I did not.
- Q. From your examination of the country where you found the bodies, and from the position in which the bodies were found, and from your estimate of the number of Indians you saw in and around that country, what in your opinion was the length of the struggle that Gen. Custer's column made?
- A. I can scarcely form an idea of that. It might have been 15 minutes or half an hour or an hour.
- Q. Do you think it was the latter time?
- A. Not more than that.

- Q. According to your judgment, would it not have been considerably under that time?
- A. If I were to guess, I should say about an hour.
- Q. When the command returned from the advance down the stream, was it driven back by Indians?
- A. Yes, sir.
- Q. Would it have been possible in your judgment, to have had any communication with Gen. Custer that night even if anybody had known where he was?
- A. It might have been attempted - I don't think it could have been made.
- Q. The village was about 6 or 700 yards from the timber where Major Reno was?
- A. I think about that, and as I said, a part of the village may have been in that timber and I not know it.
- Q. State if Major Reno was threatening the Indians or the Indians threatening Major Reno?
- A. Decidedly the latter way.
- Q. The firing during the evening of the 25th and the morning of the 26th was very severe was it not?
- A. Pretty hot.
- Q. Was not the duty of each company officer and the men of each company so plain that constant and general orders from Major Reno were unnecessary?
- A. I think so. We had nothing to do but to hold our own.
- Q. How far behind you was the pack train when you reached the top of the hill where Major Reno was?
- A. It was out of sight - I don't know how far. I think at least 7 miles.
- Q. Major Reno sent back word by Lieut. Hare to hurry it up?
- A. Not immediately. When it came in sight he sent him back.
- Q. How long before you were sent to the left was it that Gen. Custer said he did not believe there were any Indians in that country?
- A. We had marched 8 or 10 miles.
- Q. What time in the morning, if it was in the morning, and what day was it?
- A. The 25th of June. It was after 12 o'clock when I started off by Lieut. Wallace's watch. I had a watch which was wound but I did not look at it that whole day or the next, though I wound it on the night of the 25th.
- Q. What time that day was it that Gen. Custer said when the officers were together, that he did not believe the reports about the presence of Indians?
- A. About 10 o'clock.
- Q. What conversation, if any, did you hear on the part of officers of the command on the night of the 25th or the day of the 26th, as indicating any knowledge of where Gen. Custer was?

- A. It was the belief of the officers on the hill that Gen. Custer had gone to Gen. Terry, and we were abandoned to our fate.

QUESTIONS BY THE RECORDER

- Q. Did not Major Reno know that you had gone to the left with your column in the direction you have described?

A. He did; but he did not know what orders I had.

- Q. State whether it is customary for a commanding officer, in sending off any part of his command in detachments for any special purpose, to communicate to the other officers of the command the purpose for which that detachment of the command was sent?

A. If those commands are to cooperate, I should think it was very important.

- Q. Had Major Reno at that time been assigned to any particular command to your knowledge?

A. Not that I know of.

- Q. Then it would not, as I understand from your testimony, be necessary that he should be then informed what orders were given to you, not being himself placed in command of a separate detachment?

A. I don't know that it would.

- Q. As you had proceeded to the left and Major Reno had kept rather straight ahead, would he not know that you were still to his left and rear, and would doubtless be following the same trail when you joined it? Would he have any reason to believe the contrary?

A. No; nor would he have any reason to believe that. I scarcely knew what I had to do, and how could Major Reno have known? As I said, I was valley hunting.

- Q. What I was trying to get at, was, from the route taken by the different columns and the route taken by your own, whether or not Major Reno would come in ultimately the same way.

A. He had no right to expect any assistance whatever from me.

- Q. State how that is the case.

A. If there had been any plan of battle, enough of that plan would have been communicated to me, so that I would have known what to do under certain circumstances. Not having done that, I do not believe there was any plan. In Gen. Custer's mind there was a belief that there were no Indians nor any village.

- Q. Would there be any necessity for a plan of battle, not knowing where they were?

A. I do not know. I was sent off to hunt up some Indians.

- Q. Was it not true from the nature of your instructions, that you were going to the left, and if you found any Indians to drive them down that way?

A. I was to pitch into them and let him know; and then I expected him to come back to me. And if I had found them the distance would have been so great that we would have been wiped out before he could get to us.

- Q. Were not the general features of the country such that you would naturally have to bear to the right, as you did?

- A. No, sir; I could have gone in as straight a line as the country would admit, all the way to Fort Benton on that line.
- Q. How long would it have taken you to have joined Major Reno's command and brought the pack train with you, from the time you were in the vicinity of the crossing?
- A. From where I received orders to bring the packs, I suppose I would have had to wait an hour and a quarter for them to come up. I certainly could not have expedited the matter by going back for them, as a sergeant had already been sent for them.
- Q. What was the distance from there to Major Reno's position?
- A. From that tepee to Ford "A" was about four miles and a half; and from the ford "A" to where Major Reno was, was about two miles.
- Q. Where would you have made your halt?
- A. Just where I was. About half way from the tepee to Ford "A".
- Q. Had Major Reno remained in his position, would not the sound of his firing have directed you on your line of march without any special or specific instructions?
- A. I did not hear any firing till I got right at the ford "A", and then I saw and heard it both. There were at least 900 Indians there engaged in demolishing about 13 men as I thought on the skirmish line.
- Q. What appeared to be a skirmish line?
- A. It was; they were separated at intervals - were not together, and the Indians were charging and re-charging through them.
- Q. Was that before or after or during Major Reno's retreat, if you know or can form any judgment?
- A. I suppose they had retreated and those were what were left, and could not get their horses or they would have been with the command.
- Q. Describe that guidon you spoke of, and how far it could be seen.
- A. It could not be seen as far as the horses. It might attract attention by its fluttering or by the point of brass on the end, though the horses would be more noticeable objects than the guidon.
- Q. Do you know what were the casualties in the command at the time it started down the river and before it started on its return?
- A. I don't know how many; there were 6 or 8 or 10 wounded. There were no accessions to them just then; there were after.
- Q. In moving down and back were there any additional casualties?
- A. I know of none except by hearsay; I heard that one of Captain Weir's men was killed and left there.

The witness then retired.

Then at 2 o'clock P.M. the Court adjourned to meet at 10 o'clock A. M.
Monday, Feby. 3d, 1879.

NINETEENTH DAY

Chicago, Illinois, Monday, February 3, 1879, 10 A. M.

The court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

CAPTAIN F. W. BENTEEN, 7TH CAVALRY, HAVING BEEN RECALLED by the Recorder, testified as follows:

QUESTIONS BY THE RECORDER

- Q. Can you be positive that the officers call by orderly as you have testified, was not made before 10 o'clock on the morning of the 25th of June?
- A. I don't think it was before 10 o'clock. I think it was about 10.
- Q. State if there was anything passed between yourself and General Custer other than you have stated; if so what?
- A. I think you're a little mixed on that. I think you have reference to officers call on the 22d of June.
- Q. I am referring to officers call by orderly on the morning of the 25th, concerning which you have testified already.
- A. The only thing he said to me that I have not stated (was) "Colonel, you have the advance."
- Q. How many orders did you receive from General Custer on leaving his column that day?
- A. Three, including the one received at the hands of Trumpeter Martin; one through the Chief Trumpeter, one through the Sergeant Major and the written order by Trumpeter Martin.
- Q. Were those frequent orders evidence to your mind that General Custer expected you to join or cooperate in any attack on the hostile village, if found?
- A. Not at all. The orders through the Chief Trumpeter and Sergt. Major were some thing he forgot to tell me when he started off, as the column was then in plain sight of me.
- Q. Was the order you received from General Custer to send him word if you found anything an indication at the time he gave the order that he did not know the exact location of the hostile village?
- A. He did not believe there was a village there, according to my belief.
- Q. Was or was not the orders evidence to your mind that whichever command found the Indians or the hostile village, the entire command was as far as practicable to cooperate in engaging or attacking the Indians?
- A. As a matter of course.
- Q. When two columns such as yours and General Custer's are in quest of Indians, would it not be the duty of the one which found the Indians to notify the other?
- A. Certainly.

- Q. Did you not receive such notification from General Custer at the hands of Trumpeter Martin?
- A. I received an order to "Come on - be quick, big village - bring packs. Bring packs". He then had found - I wish to say, before that order reached me, that I believe that General Custer and his whole command were dead.
- Q. State at what time of the day, if you had any means of knowing, you received that order from General Custer?
- A. It was about 3 o'clock.
- Q. From the tenor of the order you received, was it or was it not manifest that General Custer expected you would be found on the trail within communicating distance of the pack train?
- A. It was not evident to me, for it was evident to me that he could not have expected any such thing from the orders I started out with. He could not have possibly known where to have found me according to my belief, within 10 or 15 miles. My going back there was providential or accidental or whatever you may be pleased to term it.
- Q. From the order sent to you at that time, to be quick and bring the packs, was it not manifest that he expected you would be within communicating distance of the packtrain?
- A. I suppose he had found what he had sent me out to find as you premise, and wanted me quickly as possible, and I got there as quickly as I could. I could not possibly tell what he may have thought. If it is a guess, I can guess, but how close I will be, I don't know.
- Q. Have you no opinion to express on the matter?
- A. I have none other than I have told.
- Q. Was there anything in the orders from General Custer when you separated from his column or after, that induced you to believe that you were not to join or come up with the column in the event that you found no Indians?
- A. I don't think General Custer would have told me that. He would have known that I would come up.
- Q. State whether any reasonable construction of the orders you did receive, would be that you were to go "Valley hunting ad infinitum" with reference to your separation from his column?
- A. I might have gone on 20 miles in a straight line without finding a valley; still I was to go to the first valley, and if I did not find any Indians there, I was to go to the next valley.
- Q. Would that be a reasonable interpretation of that order?
- A. Those were the exact orders. No interpretation at all. I at least had to go to the second valley. I don't know what stream is next west of that.
- Q. In answer to a question by Maj. Reno as to what were your orders, you stated "Valley hunting ad infinitum". Do you mean that was the order or the conclusion of your own mind?
- A. That is the way I would like to have it. That is the way I understood it. I understood it as rather a senseless order. We were on the main trail of the Indians; there were plenty of them on that trail; we had passed through immense villages the preceding days, and it was scarcely worth while hunting up any more. We know there were 8 or 10000 Indians on the trail we were on.

Q. Do you mean Indians or warriors?

A. General Crook had fought those Indians 7 days before we did, and he saw enough of them to let them alone. He had a larger force than we had. He remained from the 17th of June to the 15th of August waiting for reinforcements and did not think it prudent to go after those Indians. I know there was a large force and knew it at the time. Why I was sent to the left I don't know - it was not my business to reason why; but I went.

Q. Were those facts which you now state known at that time?

A. Not about General Crook's fight. We could see the trail.

Q. Please repeat the order which General Custer gave you when you left with your column to go to the left.

A. He told me, pointing to a line of bluffs, to go to that line of bluffs; or at first to send an officer with 5 or 6 men to ride rapidly to that line of bluffs. I was to follow with the battalion; he was simply the advance guard, and if I came across anything before I got to that line of bluffs, to pitch into them and send word back to him at once; then an order came to me by the Chief Trumpeter that if I found nothing at the first line of bluffs, to go to the second line, and I was supposed to carry out the pitching in business and the reporting to him; then the Sergt. Maj. brought the order about valley hunting; to go to the first valley and if there were no Indians in the first valley, to go on to the second valley. I supposed the "reporting" and "pitching in" were sequences.

Q. Which valley did you go to?

A. I saw no valley.

Q. Did you not come to the valley of the Little Big Horn?

A. No, sir. I did not see it till I came to the ford "A", and did not see the river till I got there.

Q. Could General Custer at the time he gave you the order to move to the left have known enough about the formation of the country to have given you special instructions so as to regulate every movement?

A. No, sir, I think not; and I don't think he thought it necessary.

Q. That matter was left discretionary with you in a great measure?

A. Yes, sir.

Q. State whether or not in bearing to the right to strike the main trail you complied with the instructions he had given you?

A. It was scarcely a compliance.

Q. Did you consider it a violation of his instructions?

A. I must say I did.

Q. State whether the successive orders you received from General Custer after leaving his command indicated that he did not expect you to be beyond reasonable communicating distance from him, and that he expected to control your movements as far as possible?

A. If I had gone to the first valley and found nothing, as I would not, as I know now, and had gone on to the second valley, I would have been 25 miles away. I don't know where I would have been. As it was, I was certainly too far to cooperate when he wanted me.

- Q. Could either yourself or General Custer at that time have known what was behind that line of bluffs without sending someone to ascertain?
- A. He could have found out by following the trail he was on.
- Q. When you met Trumpeter Martin did he report to you on which side of the river General Custer's column was?
- A. Not at that time. He did after we had reached that highest point. At the figure "7". He then pointed out the place from which he had been sent back.
- Q. Did you ask him at the time you first met him?
- A. No, sir. His language conveyed the impression to me that they were in possession of the village, that the Indians were all akedaddling, to use his own words.
- Q. State at what gait your column had been moving from the time you left General Custer till you received that order at the hands of Trumpeter Martin?
- A. I have a very fast walking horse. He will go five miles an hour and it is impossible for a column of Cavalry to keep up with him without being at a trot. If the right of the column is at a trot, probably the left will be at a fast trot or a gallop. I watched that column all the way through. I was 4 or 500 yards ahead of it nearly all the time. We started out by twos, but we had to go by file through defiles and up around rugged hills that were too steep to ascend, and we had to circle around them. What I said was, we were at a trot from the time we left General Custer's column to the time we watered the horses at the morass: - from that time till we reached the ford it was the same. It was not necessary to give the command "trot", because they were all at a trot at the time to keep up with me. That was the movement throughout and that accounts for getting over so much ground in so short a time with the battalion.
- Q. After you received the order at the hands of Trumpeter Martin, was the gait of the command increased; and if not, why not?
- A. I don't think the gait was increased as we were going as fast as we could without going at a gallop; but I gave the command "trot" - I don't think it increased the gait at all. Martin has testified that I sent him back to the pack train. I did no such thing. If he went back to the pack train he went there of his own accord.
- Q. May you not at that time have said something about the packs?
- A. I did not ask him about the packs or send him to them.
- Q. May you not have said something in his hearing by which he may have been honestly mistaken in the matter?
- A. I think not.
- Q. What evidence have you in addition to your opinion that General Custer did not believe there were Indians in the valley before you left?
- A. Only his own statements - nothing else.
- Q. Do you think General Custer formed no plan of attack on that day; if so, what grounds have you for thinking so?
- A. I think after he sent Major Reno across to charge the Indians, his intentions were to get in the rear of the village and attack them from the left. His plan of attack was therefore known only to himself and not to Major Reno, for he must naturally expect his assistance to come from the rear and not from the front.

- Q. I believe you stated when you joined Major Reno on the hill, neither yourself nor Major Reno had any knowledge of where General Custer was. If I am not correct, please correct me.
- A. That is exactly correct.
- Q. Explain why you moved down the right bank of the stream.
- A. There were 900 Indians on the other side of it, who seemed to be pretty vigorous and well armed.
- Q. Then the movement down the stream had no reference to General Custer as far as you know?
- A. I thought it was General Custer's command when I first saw it. As I stated, I did not know Major Reno had been separated at all.
- Q. I refer to the time you joined Major Reno on the hill.
- A. Then I knew it, because I asked where General Custer was.
- Q. Then did the movement down the stream from there have any reference to General Custer or his command?
- A. I wanted to know where he was.
- Q. At the time you showed Major Reno the order which Trumpeter Martin brought, did he send for Trumpeter Martin and interrogate him as to where he had last seen General Custer's command?
- A. Not that I know of. Martin was his orderly trumpeter, and I don't know what he said to him.
- Q. State how far the pack train was back, at the time you received the order through Trumpeter Martin.
- A. I think it was about 7 miles.
- Q. How far were you at that time from the place you watered your horses at the morass?
- A. That is where I thought the pack train was still. I think it was 7 miles from the burning tepee to the morass, and I supposed that the packs were still at the morass stuck in the mud. I have no doubt 20 or 30 more mules went head over heels into that morass.
- Q. It was your impression they had remained there while you went that distance?
- A. I thought so; and as it turned out, I was pretty nearly correct.
- Q. Can you state positively as to about where the advance of the pack train was when you met Maj. Reno?
- A. I can state positively it was not in sight; and to the best of my belief it was 4 miles and a half from the burning tepee to Major Reno's position on the hill. The pack train was not in sight and therefore more than $4\frac{1}{2}$ miles away.
- Q. Then state how much time intervened from the time you met Major Reno till the advance packs came up containing the ammunition?
- A. It was over an hour.

- Q. Did you observe their arrival; or might they have arrived before you noticed them?
- A. I saw them coming. I did not want any ammunition and was not particularly interested in them.
- Q. When Trumpeter Martin met you, you said he was moving at a jog trot - how far had you observed his gait?
- A. I did not know who it was until he came to me. I don't know that he jog trotted all the way.
- Q. How far away did you observe him?
- A. That is hard to tell - probably a mile and a half. That was an irregular broken country. I could see him on the ridges and then he would go down and I could not see him.
- Q. As far as you saw him was that the habitual gait he was going?
- A. I think it was. I will accredit him with it at least.
- Q. You have stated that the place Major Reno left in the timber was a number one place. Was it not a better place for Major Reno's command than the position on the hill, in your judgment?
- A. I think it was a great deal better.
- Q. I believe you have testified that the conduct of Major Reno on the hill was all right. Has that as far as you remember, been your opinion all the time since that battle?
- A. I think so, Sir; I think so, Sir. I have not changed my opinion about that battle very much.
- Q. Have you changed it in any respect in regard to Major Reno's conduct?
- A. Not at all.
- Q. Refresh your memory and state whether or not you have expressed to any officer or officers of the Army any adverse opinion in regard to Major Reno's conduct in that battle?
- A. I have never done it, Sir.
- Q. State whether or not you were on amicable terms with General Custer on the 25th of June, 1876?
- A. I was as amicable then as I ever was with him.
- Q. Were your relations with General Custer in accord at that time?
- A. The same as they ever were.
- Q. Did you entertain a good or bad opinion of General Custer as a commander?

MAJOR RENO OBJECTED TO THIS QUESTION as entirely outside the scope of the inquiry.

THE RECORDER SAID: "As Major Reno has gone into some matters which tend to reflect upon the conduct of General Custer, I think it is proper to inquire what the relations of this witness were with General Custer."

The Court then, without being cleared, sustained the objection of Major Reno.

QUESTIONS BY MAJOR RENO

- A. A few moments ago you stated that your departure to the right was in your judgment a departure from the instructions you received from General Custer. I wish you in justice to yourself, to state whether that was not the direction in which you afterwards found Major Reno.
- Q. I did not find the first valley and therefore did not go to the second; but returned to the trail because I thought I would be needed there. I had ascertained more about that country than General Custer and his Adjutant knew.
- A. General Custer was a stranger, as far as you knew, to the country before you?
- A. The country before us was pretty much the same as it had been the day before. We had been following the trail the day before and not departing from it.
- Q. Your departure from the instructions you received was in your returning to the place where you met Major Reno, and from which General Custer could expect your support?
- A. My idea was, there was more for me to do on the trail; that there was fighting going on or would be going on on the trail, and that I had better go back and help them. I thought that I had gone far enough and that I would be needed on the trail.
- Q. Was there any limitation, verbal or written, in regard to the distance you should go in the direction you were sent?
- A. No limitations, only as to the valleys.
- Q. That limitation was to consist in finding the second valley which you did not find?
- A. Yes, sir.
- Q. It was your duty also to bring up the packs?
- A. Not till I got the order through Trumpeter Martin. It was my duty after I received that order.
- Q. You waited on the top of the hill where Major Reno made his stand that night, for the pack train to come up?
- A. Yes, sir.
- Q. State at what point you and Major Reno met. How far from the hill where the troops fought that night, and in what direction from it.
- A. Probably 1 or 200 yards. I don't know how far he rode out to meet me.
- Q. You were alone in advance of the column?
- A. Yes, sir.
- Q. State where, in your judgment, the Indians which you estimate at 900 that you saw about Major Reno in the timber, went after you came on the hill?
- A. The Indians were there some little time after we were together on the hill.
- Q. What length of time were they there?
- A. I can't tell, perhaps half an hour or an hour. I don't think they all left at any time.

- Q. State where, in your judgment, those that did leave, went.
- A. I think they went down the river towards that ford and stationed themselves in the canon and would have given us a kindly welcome had we gone there.
- Q. Do you think the purpose of the Indians who were assailing Major Reno in the bottom was to assail him if he came down the river?
- A. I think they thought he would not come across the plain again.
- Q. Do you think they intended to ambush him?
- A. I know it.
- Q. Does that approve itself to you as a soldier?
- A. It was good generalship if they could induce him to go into the gorge.
- Q. Did the position of the bodies on the Custer battlefield indicate a battle or a rout?
- A. It indicated that the officers did not die with their companies. Only three officers were found with their companies. That shows that they did not fight by companies. All the officers except Col. Keogh, Capt. Calhoun and Lt. Crittenden were on the line with General Custer.
- Q. Would that be the fact if the command was overwhelmed while making a stand?
- A. I think not.

QUESTIONS BY THE RECORDER

- Q. You have stated that the position of the bodies was to be compared with scattered corn. State whether in a charge against an enemy the position of the dead bodies are in a line or scattered?
- A. Scattered.

QUESTIONS BY MAJOR RENO

- Q. If there had been a charge in all probability the officers would have led it?
- A. It was their business to do so.
- Q. Would they not have died as much outside of any enclosure or means of protection as the men themselves?
- A. There is no royal road to death in a charge.
- Q. State in what position the officers including General Custer and those about him were found, whether in such positions as indicated they died in a charge or in attempting to make resistance on foot.
- A. They were in such position, at least, as indicated they had not died in a charge.
- Q. Was there a circle of dead horses about them?
- A. Not a line, the arc of a circle.

QUESTIONS BY THE RECORDER

- Q. You state that with the exception of three officers, the officers were not found with their companies; were the bodies of all the officers ever found there?

- A. No, sir. I stated with that exception.
- Q. What officers were missing, that were never found?
- A. Dr. Lord, Lt. Porter, Lieut. Harrington and Lt. Sturgis.
- Q. Do you mean that the officers whose bodies were not found did not die with their companies?
- A. I mean to say on that field there were three officers killed with their companies - the others were together on the hill. If they had lines the officers would have died with the men.
- Q. Was the nature of the ground there such as to form regular lines with a command attacked by an overwhelming force of Indians?
- A. Lines could have been formed, but lines were not formed. They probably had not time to form lines. I think possibly that is the just conclusion.
- Q. Was it evident that those officers that were found together had all been killed there; or might not some of them been taken there wounded?
- A. I think they were all killed there.
- Q. Do you think none were taken there wounded?
- A. They might have been wounded and gone there; I can't arrive at that.
- Q. If Major Reno's command with one hundred men, surrounded by 1000 Indians, could cross a bottom and a river and climb a hill and save part of his command, could not General Custer had he seen fit to do so, fled the field with the remnant of his command?
- A. I think discretion would have been the better part of valor had he done that.

The witness then retired.

LIEUT. W. S. EDGERLY, 7TH CAV., A WITNESS CALLED BY THE RECORDER and being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

- Q. State your name, rank and regiment and where serving.
- A. Winfield S. Edgerly, 1st Lieutenant, 7th Cavalry, serving at Fort Abraham Lincoln, Dakota Territory.
- Q. On what duty were you on the 25th and 26th days of June, 1876, where, with what command and under what Commanding Officer?
- A. I was under the command of Gen. Custer, serving as 2d Lieutenant in Captain Weir's Company, D, on the divide between the Rosebud and Little Big Horn Rivers, and in afternoon of that day on the banks of the Little Big Horn under Major Reno.
- Q. Were you under command of Capt. Benteen that day?

- A. Yes, sir; from the time he separated from General Custer's column until we joined Major Reno on the afternoon of that day.
- Q. Where was the division into battalions; by whose order, and who were the officers placed in command.
- A. After moving over the divide between the Little Big Horn and the Rosebud, General Custer gave the command to halt. I happened to be close to him at the time, riding with Capt. Benteen and Capt. Weir, and saw Adjutant Cook and Gen. Custer dismount and make the division into battalions, as I supposed, with pencil and paper; and then they were announced, that Major Reno would have Companies A, G and M, that Captain Benteen would have companies K, D and H, and one battalion to Capt. Keogh, and one to Capt. Yates, and Captain McDougall with one company was to be the rear guard.
- Q. State what orders were given to the battalion commanders at that time?
- A. Capt. Benteen was ordered to move to the left at about an angle of forty-five degrees and to pitch into anything he came to; and Major Reno's orders were to move down the valley and attack anything he came to. Those were all the orders I heard.
- Q. Was Major Reno present when the orders were given to Capt. Benteen?
- A. I think not.
- Q. State if you know of the effective force of Captain Benteen's column?
- A. I think about 125 men.
- Q. Do you know about the effective strength of Major Reno's column?
- A. About the same.
- Q. From that point of separation, describe the march of Capt. Benteen's column up to the time it joined Major Reno's command on the hill; and state everything that transpired during that march that came to your knowledge.
- A. We moved off in the direction ordered. I judge in about a mile distant we came to very high bluffs. Captain Benteen sent Lieut. Gibson to the top of them - I think he had some men with him - and was ordered to report what he saw. He came back and reported that he saw more bluffs and no Indians. We skirted along under those bluffs, and I think Lieut. Gibson went to the top of the bluff four times while going about six miles. One time when he came back, a messenger came with an order to Captain Benteen from Gen. Custer, but I don't know what it was. We went on about two miles further or more, when another messenger came and spoke to Capt. Benteen. Then we kept on and from that time made no further effort to go to the left, as the reports from Lieut. Gibson were every time that the country was very broken and no Indians to be seen. We kept along down, skirting the hills, and finally into the valley; there were some foot hills between us and the valley the pack train was going down. We went on that way to the watering place, which was about 7 or 8 miles from where we started, which was about half way to where we found Major Reno. We watered our horses hurriedly there and went on. When we had gone about a mile, Trumpeter Martin came along with the written message to Capt. Benteen, signed by Lieutenant Cook as Adjutant for Gen. Custer. That order was shown to Capt. Weir and myself. It was to the effect "We have struck a big village, hurry up and bring up the packs", and signed by W. W. Cook, and then a P. S. "Bring up the packs". The remark was made by some one, either by Capt. Weir or myself, that he could not possibly want us to go for the packs, as Capt. McDougall was there and would bring them up. There was no halt or delay, but we went on, Capt. Benteen putting the order in his pocket. About a mile or two from there, we came to a lone tepee burning. As this command moved along Capt. Benteen and myself looked into it and saw a dead Indian in it. We then went to the head of the column again - after we passed that tepee we saw Indians off to our right on points, which we afterwards found were our own scouts watching the result of the battle. I supposed at the time they were

hostiles. When we came to within about a mile of where Major Reno crossed the river, we saw mounted men in the bottom - we could not see whether they were Indians or white men. About half a mile from the crossing, we saw a body of men going over the bluffs. Some one said they were Indians - someone else said "I don't know", in a doubtful way. We went on towards the crossing, and there saw an Indian scout named Half Yellow Face, and he beckoned us to come to the right and we did so, and the Indians commenced firing at us from the bottom. None of them did us any harm. A few of the bullets struck at our horses feet. We went up about half a mile and found Major Reno on top of the hill with his command.

Q. How long was it after leaving General Custer before the general direction of Capt. Benteen's column was to the right?

A. I judge he changed direction about six miles after we started down the valley, after going into the hills.

Q. After leaving Gen. Custer's column, could you see the direction of his march?

A. No, sir; I could not see him in ten minutes after we left.

Q. State if any message was sent back to Gen. Custer in regard to what had been seen or not seen in and about that country?

A. I don't know.

Q. Do you remember on that march of a non-commissioned officer saying something about the pack train, and if so, what did he say?

A. A sergeant of C Company came back from Gen. Custer's command and gave Gen. Custer's compliments to Capt. Benteen, and he wanted him to bring up the packs. Capt. Benteen said he thought he had made a mistake, that Capt. McDougall was in charge of the pack train and showed him the place and he went.

Q. Was that before or after Trumpeter Martin came up?

A. It was before.

Q. How far before Trumpeter Martin came up? Locate the place as well as you can.

A. I think it was a little before we got to the watering place. It was some little time before Trumpeter Martin came up.

Q. How far did you travel with the column after leaving General Custer before you struck the trail again?

A. I think we came on the trail again about nine miles down the valley.

Q. You made a circuit of about how much?

A. Probably fourteen miles.

Q. How far were you at any time from the general direction of the trail of Gen. Custer?

A. I don't think over two miles and a half at any time. Our march was a rapid one and I did not pay much attention.

Q. How do you arrive at your judgment?

A. From the general impression I got of the direction of the hills and knowing the direction Gen. Custer must have taken.

- Q. Did you hear what Trumpeter Martin said when he came up? If so, what was it?
- A. I heard him speak to the orderly behind Captain Benteen. He was laughing and seemed very much elated. Said it was the biggest village he ever saw, that they had found the Indians all asleep in their tepees - that Major Reno was charging it and killing everything - men, women and children.
- Q. About how far do you think you travelled after striking the trail before reaching the watering place?
- A. We struck it close to the watering place - within half a mile probably.
- Q. From there how far was it to that burning tepee?
- A. About 3 miles.
- Q. About how far from the tepee to the river?
- A. About $3\frac{1}{2}$ miles.
- Q. Where was the pack train when Capt. Benteen pulled out?
- A. It had halted in rear of the command.
- Q. Up with the command?
- A. Yes, sir.
- Q. Where was it when you were at the watering place?
- A. They came up very much scattered. The advance packs came up as we were watering there and watered.
- Q. What condition did the pack animals appear to be in at the watering place - how were they travelling?
- A. They were being whipped along - they were tired - they were not used to being packed and the packs came off frequently. All did not come off.
- Q. How far did the packs reach back?
- A. Probably 2 miles.
- Q. Where was Capt. McDougall?
- A. I don't know, he would naturally be at the rear of the pack train.
- Q. When did you leave that watering place in reference to the time when the pack train came up?
- A. Immediately. We left as soon as the pack train came up.
- Q. What was the gait you travelled after leaving the water hole?
- A. At a fast walk all the distance. Capt. Benteen had a very fast walking horse and travelled as fast as he could walk all the time.
- Q. After Trumpeter Martin arrived what was the gait?
- A. The same.
- Q. Could you state about how long it took Capt. Benteen's column to water there?
- A. From 8 to 10 minutes.

- Q. Whose trail did you strike?
- A. It was the trail I presume made by Major Reno, in fact I know it was. We followed that trail to near the crossing.
- Q. Your column was going toward the river at the time it was diverted to the right by the Indian?
- A. Yes, sir.
- Q. Did you hear any firing before you came to that crossing, and if so, where, and describe it?
- A. Not till we got near the crossing. Perhaps we heard faint firing a mile from there.
- Q. To what command did it pertain?
- A. I found out afterwards it pertained to Major Reno's command.
- Q. Describe the firing.
- A. We heard it very faintly and very irregularly, and when we got up there the troops were going up the hill. I heard no heavy firing.
- Q. Could you see into the bottom after you got there on the hill?
- A. Yes, sir.
- Q. What did you observe?
- A. A great many Indians.
- Q. How many did you estimate there were there?
- A. From 800 to 1000.
- Q. That was the time before you saw the command on the hill?
- A. Yes, sir; before we saw them on the hill.
- Q. State when you arrived at Major Reno's position on the hill, if you saw Major Reno; and if so what he was doing. Describe his conduct as it appeared to you at the time.
- A. One of the first officers I saw was Major Reno; he was on his horse; he had lost his hat and had a white handkerchief round his head - he was in an excited condition. As we came up he turned and discharged his pistol towards the Indians.
- Q. How far were the Indians away?
- A. About 1000 yards.
- Q. How much beyond pistol range?
- A. 900 yards beyond any effective range. I consider it (was) done in a sort of defiance of the Indians.
- Q. State in regard to the next officer you saw; what was he doing?
- A. About the same time I saw Lieut. Varnum. He had lost his hat and had a white handkerchief round his head. He was excited and crying, and while telling us about what had occurred, he got mad and commenced swearing and called for a gun and commenced firing at the Indians. About that time Capt. Moylan came up and said "For God's sake give me some water". He said he had 25 wounded men dying of thirst.

- Q. Describe the condition of that command when you arrived, stating the facts as they impressed you at the time, whether the excitement was general among his command, when Capt. Benteen got there with his column.
- A. We very shortly formed a skirmish line after we got up. There were a few Indians on points, firing; and we went on skirmish line at once, and I did not observe the command very closely at the time. I was surprised, after the ride they had, they were so little excited. I remember one man who was perfectly cool, he came up the hill holding the scalp of an Indian in his hand which he had just taken.
- Q. Who were detailed as skirmishers?
- A. Company D.
- Q. Who gave the order?
- A. Captain Weir.
- Q. Who gave him the order?
- A. I don't know.
- Q. Were you in a position to know whether Capt. Weir did it on his own responsibility?
- A. I probably knew at the time, but I don't recollect now. I know I would have deployed it if I had been in command of the company as it was done, seeing the Indians there.
- Q. How many Indians were there?
- A. Four or five, at points at short range.
- Q. What became of them?
- A. We drove them away in a short time.
- Q. What became of the Indians in the bottom?
- A. They remained there a while.
- Q. All or most of them?
- A. A great many of them. I occasionally looked and saw great numbers of them.
- Q. Could you tell whether they were warriors or squaws?
- A. My idea at the time was they were warriors.
- Q. Were you able to tell?
- A. I feel sure they were warriors - I had seen Indians before.
- Q. How long did those Indians remain there? Where did they then go?
- A. Some stayed there all the time. Till we moved out, nearly all of them stayed there. After that, as I came back from going with Capt. Weir to the hill, I found the bottom nearly deserted.
- Q. Where had they gone?
- A. I judge down the stream.

- Q. State whether upon joining Major Reno's command or soon after, you heard any firing: if so, in what direction, and to what command did that firing pertain? Describe it fully.
- A. Shortly after I got on the hill - almost immediately, I heard firing and remarked it - heavy firing, by volleys, down the creek. Captain Weir came to me and said Gen. Custer was engaged and we ought to go down. I said I thought so too. He went away, walking up and down rather anxiously. I heard the fire plainly. The 1st Serg't came up then, and I saw a large cloud of dust and thought there must be a charge, and said "There must be Gen. Custer, I guess he is getting away with them". He said "Yes, sir, and I think we ought to go there". I did not answer him. Shortly after, Capt. Weir came up again; I think he had been gone about ten minutes. By that time the firing had almost ceased. Capt. Weir asked me what I said to going with D Company if they would not go with the whole command. I said I would go. He said he would go and ask for permission to go, either from Major Reno or Capt. Benteen. Soon after that he came back and called his orderly, and mounted and went off, and I mounted the men and started out without orders. I supposed he had got permission to go. We went down about a mile and a half, he keeping up on the ridge and I going in a sort of valley. When we got on the ridge, we saw a good many Indians riding up and down firing at objects on the ground. They saw us about the same time we saw them. I went down this valley, Capt. Weir keeping up on the ridge. Pretty soon he saw Indians start for me, and he signalled me to swing to the right. I obeyed it and came round up on the hill and saw Capt. Benteen, Capt. French and Capt. Godfrey with their companies; and I also saw Lieut. Hare speak to Capt. Weir.
- Q. What was the distinctness of that fire you heard down in the valley?
- A. It was perfectly distinct.
- Q. Was it sufficiently distinct to be heard, in your opinion, by everybody in that command?
- A. It was heard by everybody about me.
- Q. Where was Major Reno?
- A. When I saw him he was on the line near the river, about 75 yards from me nearer the stream.
- Q. On about the same level with you or not?
- A. Yes, sir. About the same.
- Q. How long did that firing last?
- A. I judge about $3/4$ of an hour, the scattering fire and all.
- Q. How long after you joined Major Reno on the hill until that movement you speak of was made down the stream by Captain Benteen and his command?
- A. About $3/4$ of an hour.
- Q. How long was it after you came up on the hill till you went out with D Company?
- A. About 30 or 35 minutes.
- Q. This cloud of dust that you saw, where was it? On the Custer battlefield?
- A. No, sir; I think it was on the left bank of the stream, and was made by some Indians from the fight, coming towards the village discharging their pieces as they came in.

- Q. How long was it till the command started back from that advanced position you have described, and describe that return in full?
- A. When we came up, we met the other companies and went on with them, Capt. Benteen taking the most advanced position. D Company took a spur at right angles to his position. Capt. French formed in the rear of that, and Capt. Godfrey's company in rear of Capt. French: Capt. French's men being on a spur facing the Indians. The Indians opened fire on us as we got on those points. After a little while Capt. Benteen moved back with his company towards the corral - I don't remember seeing Major Reno till we got back. In a short time, Capt. Weir moved back by himself, towards where Major Reno had selected a position. The next thing was, Capt. French spoke to me and said the order had been given to move back. I said I thought not; that I had heard of no such order. He waited some time, probably five minutes; and then said the order had been given to go back and he was going. He mounted his men and moved off at a gallop. I then gave the command to mount and moved off at a trot. As we got within 60 yards from that point, I saw K Company with Capt. Godfrey and Lieut. Hare, their men dismounted and their horses being led back. They had seen us coming, and Capt. Godfrey had turned back and covered our retreat in the most brave and fearless manner. On going back I passed a man of D Company wounded - he looked at me and I told him to get into a hole and I would form a line, come back and save him. As soon as I got by K Company, I met Capt. Weir and told him about the wounded soldier and that I had promised to save him, and asked him to throw out a skirmish line for that purpose. He said he was sorry, but the orders were to go back on the hill. I said that I had promised to save the man. He said he could not help it; the orders were positive to go back and we must go back. We went back and took position on the opposite side of the line from Capt. Benteen's company. We had hardly got into position before the heavy firing commenced, and we returned it, firing volleys and lying flat down as soon as we had fired, and loading again while we were lying down.
- Q. Describe the firing there, in that advanced position.
- A. It was individual firing to a very great degree. The Indians, a few, came up within a hundred and fifty or 200 yards.
- Q. Then was there a general engagement there?
- A. Yes, sir; the engagement was general, but the firing was not heavy.
- Q. What troops were engaged there?
- A. H. Company, Capt. Benteen, D. Company, Capt. Weir and M. Company, Capt. French.
- Q. What were the casualties of the command on its return?
- A. I know of but the one man I spoke of.
- Q. State if the Indians drove the command from that position.
- A. They did not, the orders were to fall back and we fell back.
- Q. Locate on the map, if you can, that advanced position that Capt. Weir first took with his company, and the position of the other companies that went there.
- A. We moved out along the ridge, the highest point, that point 7, and then we moved down the valley in the general direction of the point 8. We moved from Major Reno's position about a mile and a half and then swung around on those swells, and came up again and met the other companies coming up. We moved out and went to a point which I now mark 9. Capt. Benteen's company was on the top of a narrow bluff. Capt. Weir's company was at right angles to it and a little in the rear of Capt. Benteen's company was Capt. French's, and along with D. Company was Capt. Godfrey's company on a narrow spur.

- Q. State if you saw Major Reno at that point giving orders?
- A. I don't recollect seeing him there.
- Q. State if you know, who ordered the advance of the troops or any part of them to that position?
- A. I know nothing of my own knowledge.
- Q. How far do you estimate the most advanced point you were, from Major Reno's position?
- A. I judge it was a mile and a half.
- Q. How far do you say that advanced position was from the point B?
- A. I judge about $3/4$ of a mile or a mile.
- Q. Where did you see Major Reno next, after leaving that position on the hill?
- A. I think I saw him as soon as we got back, walking in the rear of K company, which was on the left of D company.
- Q. Had K company taken its position?
- A. Yes, sir; shortly after D company had.
- Q. Who directed the troops to take position?
- A. I have no recollection of any directions.
- Q. Who placed them in position?
- A. I don't remember; I was with my company and so was Capt. Weir. He said he had received positive orders to come back, and he must have put the company in position.
- Q. What orders did Major Reno give to him, if any?
- A. I did not more than get a glimpse of him and did not hear him say anything. We were not in position half a minute till the fire commenced.
- Q. How near had they closed up round the command?
- A. They came up within close rifle range.
- Q. In what numbers?
- A. I should judge probably over a thousand - I judge by those round the left of the line where I was.
- Q. You saw Major Reno walking in the rear of K company?
- A. Yes, sir.
- Q. When did you next see him?
- A. In the evening about nine o'clock - I know it was quite dark. He seemed to have come from the other end of the line. I saw there was a gap between M and B companies and also a space between G and A companies on our side. As he came along I told him about it, and asked him if I should have them closed. He said "Yes". I then went and gave Major Reno's orders to close the gaps.
- Q. State the circumstances which brought about your suggestion that those gaps should be closed.

- A. I remember after the firing closed, that I looked round and saw an even swale that run down probably a mile. I thought that it was a place a white man would charge through, and that the Indians might charge through it in the morning: and there was one ridge there where there was a gap that I thought was a good place to charge. I think from the statement of others, that I had a talk with Capt. Godfrey and Capt. Weir about the same thing, but I do not recollect it.
- Q. How soon after the command got into position until the general engagement began?
- A. Almost immediately.
- Q. What time of the day was it?
- A. I think it was not over 15 or 20 minutes before dark. It was kept up about an hour and a half or more. I know they surprised me by firing so long after dark.
- Q. What was the length of that engagement?
- A. An hour and a half or two hours.
- Q. Did you see Major Reno during the engagement?
- A. No, sir; I only saw two officers, Captain Weir and Captain Godfrey, walking up the line of their companies.
- Q. What were they doing?
- A. Walking along, encouraging the men.
- Q. Were they under fire?
- A. Yes, sir.
- Q. State what orders you received that night, further than you have already stated, and describe the circumstances under which they were given.
- A. About an hour after the firing ceased, I went to a bed and slept till about half past one o'clock, when Capt. Weir came and woke me up and said he wanted me to go to where the horses were and improvise some sort of a picket line, so that the men in charge of the horses might be on the line that day, and I did so.
- Q. Who gave Capt. Weir that order, if you know?
- A. I don't know.
- Q. What was your impression about it from anything you saw?
- A. My impression was that Capt. Weir was taking care of his own horses and getting his own men on the line.
- Q. Did you see Major Reno at any time during the night?
- A. I saw him while I was over there fixing the horses.
- Q. What was he doing and what did he say?
- A. He was lying down on his blankets as I went by once. He asked me what I had been doing, I said I had been asleep. He said "Great God, I don't see how you can sleep." Then I passed on. I saw him there several times.
- Q. Where was that?

- A. Over near Capt. Benteen's line, behind the horses.
- Q. Was that in a depression or not with reference to the formation of the line?
- A. It was about the same level that Capt. Benteen's company was in.
- Q. What preparations did you make that night for resisting the attack of the Indians?
- A. We had shallow rifle pits dug. There were only a few spades and but two axes, I think, in the command. We built little trenches round the crest of the hill.
- Q. Do you know by whose order that was done?
- A. I think by Major Reno's, though I did not hear him.
- Q. Who superintended it?
- A. I think Major Reno walked round the whole line. I am not positive.
- Q. Was there any firing at that time?
- A. No, sir.
- Q. About what time did the firing begin next morning?
- A. About half past two - before daylight.
- Q. Was it heavy or light?
- A. Very heavy.
- Q. How long did it continue?
- A. Till about 10 o'clock and then it fell off. Some of the Indians withdrew and only sharpshooters remained after that.
- Q. Where were you?
- A. On the right of D. Company.
- Q. During that morning did you see Major Reno? If so, what was he doing and what orders was he giving?
- A. I saw him a great deal that day. He was lying in a pit with Capt. Weir on the left of our line, and I saw him walk across to Capt. Benteen's line. He came and spoke to me while I was lying in a pit, and asked me if I had a place. I saw him several hours during that engagement.
- Q. At any time that morning did you observe anything about the fighting in the position Capt. Benteen's company was in?
- A. There was apparently a break in the company, and I thought the men were rushing back to where I was. Pretty soon after that, Capt. Benteen came over and stood near where I was, on a high point. The bullets were flying very fast there and I did not see why he was not riddled. He was perfectly calm; I remember there was a smile on his face. He said to Major Reno "We have charged the Indians from our side and driven them out. They are coming to your left, and you ought to drive them out." Major Reno said "Can you see the Indians from there". He said "Yes". Major Reno said "If you can see them, give the command to charge". Capt. Benteen said "All right, ready boys - Now charge and give them hell".
- Q. Where was Major Reno at that time, and what was he doing?

- A. The whole line was in the pits; I believe he was up on his elbow at the left of the line.
- Q. Did he go to that place to see for himself?
- A. No, it was all done in a minute.
- Q. How far did the men advance?
- A. Probably 40 or 50 yards.
- Q. What orders were then given and by whom?
- A. Major Reno gave the command to get into our holes.
- Q. State what orders were given and by whom, in regard to the men economizing their ammunition.
- A. The only orders I know were the orders I gave to the men of D Company. I said to them not to fire unless the Indians came closer.
- Q. Could the Indians be seen from your position?
- A. Not a great many. They were round the points, and we could see heads popping out. There were a great many Indians there.
- Q. What was your opinion of the conduct of Major Reno as a commanding officer on the 25th and 26th of June in regard to coolness, courage and efficiency or the reverse; and state all the facts and circumstances upon which your opinion is based.
- A. When I first got up there he was excited; but not enough to impair his efficiency or have a bad effect on the troops. He did everything that was necessary to be done. That was very little, because all the officers could see what ought to be done. There was no occasion for any particular control by the Commanding Officer. As far as I saw, the company commanders fought their own companies to a great degree. I saw Major Reno walk across the line as I saw other officers, and he seemed very cool; and I think the position we had was the best possible within a radius of a great many miles.
- Q. State if his conduct was such as to inspire his command with coolness, courage and confidence, or whether it had any relation to that. Give your own opinion from what you know and saw.
- A. As I said before, the men were very cool. I don't think any particular man inspired them with courage or coolness.
- Q. State whether the conduct of other officers - Capt. Benteen and others - did not inspire the men.
- A. I have no doubt that when Capt. Benteen was on the ridge every man admired him; but I don't think it was necessary to inspire the men.
- Q. State whether or not Major Reno seemed to be fully and decisively exercising the functions of a commanding officer in the position that command was placed.
- A. He did as far as I know. As I say, very few commands were given.
- Q. Would he not, if he had been around, have seen those gaps you speak of?
- A. Yes, sir; but he was coming round to that part of the line, I think from Capt. Benteen's position; and as soon as he came over I reported to him about the gaps.

Q. State if there (were) battalion organizations on the hill.

A. No, sir; there were none recognized.

Q. State if you saw the hostile village on the 26th.

A. Yes, sir.

Q. When?

A. About 4 o'clock.

Q. How far away?

A. About two or two and a half miles.

Q. What was the size and width and density of that moving village?

A. The entire village as it moved away would be two and to three and a half miles long and from half a mile to a mile wide. I thought before the ponies commenced to move it was like a lot of brown underbrush; it was the largest number of quadrupeds together I ever saw in my life and very close together. It looked as I said, as if some one was moving a heavy carpet over the ground.

Q. Did it seem as dense as animals could be?

A. Yes, sir; the ponies were being driven just as dense as they could drive them.

Q. Did the entire mass appear to be that way?

A. There were evidently mounted parties and persons with the drove, and an advanced guard and some men on the flanks and men with travois.

Q. Could you tell at that distance whether the ponies were being driven in a herd or were being used to move the village?

A. I think a large majority were being driven.

Q. What is your estimate of the number of ponies?

A. From other peoples' opinions more than my own, I judge there were twenty thousand.

Q. State whether or not it would require a pony for each person in that village.

A. It would.

Q. What is the usual proportion of ponies to each person?

A. That depends, I suppose, on the wealth or poverty of the tribe.

Q. How is it about those Sioux?

A. They are rich. I suppose they average 6 or 8 ponies to a man. Some of the other tribes perhaps did not have more than two or three.

Q. What do you estimate the population of that village to be?

A. I think there were six or seven thousand persons there. I think a great many had no families there.

Q. How many warriors do you estimate there were?

A. I think four thousand at least.

- Q. If you can, give the facts upon which you base that opinion; I wish you would do it.
- A. I estimate the number of Indians from what I saw, and from what I have heard from the Indians since that. I know there were a great many war parties there, who usually don't carry their families; and it is upon that I base my opinion.
- Q. Do you think it possible there were fifteen thousand men, women and children in that village?
- A. I think it possible; but I don't think it at all probable.
- Q. State if you know how much reliability is to be placed upon the statements of Indians when you are seeking information. What is the character of the information they usually give you?
- A. A single Indian's statement is not considered valuable unless he is known to be a very trustworthy one. It is generally believed that they would rather lie than tell the truth.
- Q. State whether or not it is generally true that an Indian upon being questioned or talked to, will make his statements or opinions coincide with the person he is talking to.
- A. They generally do that.
- Q. State if you examined the place where that village had been.
- A. I rode over a large part of it in helping to burn the tepee poles, but not with a view of examining its size. It was larger than any Indian village I had ever seen. The indications of lodges extended over about three miles long, in a belt half to three quarters of a mile wide along the stream.
- Q. Did you, from the examination you did make, to the satisfaction of your own mind, arrive at anything like a reasonable estimate of the number of lodges?
- A. No. I could not now.
- Q. State whether or not in a large camp, the lodges are kept in any one place for any length of time, or do they move them about?
- A. They move them frequently.
- Q. State whether the places that indicated there had been lodges would give any correct indication of the number of lodges in the village.
- A. Excepting that we had seen many fresh trails leading to the village, it would not be, unless there were some other signs to indicate it.
- Q. Can you give the names of the tribes in that village and what were the numbers of each, coming within your knowledge, and what are the sources of your information?
- A. I don't know. I know from Indians that there was a band of Uncapapas, some Cheyennes, and Sioux under Crazy Horse, the Ogallallas: those are the only tribes I am positive about.
- Q. State if the Minneconjous were represented there?
- A. I think they were.
- Q. And the Sans Arcs?

- A. Yes, sir.
- Q. Were not those the principal ones?
- A. Yes, sir; I think those five were about all.
- Q. State whether in riding over the village there were evidences of the encampment of different bands?
- A. At the time I did not notice that there were.
- Q. Did you afterwards?
- A. Not while I was upon the ground.
- Q. Is it not the case that Indian bands do not camp together but in bands?
- A. I have been told so, and that is my experience with friendly Indians.
- Q. State if you examined the route or trail of General Custer in the vicinity of the hostile village. If so, describe it with reference to the village, the stream, and all the developments brought to your knowledge, of the fate of General Custer's command.
- A. All I saw of the trail was on the morning of the 27th when we went to bury the dead. We found the tracks of shod horses on the same side of the river where we were, and on the same side Gen. Custer went down. We formed skirmish lines when we came close to where the battlefield was, so as to find all the bodies that might have been killed. We came upon a few bodies about $3\frac{1}{2}$ miles from where we had position on the hill. Each company had orders to bury the dead as they found them, and as we came up to the first hill where they were at all thick, Major Reno called Capt. Moylan to see if he could recognize the bodies there. I went with him, and we found Lieut. Calhoun, who was in rear of the first platoon of his company. About 20 or 30 feet from there, was Lieut. Crittenden, lying in the rear of the 2nd platoon, both about 15 or 20 feet in rear of their platoons. I got permission to go ahead and see if I could recognize the bodies of several officers. By that means I left the line and went on till I came to Capt. Keogh's company. They were in an irregular line - my impression was that they had formed line on the left of Lieut. Calhoun and had fallen back; and some had retreated faster than others. Capt. Keogh had evidently been wounded, as we found that his leg had been broken, and the sergeants of his company had got around him and were killed with him. There were no regular lines, but still evidences that there had been a line. After I had recognized Capt. Keogh's body, I went on towards a high point one or two hundred yards off, and came to Gen. Custer's body. About 15 feet from him was his brother's body. A short distance from that was Lieut. Reilly and then Lieut. Cook; and there were bodies lying round as far as we could see in every direction in irregular positions.
- Q. In regard to the men around General Custer's position?
- A. There were a good many soldiers killed round there.
- Q. Did they give any evidences of company organizations?
- A. No, sir; it seemed to be a rallying point for all of them. I think that was where Gen. Custer planted the guidon - it was the last point - it was not as high as some other points around it. It was the highest point in that immediate vicinity.
- Q. Did you examine from Gen. Custer's position down the ravine towards the river?
- A. I did not go there.

- Q. How near the river were there evidences of any fighting on the part of Gen. Custer's command?
- A. I judge it was about half a mile from the ford B.
- Q. There were bodies between the place where Gen. Custer was found and the river?
- A. Yes, sir.
- Q. State what to your mind were the evidences of the struggle, whether that of a desperate struggle or of a panic or a rout without much resistance?
- A. Knowing the men as I did, I have no doubt they fought desperately for a few minutes.
- Q. Did you notice the knolls over the field, whether they were rallying points for officers and men?
- A. I did not go all over the field. There were evidences of rallying points about Gen. Custer; and about Capt. Keogh and Lieut. Calhoun were evidences of fighting, but not of being rallying points.
- Q. From your knowledge of the character of Gen. Custer and of the officers and men under his command, and from the evidences of the manner in which his entire command was annihilated, state whether or not in your opinion, Gen. Custer could have fled the field with a portion of his command by abandoning the others to their fate?
- A. I believe he fought very desperately.
- Q. State if there were any evidences of the company commanders abandoning their companies and leaving the men to their fate?
- A. I don't think there were any such evidences. There were no evidences of their abandoning their companies in disgraceful or cowardly manner.
- Q. Is it expected of officers and men in a desperate struggle of that character, that the men will be found lying in perfect lines?
- A. No, sir; it could not be done.
- Q. State, if in charging an enemy the dead would appear in regular lines, or scattered?
- A. They would appear in scattered positions.
- Q. State if you can, how far Major Reno's position on the hill was from the bulk of the Indian village.
- A. I should say it was two miles and a half or three miles.
- Q. Where was the bulk of the village?
- A. Close to the bank of the stream beyond the timber, near where we first saw Major Reno.
- Q. How near were the nearest dead men of General Custer's command to that village?
- A. The nearest one I found was about half a mile from the crossing B, I think. I am not positive as I did not go over the ground.
- Q. Where was the bulk of the Indian village in reference to the ford B?
- A. At first it was higher up the stream, after that it was moved out to the left and a little down stream.

QUESTIONS BY MAJOR RENO

- Q. Am I right in understanding that you do not pretend to give the history of all that Major Reno did during those engagements?
- A. You are.
- Q. Situated as you were, was it not necessary that each officer during those engagements should rely largely on his own personal experience?
- A. I think it was.
- Q. You never expected the Commanding Officer to be ubiquitous there?
- A. No, sir.
- Q. Was not the position such that necessarily a very large part of the duties to be done were left to be discharged by each officer?
- A. Yes, sir; I think I so stated.
- Q. Was not the engagement of such an elementary character it could proceed without any special directions from Major Reno?
- A. Yes, sir.
- Q. Were there not in that command, a number of soldiers who had experience in actual warfare?
- A. Yes, sir.
- Q. Do you think they needed any special instructions?
- A. I think not.
- Q. Do you think Captain Benteen and many other officers needed special instructions?
- A. I think not.
- Q. I wish you to state in a general way, whether at any time you saw any evidence of cowardice on the part of Major Reno?
- A. I did not.
- Q. You have spoken about excitement; you distinguish that from fear?
- A. I do; most emphatically.
- Q. A man may be excited in charging an enemy and exhibit no qualities but that of a true soldier?
- A. Yes, sir.
- Q. That is a matter of temperament?
- A. Entirely so, I judge.
- Q. With regard to the charge that Captain Benteen suggested to Major Reno, state whether or not Major Reno accompanied them in that charge?
- A. He accompanied the troops. I did not see Capt. Benteen accompany them. He stayed on the point.
- Q. What kind of weather was it at the time of those engagements?

- A. It was extremely hot. There were two or three little sprinkles of rain, but it was intensely hot.
- Q. Do you remember whether or not Maj. Reno and some other officers, before they left the boat at the mouth of the Rosebud, exchanged their hats for a larger kind of hat for a better shelter for their heads?
- A. I don't recollect about it, it is liable to have been so.
- Q. Do you, or not, recollect whether Major Reno wore into that engagement in the timber a very large hat; not the regulation hat of an officer?
- A. I don't recollect what kind of a hat he wore, though I saw him that morning.
- Q. You saw the village defile before you on the plain?
- A. Yes, sir.
- Q. Was it not so large that it was beyond the experience of any officer there?
- A. It was very much beyond any experience I ever had. I can't speak for other officers.
- Q. Was it not so large that officers accustomed to estimating large numbers of mounted men or men in motion, would give widely different opinions as to their numbers with entire honesty?
- A. I think it was.
- Q. Go back to the point where Capt. Benteen diverged from the main column; what distance was that from the ford "A" where Major Reno afterwards crossed?
- A. I judge it was about 12½ miles to the crossing.
- Q. How soon after Capt. Benteen received his order did he go out with his column?
- A. Immediately Major Reno had received his orders and halted for us to pass by.
- Q. What was Major Reno doing?
- A. He moved on towards the village.
- Q. Who gave the order?
- A. General Custer in person, I think.
- Q. You don't know what orders Major Reno received from General Custer after that?
- A. No, sir; I did not see General Custer after that.
- Q. You speak of the trail Capt. Benteen pursued as not diverging a very great deal from that General Custer pursued. How do you explain that?
- A. As I say, we went to the bluffs at the end of the valley, and Lieut. Gibson would go on top of the hill, while we were skirting the edge, and reporting there was nothing beyond but steep hills and no Indians. The idea I had was, if they ran out of the village we would strike them on the left; and if to the right, then some other part of the command.
- Q. You do not desire to have it inferred that Captain Benteen was no further from General Custer's line than 2 miles and a half?

- A. No, sir. General Custer went faster than we did, as we were going on a line of hills.
- Q. General Custer diverged to the right?
- A. I don't know about that; I think he went nearly on a straight line to where Major Reno crossed the stream.
- Q. Where was Major Reno at the time the order was given by General Custer, and who was close to him?
- A. I saw him about the time the order was given, passing along at the head of the column. I saw Lt. Hodgson with him. He spoke to me as I was passing by. I don't recollect whether Lieut. Wallace was with him or not. He may have been.
- Q. When Trumpeter Martin brought the order, the conversation he had with regard to the village, and Major Reno's killing the men, women and children was with the orderly and not with Capt. Benteen, was it?
- A. It was with the orderly back of us.
- Q. Did Capt. Benteen hear that conversation?
- A. I supposed he did.
- Q. Do you know as a fact that he did?
- A. I only know from the way that Trumpeter Martin told it, as I would infer that everybody in the room hears what I say, so I supposed he heard what Trumpeter Martin said.
- Q. At what rate of speed did the column advance after the message was delivered by Trumpeter Martin?
- A. It was a fast walk by Capt. Benteen's column.
- Q. Would that throw part of the column into a trot?
- A. Part of the rear would be in a trot. My horse did not trot.
- Q. Did not Captain Benteen proceed as fast as he could, considering what the command had before it that day, and what it had done before?
- A. It advanced as fast as I thought it ought to, though I was anxious to go faster.
- Q. Was there any reluctance or tardiness in going?
- A. No, sir; he was going at a proper rate of speed to keep the horses in good condition.
- Q. The orders were also to bring up the pack train?
- A. Yes, sir.
- Q. The halt on the hill was to enable the pack train to come up?
- A. When we got there, we found Major Reno's command. I don't think we halted in reference to the pack train. We found the men crossing the river and the Indians firing at them.
- Q. If you do not know the exact purpose for which the halt was made, state if during that halt the pack train was not brought up.

- A. Yes, sir. I think Major Reno halted because he found a good position, and Capt. Benteen halted because he found Major Reno with Indians firing at him.
- Q. The ammunition of the men engaged in the timber was replenished?
- A. I understood so.
- Q. And care taken of the wounded?
- A. Yes, sir.
- Q. Then the advance was made down the river?
- A. Yes, sir.
- Q. With regard to the orders being given, are you not largely unacquainted with the fact whether Major Reno did or did not give orders to Capt. Weir?
- A. All I know about it is what Capt. Weir told me.
- Q. Was Major Reno acquainted with the fact that Captain Weir left a wounded man?
- A. I don't think he was.
- Q. Were there not duties for company officers to discharge, which they did irrespective of any orders from the commanding officer?
- A. There were.
- Q. Where was Major Reno when the wounded men were brought in?
- A. Where we took final position.
- Q. Was that a proper place for the commanding officer to be?
- A. Yes, sir.
- Q. How many orders did Capt. Benteen receive from General Custer and through whom did they come?
- A. I saw a person approach Capt. Benteen as I was riding with the second company, and speak to him and ride away. Then the Sergeant Major came up and spoke to Capt. Benteen and rode away again. After that a Sergeant of "C" Co. came to him with reference to the pack train, and received his directions and rode back towards Capt. McDougall. Then Trumpeter Martin was the last man until we came near where Major Reno was. Then "Half Yellow Face" beckoned us.
- Q. Can you give the name of the Sergeant of Company "C"?
- A. It was either Sergeant Knipe or Sergeant Hanley. I think the latter.
- Q. Where was the column when he came up?
- A. My recollection is, about half way from where we started over the divide to where we met Major Reno. I am not at all definite in regard to the place. I know it was before Trumpeter Martin came up.
- Q. What was required by that order that was not done?
- A. Capt. Benteen thought there was some mistake in ordering him to bring up the packs, as Capt. McDougall was in charge of them.
- Q. Did not Capt. McDougall bring up the packs?

- A. Yes, sir.
- Q. You heard firing from the field below?
- A. Yes, sir.
- Q. The dust you saw was not from the Custer battlefield?
- A. No, sir.
- Q. Was it from the same side of the river that the Indian Village was?
- A. Yes, sir.
- Q. Do you not think it was caused by the Indians returning?
- A. Yes, sir, I said so. At the time I did not think so.
- Q. Do you think so now?
- A. Yes, sir; that is my judgment now.
- Q. Is it not the practice according to Indian warfare to do a great deal of firing after their enemies have been killed?
- A. Yes, sir; after a successful fight.
- Q. May not a large part of the firing have resulted from joy of the Indians at their victory?
- A. I think likely a great deal came from that.
- Q. At the time you heard the firing, how far was Major Reno from the Custer battlefield?
- A. About 4 miles.
- Q. Was the pack train then up?
- A. No, sir; it was not up till after we left, and we did not leave till all the heavy firing ceased.
- Q. I wish your opinion as an officer, having in view the country, the position occupied, and the number of Indians; what, in your judgment, was the length of time the command under General Custer was enabled to struggle against its fate?
- A. I think they were all killed in about 20 minutes or a half an hour from the time the Indians first commenced the attack on them.
- Q. Do you think they were killed within 20 or 25 minutes from the time you joined Major Reno on the hill?
- A. Yes, sir; after the first firing I heard.
- Q. How soon did you hear the first firing?
- A. Immediately after I got there.
- Q. Would ten minutes be too short a time?
- A. I think it would be less than 10 minutes. My recollection is it was almost immediately. It may have been 5 minutes, but I don't think it was.
- Q. You think then in 5 minutes after you reached the hill, if you fix the

duration of the battle at 25 or 30 minutes, that in 30 or 35 minutes after you reached the hill, the whole command was killed?

A. Not over that.

Q. Major Reno was 4 miles away?

A. Yes, sir.

Q. How long had Major Reno been on the hill when Capt. Benteen came up?

A. Only a short time. Some of the men came up after we got there.

Q. Was there any belief on the part of any person competent to form a judgment, until General Terry came up, that General Custer and his command were destroyed?

A. I think not.

Q. Was it not a conjecture and indeed a belief on the part of a great many that General Custer had gone on down to join General Terry?

A. It was.

Q. With regard to the gaps in the line, I understand you got directions from Major Reno to fill them?

A. He directed me to fill them.

Q. How close was Major Reno to you at the time?

A. He was quite close to me.

Q. How close to the gaps was he?

A. Perhaps about 15 yards.

Q. Was not your position on the line such that you saw very few officers?

A. Yes, sir; I said I saw only two officers.

Q. There was nothing strange that you did not see them?

A. No, sir; I was in a direction away from the majority of the line.

QUESTIONS BY THE RECORDER.

Q. Would or would not an officer in an engagement of that kind, where the troops were all in position, be more liable to see the Commanding Officer than in an open field or in the timber?

A. There being a ridge between where I was and other parts of the command, it would be impossible to see him unless he came on the side I was.

Q. Did he come on that side?

A. He did when we first came back, and I saw him after dark when he came there.

Q. In an engagement of that kind and under those circumstances, what do the subordinate officers expect on the part of a Commanding Officer, - coolness or excitement?

- A. Whether he would show it or not depends a great deal on the temperament of the man. He would be more or less excited depending on the temperament of the man and the way he looked at the fight, whether favorable or not.
- Q. In that charge made by the troops when Capt. Benteen told them to go, state whether there were any casualties?
- A. I think one man was wounded.
- Q. When the village moved out, state how it impressed you?
- A. What impressed me most was the great number of ponies.
- Q. How many wounded men were there on the hill when you came up?
- A. I made no observation at all and do not know.
- Q. You say when you saw that cloud of dust and the Indians, you thought differently from what you testified today?
- A. Yes, sir.
- Q. You have changed your opinion about it?
- A. Yes, sir.
- Q. At the time how did it impress you and others about you?
- A. I can only answer for myself and my first Sergeant. We both thought that General Custer was charging the Indians.
- Q. About how far was it from Major Reno's position in the timber to the Custer battlefield?
- A. I can only guess, in a direct line I should say it was about 4 miles.
- Q. If the distance from Major Reno's position on the hill to where General Custer's body was found was 4 miles and 160 yards, what would be the distance to the nearest part of the battlefield?
- A. I think it would be about 500 to 1000 yards closer to Major Reno.
- Q. Did you see any dead bodies at the ford "B"?
- A. I was not there until they were all buried.
- Q. How close was that to Major Reno's position?
- A. I would say about 2 miles.
- Q. Do you know how many effective men were with the pack train?
- A. He had 5 or 6 men and a Sergeant from each company; and his own company was close to 50 men.
- Q. Did he have any packers?
- A. He had a few citizen packers; not many.
- Q. Is it customary for a command to go into a fight with a pack train on its hands?
- A. No, sir; it is not.
- Q. Might not the firing that you heard from below have lasted much longer than 20 minutes and you not heard it as it retreated from you?

- A. After I heard it at all, I don't think there could have been any fighting that I would not have heard the sound of, because I was listening for it, and it did not have the indication of dying away.
- Q. State whether or not to your knowledge on the night of the 25th of June Major Reno made any attempt to ascertain what had become of General Custer?
- A. No, sir.
- Q. Were there not scouts there that night?
- A. Yes, sir.
- Q. How long did those gaps you spoke of remain unfilled?
- A. I would say about two hours and a half.

The witness then retired.

The Court then adjourned until Tuesday, Feb. 4th at 10:30 o'clock.

TWENTIETH DAY

Chicago, Ill., Feb'y. 4th, 1879, 10:30 A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The Proceedings of the last session were read, corrected and approved.

CAPTAIN F. W. BENTEN BEING RECALLED BY MAJOR RENO, testified as follows:

QUESTIONS BY MAJOR RENO

- Q. Did a Sergeant come to you with any directions about the pack train? If so, to whom was he directed and what was done by you in regard to it?
- A. He simply had verbal instructions to the Commanding Officer of the pack train, and I did not consider that an order to me.
- Q. You were not Commanding Officer of the pack train?
- A. No, sir.
- Q. It was not a part of your column?
- A. No, sir.
- Q. Where was your command when the order was received at the hands of Trumpeter Martin?
- A. Half way between the burning tepee and the ford "A".
- Q. Did you see or hear Major Reno fire a pistol as you came up?
- A. No, sir; I did not.

QUESTIONS BY THE RECORDER

- Q. How far do you estimate it from the burning tepee to the ford "A"?
- A. Very nearly three miles.

The witness then retired.

LIEUT. W. S. EDGERLY BEING RECALLED BY MAJOR RENO testified as follows:

QUESTIONS BY MAJOR RENO

Q. Any impression you might have had with regard to the part Major Reno was to take in those engagements was merely an impression of your own?

A. That is all, except the order given him to charge towards the village. That was the only command I heard given him.

The witness then retired.

B. F. CHURCHILL, A CITIZEN, A WITNESS CALLED BY THE RECORDER and, being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

Q. State your name, residence, and occupation.

A. B. F. Churchill. I am a rancher at Tongue River, Ft. Keogh, Custer County, M. T.

Q. Where were you and in what capacity serving on the 25th and 26th of June, 1876?

A. I started from mouth of Powder River with the Custer expedition as a packer. About the 25th, we were going from the divide between the Rosebud and Little Big Horn towards the Little Big Horn River.

Q. How long had you been acting in that capacity at that time?

A. I joined the expedition 5 days before that.

Q. How far did you march with that command?

A. From Powder River through to the Little Big Horn.

Q. Do you know anything about the condition of the animals of the pack train and of the command on that march?

A. I noticed nothing except that the mules were in very good condition.

Q. How was the grazing on that route?

A. We had very good grazing all the way to the Little Big Horn.

Q. Previous to the 25th had the pack train moved rapidly, trotting or running?

A. No, sir; we could not travel as fast as that.

Q. Did you keep near to the command or far from it?

A. Mostly right behind the balance.

Q. State where the intelligence first came to you with the pack train that the command was engaged with the Indians?

A. The first we heard of it was about 2 miles and a half from the Little Big Horn near a tepee.

Q. Was that from the sound of firing, or was it news brought to you?

A. It was news brought to us.

Q. What was in that tepee?

A. A dead Indian.

Q. What time was that?

A. I think about half past 10 or 11 o'clock.

Q. How do you get at the time?

- A. I judge by the distance we traveled that morning and by the sun. I had no watch.
- Q. It was a mere guess on your part as to the time?
- A. Yes, sir; in regard to time it was.
- Q. What orders were given along that march from the time it started out on the march on the 25th and by whom?
- A. We had orders moving out that morning, to move out, and after that received no orders till we got about to that tepee. We then had orders to take the ammunition mules out and go ahead with them.
- Q. On other parts of the march had you the same usual orders?
- A. Yes, sir.
- Q. How many mules were in the pack train?
- A. I think 175 altogether.
- Q. There were citizen packers were there?
- A. I think there were six or seven.
- Q. Tell where it was the order came about sending the ammunition packs ahead? How far from that tepee?
- A. I think about half a mile after we passed it.
- Q. Were you on the trail or off it?
- A. On the trail.
- Q. Tell what was done with the ammunition packs; who went with them?
- A. Myself and a man named Mann took one - who took the other, I don't know. He led the mule and I licked it up as fast as I could. We kept it going as fast as it could with two boxes of ammunition on.
- Q. How far did you go from that place till you reached the command?
- A. About two miles.
- Q. How long did it take you to go over that distance?
- A. I don't think it took us over 8 or 10 minutes.
- Q. Did you have any trouble in going along?
- A. Not a bit.
- Q. Do you remember a watering place on that trail?
- A. Yes, sir.
- Q. Tell what happened there.
- A. I don't remember anything particular except that I saw one mule get mired there. Several got their front feet in, but were pulled out.
- Q. Was there any delay on account of that?
- A. Not particularly. Some got left and others went on.

- Q. Is it the custom to string a pack train out?
- A. Yes, sir.
- Q. How many mules did you see stuck in the mud?
- A. Only one very badly. I saw others pulled out, but it took no more than a minute to do it.
- Q. Were you at the front of the pack train when it arrived at the watering place?
- A. I was near the front.
- Q. Did you see any troops there at that time?
- A. I did not notice any; I was busy.
- Q. How long did the pack train stop there?
- A. I don't think it made any halt at all. Some of the mules run into the water as they would do when reaching any water.
- Q. When you joined Major Reno's command on the hill, state what you saw in the bottom, if anything, with reference to the men of the command?
- A. I didn't notice whether any men were in the bottom or not; I saw some coming up the hill, some mounted and some on foot.
- Q. Had you any means of knowing whether that was their first trip up the hill or not; or whether they had come up and gone back and were coming up again?
- A. Only what they said, that that was their first arrival there.
- Q. Did you see any Indians at that time? If so, in what numbers?
- A. I saw a few perhaps 5 minutes after we got on the hill.
- Q. Where were they?
- A. They started from the timber to go up the river from where we were.
- Q. How many did you see?
- A. Eight or ten.
- Q. Did you see any other Indians in the bottom?
- A. No, sir; none but those.
- Q. Was there any firing on the command when you got there?
- A. They commenced firing from the top of the bluff.
- Q. Who fired?
- A. I saw several men. I know Captain French was firing.
- Q. Where were the Indians?
- A. On the other side of the creek going up the river.
- Q. State what your duty as a packer is when you get through.

- A. It is to wait for orders in regard to unpacking and moving. We unpacked the ammunition mules immediately and then had to pack them up again.
- Q. Who ordered you to pack them up?
- A. I don't know who gave the order. It appeared to be a general order.
- Q. Did you hear any firing about that time and if so in what direction?
- A. I don't remember hearing any about that time. I think about an hour and a half after I got there I heard firing.
- Q. Where was the firing?
- A. It was down the river.
- Q. Describe the sound of it, whether in volleys or not.
- A. I remember hearing what I took to be volleys and spoke of it to some of the men. I heard about 4 or 5 volleys.
- Q. Where did it appear to come from and at what distance?
- A. It came from down the river and I thought at the time that it was $2\frac{1}{2}$ or 3 miles away from the sound. It was not a very plain report of guns.
- Q. You have been down to the Custer battlefield?
- A. I was over part of it, not all of it.
- Q. Where was that firing in reference to that battlefield?
- A. That was the right direction for the firing to come from.
- Q. Where were Major Reno and Capt. Benteen's commands when you heard the firing?
- A. They were on a hill there.
- Q. Did you see any smoke or dust or other indication of a fight down the river?
- A. I did not notice any.
- Q. Could you see the Indians village from where you were?
- A. A very few tepees.
- Q. How long did that fire last that you speak of as beginning about an hour and a half after you got there?
- A. I can't tell; the only thing I could go by was the time the Indians came back on us on the hill. I think probably it lasted an hour and a half or 2 hours.
- Q. How do you judge by that?
- A. There were not many Indians attacking us at the time, and when we came back they came in force.
- Q. During that time you saw no force of Indians about there?
- A. Not at that point.
- Q. From which end of the village did the firing apparently come?

- A. It appeared to come from the lower end of the village.
- Q. About that firing were there many rounds at a time?
- A. Yes, sir.
- Q. What appeared to be the general impression about the firing. Did any others hear it besides you?
- A. Yes, sir; others heard it and spoke of it.
- Q. Did you see any troops start down the river after you arrived on the hill?
- A. No, sir.
- Q. You don't know about Capt. Weir's Co?
- A. I did not see it go. I heard that it did go.
- Q. Can you tell when it was that Capt. Weir's Co. came back?
- A. No.
- Q. Can you tell when the command made the move down the stream?
- A. It was after we packed up the ammunition we moved down the river.
- Q. How long were you gone?
- A. About an hour going down and back.
- Q. What was done with the ammunition you brought up at the time you brought it up?
- A. The boxes were unpacked at the time and we packed them up again.
- Q. Where was the other mule that was sent forward with ammunition?
- A. I did not see him.
- Q. Were the boxes of ammunition brought up at that time, opened?
- A. Not at that time.
- Q. When were they opened?
- A. After we moved down the river and back again and the mules were unpacked.
- Q. What was the object of unpacking the ammunition when you first came there?
- A. We supposed they wanted it immediately and we unpacked it for their use.
- Q. Why was it not used, if you know?
- A. I don't know.
- Q. State how long you waited till the rest of the pack train came up?
- A. It came up pretty quick. They kept stringing along a few at a time, but it was only a short time till all were up.
- Q. Do you know what interval of time intervened between the arrival of Capt. Benteen's column and the arrival of those pack mules?
- A. I think Capt. Benteen's column got there a few minutes before we arrived there with the mules. I saw the command coming a little below where we struck the hill going on the bluff. We went right on and came in pretty soon.

Q. Whose command was that?

A. I afterwards learned that it was Capt. Benteen's command.

Q. Tell what was done with the pack train after it got up - in that movement down the river and back?

A. We moved down very slow and came back on the same trail. We then corralled it and threw out a picket line and tied the mules to it and went on unpacking the mules.

Q. By whose orders did you do that?

A. By Capt. Mathey's order.

Q. Was he in command of the pack train?

A. Yes, sir; he gave us the orders to unpack.

Q. Were you so busy with the pack train after its return that you did not notice anything else?

A. I was for a little while.

Q. Do you know how soon the fight commenced after you got back with the pack train?

A. In about half an hour.

Q. In moving down, the pack train was in rear of the column?

A. Yes, sir.

Q. And in front coming back?

A. Yes, sir.

Q. From the time the pack train arrived you think it was about half an hour before the fight commenced?

A. Yes, sir.

Q. Did you see any fighting that day?

A. Yes, sir.

Q. Did you see Major Reno?

A. I did not see him that afternoon.

Q. Where were you during the fighting?

A. After we got unpacked I was at A Co's. skirmish line that afternoon.

Q. You were a citizen then?

A. Yes, sir.

Q. Who seemed to be in command, giving directions, and giving orders to the men?

A. The officers I saw were Capt. Benteen and Capt. Weir.

Q. After having been on A Co's. line, when did you next see Major Reno and where?

A. I saw him that night just after dark.

Q. Before or after the fight was over?

A. After.

Q. Can you tell what hour it was you saw him?

A. I judge it was somewhere between 9 and 10 o'clock.

Q. Was anyone with you at the time you saw him?

A. Yes, sir.

Q. Who?

A. One of the packers.

Q. What was his name?

A. Mr. Fritz (Frett).

Q. Describe what occurred there that night to your knowledge.

A. We started out on the line to get our blankets and something to eat. We had been without anything the whole day. We went out to find our own mess; we thought we could not find it from everything being piled up together; the officers' mess kits and company kits were piled in together without any regard to whose they were. We went to the line and saw Major Reno standing there. We did not notice him till he spoke to Fritz: at least I did not. I don't know whether he did or not. He spoke to Fritz, and asked him what he wanted; Fritz said he was after something to eat. Major Reno then asked him if the mules were "tight". It sounded like tight, but Fritz thought he meant "tied" and said yes. Major Reno again asked the question if the mules were "tight" and Fritz asked him what he meant by "tight". Then some more words passed between them; I don't know what they were, but it seemed that Major Reno made a pass to strike Fritz and some whiskey flew over myself and Fritz. At that Major Reno stepped back and picked up a carbine, but whether he intended to strike Fritz with it I don't know. I took Fritz by the shoulders and pulled him away. That was the last I saw of Major Reno that night.

Q. Do you know where the whiskey came from?

A. I do not.

Q. Do you know anything about Major Reno's condition by either act or word of his there at the time further than you have testified?

A. Nothing but my impression.

Q. Give your impression at the time.

A. My impression at the time was that he was a little under the influence of whiskey or liquor.

MAJOR RENO THEN WITHOUT MAKING FORMAL OBJECTION TO THE TESTIMONY DESIRED THAT HIS PROTEST BE ENTERED UPON THE RECORD AGAINST GOING INTO THIS MATTER BECAUSE IT IS NOT IN ANY MANNER RESPONSIVE TO THE CHARGES HE COMES HERE TO MEET.

Q. When did you next see Major Reno after that night; where was he and what was he doing?

A. I saw him next day, the 26th, about 9 o'clock. He was lying down behind the pack saddles and hard tack boxes that we had piled up to the breast-works.

Q. What was the balance of the command doing?

A. As near as I could see and hear, they were doing some pretty heavy firing; most of them.

Q. How came you there?

A. I had just been down for ammunition; among the horses to get ammunition out of the saddle pockets.

Q. Could you see what Major Reno was doing, whether firing or not?

A. No, sir, I did not see him firing. He had a carbine lying on the ground under his head.

Q. How long did the firing last that morning and how early did it begin?

A. It began about the break of day in the morning, and lasted till ten or about $\frac{1}{2}$ past 10 o'clock.

Q. Were you under command of Capt. Mathey at that time?

A. Yes, sir.

Q. He was in charge of the pack train, was he?

A. Yes, sir; I received all my orders from him.

QUESTIONS BY MAJOR RENO.

Q. When did you first hear firing from the direction of General Custer's battlefield?

A. When we were packing up.

Q. You moved down as soon as you heard the firing?

A. I suppose they moved out when they heard the firing. I don't know what else sent them.

Q. How long were you gone till you came back?

A. I think about an hour going down and back; it may have been longer.

Q. Then you state that the fire you heard on that battlefield lasted about an hour and a half?

A. No, sir; I said I heard 5 or 6 volleys.

Q. Did you not say the firing lasted an hour and a half?

A. I said I judged by the time the Indians came back. That was all I could judge by.

Q. That the fire continued till the Indians came back?

A. I did not hear it at that time.

Q. How much firing did you hear?

A. 5 or 6 volleys.

Q. How long before you moved down?

A. I think some were fired after we moved down.

- Q. Did you hear any volleys after you returned to the position occupied that night?
- A. Not that I recollect.
- Q. Do you think you could?
- A. I don't know. I heard plenty of firing, and we had enough to attend to without listening to outside firing at that time.
- Q. Tell about what time it was you saw Major Reno in the condition in which you have stated?
- A. I think it was between 9 and 10 o'clock that night.
- Q. Who was with him?
- A. I don't know who it was.
- Q. Was any person with him?
- A. Yes, sir.
- Q. Was it an officer or a soldier?
- A. I can't say, I took no notice of him.
- Q. Who was with you?
- A. John Fritz, a packer.
- Q. Was there any trouble between Fritz and Major Reno before that time?
- A. None that I ever heard of.
- Q. Was there any trouble there except what you have described?
- A. No, sir.
- Q. Had not Major Reno had a great deal of trouble about the packers skulking and been trying to drive them where they would be of some service?
- A. Not to my knowledge.
- Q. Don't you know he had had trouble with Fritz?
- A. No, sir.
- Q. About his being in the condition he was, might it not have been the result of his efforts to drive Fritz to the line?
- A. I don't know anything about that.
- Q. Was he staggering?
- A. When he struck at Fritz, whether he staggered or stepped forward I don't know.
- Q. Was he stammering?
- A. Not that I noticed.
- Q. He did not pronounce his words correctly, did he?
- A. I did not understand it correctly if he did.

- Q. It was the fault of his speech I suppose, that he could not make himself rightly understood?
- A. I can't say when (why?) the man asked him what he meant by "tight".
- Q. Why did you not take Major Reno by the shoulders?
- A. I did not think it necessary. I did not think he was going to use the carbine.
- Q. You say that was between 9 and 10 o'clock?
- A. I think so.
- Q. Was he drunk the next day?
- A. I did not notice whether he was or not.
- Q. Did you have an impression he was drunk then?
- A. I could not judge; I did not see him on his feet.
- Q. Did you not really have an impression he was under the influence of liquor the next day?
- A. No, sir.
- Q. Where did he go when he left you?
- A. I don't know.
- Q. To what part of the line did he go?
- A. I don't know.
- Q. On what part of the line was he at that time?
- A. Little to the right of "A" Co's. skirmish line.
- Q. Who commanded Co. A?
- A. Capt. Moylan, I believe.
- Q. Who were the other officers of that company?
- A. I don't know.
- Q. How far away from A Co. was that?
- A. I don't think the company was on the line at that time; there was probably a few on the line.
- Q. How far was he away from the position A Co. had occupied?
- A. Perhaps 50 yards.
- Q. Did you see him any other time that night?
- A. No, sir.
- Q. Did you say anything to the officers of any of the Co.'s of Major Reno's condition?
- A. No, sir.
- Q. Not a word?

A. No, sir.

Q. You saw only 8 or 9 Indians about the timber when you came up?

A. That was all.

Q. Don't you know that Major Reno had been very much annoyed by men going down and stealing provisions?

A. I do not.

Q. Don't you know he suspected this packer of an intention to steal rations?

A. No, sir.

Q. Don't you know he ordered them away from the rations, so that each man should have his proper share of them?

A. No, sir; I know there was no trouble in getting rations, there was plenty of them there.

QUESTIONS BY THE RECORDER

Q. It is very evident you were there employed in a responsible place to help take care of 175 mules. I wish you to state what your duty as packer having charge of those mules, required you to do; to stay with the mules or fall in with the men when the command was going into an engagement?

A. My duty was, when the packs were on the mules to be with them. After the packs are taken off I did have the privilege of going into the skirmish line or any place that needed my services most.

Q. What were the terms of your contract with the Government, and what officer employed you?

A. I was employed by Quartermaster Nolan.*

Q. What were the terms of your contract?

A. Only that I should go into the pack train as packer.

Q. State how long the pack train had been under Major Reno's orders until this occurrence that night?

A. From the time it arrived on the hill, I suppose.

Q. Had he before that had anything to do with pack train?

A. Not to my knowledge.

Q. Was there not an officer in charge of the pack train?

A. Yes, sir.

Q. In regard to the time of day, you stated you simply guessed at it?

A. Yes, sir.

Q. Where were you at daylight on the morning of the 25th, if you know?

A. About 15 miles from the Little Big Horn.

Q. What time did you start from there?

A. I think about 7 o'clock.

Q. In regard to the time you speak of; you simply guess at it?

A. Yes, sir.

Q. May you not be two hours out of your way in your guess?

A. I may have been; it might have been longer. I don't think I would be two hours out of the way. I might be one. It might be an hour longer; it was no shorter time.

Q. State how long you continued in that employ.

A. Till they got through and put the pack saddles on the boat.

Q. Were you honorably or dishonorably discharged?

A. I was honorably discharged and got a recommendation from Capt. Nolan. (sic)

QUESTIONS BY MAJOR RENO

Q. Did Major Reno commit any other crime while on the hill save that of drunkenness?

A. I know of no other.

The witness then retired.

LIEUTENANT W. S. EDGERLY BEING RECALLED BY MAJOR RENO testified as follows:

QUESTIONS BY MAJOR RENO

Q. Did you see Major Reno on the night of the 25th of June, 1876?

A. I did.

Q. At what hour?

A. I judge about 9 o'clock; it was quite dark.

Q. What was he doing at the time, what part of the line was he on, and what was his condition as to sobriety?

A. He came along towards where I was from the direction of Captain Benteen's line, and was perfectly sober.

Q. Did you see any evidences at all that indicated that he had been drinking, or was in a condition approaching drunkenness?

A. He gave no evidences of any such condition.

Q. State what he said to you about your duties at that time?

A. When I reported to him the condition of the gaps he told me to have them filled up.

Q. Were there any indications to your mind that he had been drinking at all?

A. There were none.

Q. If there had been would you have observed them?

A. I think I would.

Q. Did you see him later that night?

A. Yes, sir; about 2 o'clock.

Q. What were the indications then?

A. He was perfectly sober.

Q. Was there anything to awaken a suspicion in your mind that he was not entirely sober?

A. I had no such suspicion whatever.

Q. Did the indications the day before show that he had been drinking?

A. No, sir.

Q. You had him under observation?

A. Yes, sir; several hours during the 26th.

Q. Was there any time among the men or officers, any suspicion at all of Major Reno not being sober?

A. Not the faintest. I never heard of it till I came to Chicago this time.

Q. If there had been would you have heard of it?

A. Yes, sir; I think so.

Q. If he had been stammering and staggering and acting like a drunken man, would the officers have permitted him to exercise command?

A. If he had been in a state of intoxication, they would not.

QUESTIONS BY THE RECORDER

Q. How often did you see Major Reno on the night of the 25th?

A. At about 9 o'clock and about 2 o'clock.

Q. How long did you see him at 9 o'clock?

A. Short time; about half a minute.

Q. How long till you saw him again?

A. About 5 hours.

Q. How long before the first time you saw him that night, had you seen him?

A. When we first came back from the advanced position down the stream.

Q. What time was that?

A. A few minutes before dark.

Q. You saw him no more till about 9 o'clock?

A. No, sir.

Q. And then saw him no more till about 2 o'clock?

A. No, sir.

Q. Were you present at any altercation between Major Reno and any packer that night?

A. No, sir.

Q. Do you know anything of it to your own knowledge?

A. No, sir.

QUESTIONS BY MAJOR RENO

Q. The commanding officer is under observation of the officers of his command, is he not?

A. Yes, sir.

Q. Do you suppose if the commanding officer was drunk and staggering and stammering, that some of the men and officers would not have observed him?

A. I think not.

Q. It was after dark you saw him?

A. Yes, sir.

Q. It might be later than 9 o'clock?

A. I can't fix the time definitely; it may have been earlier or later than 9 o'clock. It was after dark.

QUESTIONS BY THE RECORDER

Q. Would not the knowledge of the men and officers depend on how often they saw the commanding officer?

A. Certainly it would.

The witness then retired.

CAPTAIN BENTEN BEING RECALLED BY MAJOR RENO, testified as follows:

QUESTIONS BY MAJOR RENO

Q. What opportunities had you for observing the condition of Major Reno on the night of the 25th of June, 1876?

A. I may say I was with him all the time - I laid down in his bed.

Q. State what was his condition with regard to sobriety?

A. He was as sober as he is now.

Q. That you would regard as a condition of entire sobriety?

A. I think he is entirely sober now, and he was then.

Q. Was there at any time during the 25th or 26 of June 1876 to your mind, or to that of any person, any indications of drunkenness on the part of Major Reno?

A. No, sir.

Q. Could he have been staggering and stammering during that time?

A. Not without my knowing it.

QUESTIONS BY THE RECORDER

Q. Were you present on the night of the 25th of June at any altercation between Major Reno and a packer?

A. No, sir.

Q. You know nothing about any matter of that kind of your own knowledge?

A. No, sir; not of my own knowledge, only by hearsay. I know they robbed the pack train and robbed me of some of my property, and I know there was no whiskey there.

Q. Did you see Major Reno immediately after the cessation of the firing that night?

A. I was with him every 15 or 20 minutes nearly all night. I laid down in his bed for 15 or 20 minutes, and then went back and kept my walk up all night. Perhaps I did not see him within 15 minutes after I left him the last time; but there was not whiskey enough in the whole command to make him drunk.

Q. About what time did you leave him the last time?

A. I don't think I saw him from about half past two till probably three o'clock. The Indians opened fire the next day about three o'clock or a little after. There might have been a half or three quarters of an hour that I did not see him.

Q. Before that, during the night, you saw him as frequently as you have stated?

A. Yes, sir.

QUESTIONS BY MAJOR RENO

Q. If he had been drunk between 9 and 10 o'clock that night would you know the fact?

A. I would have known something about it. I did not know he had any whiskey or I would have been after some.

The witness then retired.

CAPTAIN E. S. GODFREY, 7TH CAV., A WITNESS CALLED BY THE RECORDER, and being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

Q. State your name, rank, regiment and where serving.

A. Edward S. Godfrey, Captain, 7th Cavalry, now serving at Standing Rock, Dakota Territory.

Q. State what duty you were on on the 25th and 26th of June, 1876, where and with what command and under what commanding officer or officers, if more than one.

A. I was commanding K company under command of Gen. Custer who commanded the regiment. After about 12 o'clock that day I was under the command of Capt. Benteen, and in the afternoon sometime, we joined the command of Major Reno and served under his command thereafter.

- Q. State as near as you can when and where Capt. Benteen's column separated from Gen. Custer's column, if it did.
- A. It was directly after crossing the divide between the Rosebud and the Little Big Horn. I was directed by Lieut. Cook, the Adjutant of the regiment to report to Capt. Benteen for duty with his battalion - that was about 12 o'clock.
- Q. Were you present when orders were given to Capt. Benteen or Major Reno or either of them?
- A. I was not.
- Q. Describe the march of Capt. Benteen's column from the time of its leaving Gen. Custer's column until it again struck his trail.
- A. We moved out to the left at an angle of about forty-five degrees to the direction of the trail. We marched generally about that way, till we came to where the bluffs were so abrupt that we could not go over them without fatiguing the horses more than by going round the foot of the hills, and that took us more in towards the trail. I presume our distance from the trail when we began our return march, was about five miles; our gait was pretty rapid. My company was in the rear and I had quite often to give the command "trot" to keep up with the rest of the command.
- Q. About how far had you gone before you struck those bluffs where the command bore to the right?
- A. I should say 3 or 4 miles.
- Q. Was that march, as near as you can judge, continued at about the same angle from Gen. Custer's march as at the time you started?
- A. Not all the time. When we came to the bluffs it necessarily threw us more to the right.
- Q. The divergence was more to the right after that?
- A. A little more to the right.
- Q. About how far, if you can recollect, had you travelled from the time of leaving Gen. Custer's column till you again struck his trail?
- A. I should think we had traveled somewhere between 12 and 15 miles. The gait was so irregular it was impossible to gauge it.
- Q. After striking the trail how far was it followed till you halted, and for what purpose?
- A. I can't recollect about how far it was, but we halted about 2 o'clock to water the horses in a little creek or morass that crossed the trail. I am unable to recollect the relative positions of the morass and other points on the trail.
- Q. You can't recollect about how far you had gone when you struck the morass?
- A. I cannot.
- Q. Was any halt made at that watering place?
- A. Yes, sir.
- Q. For how long?
- A. For 20 minutes or half an hour.

- Q. Where was the pack train at the time you pulled out to the left with Capt. Benteen's column?
- A. The pack train was closed up.
- Q. At the time of reaching the watering place or while there, how near was the pack train or any part of it?
- A. The head of it came up just as we started off.
- Q. State what occurred with reference to that pack train, if anything.
- A. They were very thirsty and some of them plunged into the morass; and we had some difficulty in getting many of them out.
- Q. How many did you see stuck fast?
- A. I remember two that belonged to my own command. There was quite a rivalry among the men about which company would get their pack animals ahead. My company packs were ahead that day, and two of the mules got into the morass.
- Q. Describe the march of that column from the water hole to the Little Big Horn River.
- A. Capt. Weir started out with his company in advance. He had been the second company before. I can't place that tepee with reference to the morass we passed, nor at what time; but just after we passed the tepee with the dead Indian in it, we met a sergeant who came back going towards the pack train, and he called out to some of the men in the company "We've got 'em"; leaving the inference they had captured the village. I did not understand anything more he said to the men - he passed on to the rear. I afterwards saw Trumpeter Martin of "H" company coming towards the column. I don't know what he reported.
- Q. You saw him after passing the tepee? Between that and the river?
- A. Yes, sir.
- Q. Can you form any estimate about how far the tepee is from the river by the trail that led to it?
- A. My recollection is that it is between 4 and 5 miles.
- Q. How long beyond that did you continue your march in that direction towards the river?
- A. We came to within about a mile of the bottom when we met some Crow Indians; and they signalled us to go to the right and we followed their direction.
- Q. Whose trail were you then on?
- A. I don't know.
- Q. Did you go over the ground afterwards?
- A. I did not.
- Q. Do you know where that Sergeant went after passing back?
- A. I did not watch him; I supposed he was going to the pack train.
- Q. At the place Trumpeter Martin came up, how far had the pack train been left behind at that time?
- A. I think 3 or 4 miles behind.

- Q. Did you hear any firing?
- A. Yes, sir.
- Q. In what direction was it, and describe it?
- A. It was in the direction generally towards our front as we were marching. At first I only heard a few shots: then I heard quite heavy firing. Our gait was increased then to a trot, and we kept that till just before we met the Crow Indians.
- Q. How near were you then to the Little Big Horn River, there where you heard the firing?
- A. I could not tell.
- Q. Was it in close proximity to it?
- A. Yes, sir.
- Q. State what view you had of the bottom; and describe the march from that place to where you joined Major Reno's command on the hill.
- A. I saw a good many horsemen in the bottom, and saw smoke from the burning prairie. We did not stop long enough to take a good view, but I thought from what I saw and what the Sergeant had said that they were burning the village, and did not look particularly to see.
- Q. Did you see troops on the hill about that time?
- A. Soon after bearing to the right and passing out there, I did. I supposed they were troops put out for a picket guard as a protection to the working parties.
- Q. Why did you have that impression?
- A. I knew from Gen. Custer's habit: he had put out troops to protect the command at other times.
- Q. State how far it was from where you left the trail till you joined Major Reno's command on the hill?
- A. I think it was $3/4$ of a mile - perhaps not so far. My understanding of it was, we were following the direction of the firing more than any trail.
- Q. Can you tell about what time it was when you joined Major Reno's command on the hill?
- A. I cannot.
- Q. Can you fix it by reference to any previous time?
- A. I should think it was between 3 and 4 o'clock.
- Q. What disposition was made of your company when you joined Major Reno, and by whose order?
- A. I was ordered by Capt. Benteen to dismount my company and put it in skirmish line on the bluff towards the river.
- Q. Did you meet any officer and hear a report of the fight in the bottom? If so what officer, and what was said as to the command?
- A. Lieut. Hare, the 2d Lieut. of my company, but who had been detached to serve with the scouts, came up and said "he was damned glad to see me - that they had had a big fight in the bottom and got whipped like hell".

- Q. Did you see Major Reno about that time?
- A. I did.
- Q. What was he doing and what orders did he give?
- A. He gave me no instructions. Capt. Benteen gave me all my orders at that time. He seemed to be giving the commands. Major Reno, if I recollect right, was making arrangements to go down after Lieut. Hodgson's body or to get his effects.
- Q. Were the Indians making any demonstrations against the command when you joined it on the hill?
- A. There was some firing.
- Q. Describe that firing and from how many Indians and how near they were.
- A. I could not see many Indians - they were in the ravines. The most I saw were in the bottom.
- Q. Describe those you saw there.
- A. I judge there were probably not less than six or seven hundred Indians in that bottom, that I saw there - a great many starting up on our left, that is, going up the Little Big Horn above us. They soon came back and went down the river, till finally the bottom was nearly cleared and I saw none at all.
- Q. Where did they all seem to go?
- A. Down the river.
- Q. How long did that occur after your arrival?
- A. Not more than 10 minutes.
- Q. When the other movement was made they vacated the bottom?
- A. Yes, sir.
- Q. Describe the firing about the command at that time, whether heavy or scattering shots.
- A. When my company was first put out, it was pretty heavy firing; but the Indians that could be seen were so far away that it seemed like a waste of ammunition, and I ordered the troops to stop firing.
- Q. The heavy firing was then on the part of the command or the Indians or both?
- A. On the part of the command principally.
- Q. State if you know where the pack train was at the time you joined Major Reno's command on the hill, or about how far it was to the rear.
- A. I looked back when we were going towards Major Reno's command for signs of the pack train, but I did not see any dust from it. Soon after we joined Major Reno, I saw the dust coming from the column and I judge it was 3 or 4 miles away in a straight line.
- Q. After that how long was it till the advance of it came up?
- A. Some of the ammunition packs came up, I think, in probably half or three quarters of an hour after we joined Major Reno. Lieut. Hare borrowed my horse and went there and brought the ammunition packs up on a run.

- Q. How long after your arrival there did Lieut. Hare borrow your horse to go back?
- A. Not long.
- Q. Do you know by whose order he went back?
- A. By Major Reno's, I understood.
- Q. State particularly, refreshing your memory if necessary, when, on reaching Major Reno's command on the hill, did you first see that officer and where; what was he doing and what orders did he give and what did you observe at the time in regard to his conduct?
- A. I saw him soon after I got there, coming up to Capt. Benteen, or perhaps they were talking together. He had a handkerchief tied round his head and seemed somewhat excited. I think he was making arrangements to go for Lieut. Hodgson's body or effects.
- Q. About how long did you notice him there?
- A. Not long; my attention was on the skirmish line.
- Q. State if you heard firing in the direction of Gen. Custer's battlefield; if so, describe that firing and how soon it was after your arrival; and what remarks, if any, were made at the time about it?
- A. I can't recollect the time exactly, except that it was after Lieut. Hare had returned from going after the packs that we heard firing from below. I heard two very distinct volleys; still, they sounded a long distance off. Then we heard scattering shots afterwards, not very heavy.
- Q. What remark was made about the firing?
- A. Lieut. Hare and myself were together and I called his attention to it. I don't remember as (sic) there was any conversation between us.
- Q. How did you call his attention to it?
- A. I asked him if he heard that firing. The supposition was it was done by General Custer and his command.
- Q. Was that firing of volleys loud enough to be heard by the command generally?
- A. I think so.
- Q. What reasons have you for thinking so?
- A. I was about as far away from it as anybody in the command, and besides, I am a little deaf naturally.
- Q. Were you at that time?
- A. Yes, sir.
- Q. State whether any movement was made down stream by any part of the command before any of the pack animals came up. If so, what part of the command and by whose orders, if you know.
- A. I don't know by whose orders, but Capt. Weir with his company moved down below to a high point, probably three quarters of a mile or a mile in advance of the command.
- Q. Locate, if you can on this map, the point to which Capt. Weir moved with his company as you have stated.

- A. The topography I do not think is correct. This point 9 seems to be the highest point. If it is, that is the point he went to.
- Q. Did he reach that point before any other part of the command moved out?
- A. He did.
- Q. Then at that time were there any troops between Major Reno's command and Capt. Weir's company?
- A. The balance of the command was together on the hill.
- Q. State, if you can, how long it was after you came on the hill before that advance was made?
- A. It was some time.
- Q. Can you give any judgment?
- A. I cannot.
- Q. Can you tell about how long it was after he left the hill till the ammunition packs came up?
- A. No, sir; I cannot.
- Q. Did they come up soon after?
- A. Yes, sir.
- Q. State whether any movement was made down stream by the command. If so, how long after the advance pack mules came up and describe that movement.
- A. My recollection is the command was put in readiness to move soon after the ammunition packs came up, and it was then stopped to wait till the whole train came up and take everything along. I know my company was taken from its position on the skirmish line, and we were dismounted again to wait for the pack train to come up.
- Q. Go on and state by whose order the movement was made down the stream, if you know.
- A. I don't remember by whose order we did move down.
- Q. Did the order come from Major Reno, either directly or through the usual channels?
- A. That I can't recollect - it did not impress me at all.
- Q. Describe that movement fully from the time it began till it returned. State all the facts and circumstances about it.
- A. After the pack train came up, the command mounted and moved down the river, till the advance company came to that high point on the ridge below, to that point indicated by the figure 9. Three companies I think were up to that point - I know my company was about the third company, and it was a little below on the hillside; and I went to the top to take a view of the country. While I was up there, the Indians started back from some position they had away ahead, apparently about 3 or 4 miles. They started towards us and the companies were ordered to dismount. My company was placed in skirmish line on the crest of the bluff next the river and above that high point, connecting I think, with M company which was on the high point. Soon after getting into position, I saw the pack train and part of the command moving to the rear. I remained in position however - I did not receive the order for the return movement. The general under-

standing is that when part of a command moves, the rest follow if they don't receive orders to the contrary. I waited there some time. The companies on the ridge on the high point and below were firing. Lieut. Hare came to me and told me the command was ordered back, and that I should mount my company and follow the command. About the time we were starting down the river, Major Reno gave Lieut. Hare some orders, and turned to me and said "Excuse me, Capt. Godfrey, I am going to use Lieut. Hare as my Adjutant. Lieut. Hodgson, my Adjutant, has been killed". I then drew in the skirmish line, mounted my company, and started back. I had gone but a short distance when Capt. French's company came down the hill, passing to the rear very rapidly; and soon after, Lieut. Edgerly with D Company came down the hill quite rapidly. The Indians followed them to the crest of the hill and began a very heavy fire on them. As soon as I saw the Indians, I dismounted my company and threw it out as skirmishers; and as soon as Lieut. Edgerly and his company passed, I commenced firing on the Indians and drove them back behind the hill, and they took position there behind the hill. Soon after that, I received an order from Capt. Bentzen through Lieut. Varnum, to send my led horses in and fall back. I was executing that movement; and coming near a ridge, I directed Lieut. Hare to take 10 men and occupy a high point on the right facing down the river toward the Indians. He had just cut out the men and was starting to take the point, when Trumpeter Pennell came to me with Major Reno's compliments, saying I should fall back as quickly as possible. I recalled Lieut. Hare and the men, and fell back to the line where the command was.

Q. How far down stream was the general movement made by the command?

A. Some of them went beyond where Capt. Weir went. I could not see how far they went, because the hills would intervene. They went below down towards the ford B.

Q. When you got down to that advanced position, were there Indians confronting the command or engaging it at that time?

A. No, sir.

Q. Who halted the command or why was it halted?

A. I don't know.

Q. What could be seen lower down the river?

A. Lots of Indians.

Q. What did they appear to be doing?

A. I formed the impression at the time that their attention was directed down the river. I supposed, hearing but little firing from them - only an occasional shot - that General Custer's troops had been repulsed and they were watching his retreat.

Q. How near was the command to the Indians when it went down the stream?

A. I think about 3 or 4 miles.

Q. They remained there till the Indians came up?

A. Yes, sir; those companies did.

Q. Was the engagement severe in and around there, or was there any engagement at all resulting in any casualties?

A. No, sir; no severe engagement at all.

Q. What were the casualties during that advance before the troops started back?

A. I don't think there were any before they started back.

Q. How soon after that deployment, if you can state, till the troops in the rear or any part of that command started back?

A. Quite soon after.

Q. I believe you have stated that you don't know by whose order the backward movement was made.

A. I do not know.

Q. Was there much firing on the part of the Indians down at that point up to the time the command started to go back?

A. No, sir.

Q. Was there any firing?

A. Yes, sir; some.

Q. Describe it.

A. They were firing occasional shots.

Q. You stated you were ordered to return with your company from that place. State what the orders were, and what impression they made on your mind at the time of receiving such orders.

A. I was ordered to mount my company and follow the command.

Q. Was it practicable for you to do so at the time the order was given?

A. At the time the first order was given, yes sir.

Q. Was it at the time the second order was given?

A. No, sir; not at once, because the Indians were keeping up a heavy fire in front.

Q. State if you saw Major Reno while you were at that advanced position down stream. If so, what was he doing, where did you see him and what orders did he give, if any?

A. I don't remember to have seen him or to have heard him give any orders; he may have been there, but I don't remember it.

Q. At the time of moving back, was Major Reno's command in view of your company while you were trying to hold the Indians in check?

A. It was not.

Q. Had it passed entirely from your view?

A. Yes, sir; there was a rise between his command and myself, and I was in a low place below. There was a ridge, and one side sloped towards his command and the other to where I was.

Q. What was your position towards the Indians in reference to his command?

A. I was between the Indians and his command.

Q. With what troops?

A. With my own company only.

Then at 2 o'clock p.m., the Court adjourned to meet at 10:30 o'clock tomorrow, Wednesday Feby. 5th, 1879.

TWENTY-FIRST DAY

Chicago, Ill., February 5th, 1879, 10:30 A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

DURING THE READING OF THE TESTIMONY OF THE WITNESS CHURCHILL HE DESIRED TO CORRECT HIS TESTIMONY so that it shall read "I heard the volley firing down the river soon after we arrived on the hill with the packs".

DURING THE READING OF THE TESTIMONY OF CAPTAIN GODFREY, HE SAID "I wish to convey the impression that when Lieut. Hare came back after the packs, he did not remain, but went on ahead and the packs came up on a run by themselves."

THE EXAMINATION OF CAPTAIN GODFREY BY THE RECORDER WAS THEN CONTINUED as follows:

QUESTIONS BY THE RECORDER

- Q. What order did you receive on joining the command and from whom, after returning from down stream?
- A. I was ordered to get into line quick by Maj. Reno.
- Q. In person, or through the usual channels?
- A. In person.
- Q. Who directed or supervised the getting of your men into position and what was their position?
- A. There was no regular position assigned to my company. I was ordered to fall into line. It was interpolated with other companies.
- Q. I understand your company formed no distinct part of the line?
- A. Yes, sir.
- Q. What companies was it mixed with?
- A. Companies "B", "M", "G" and "D".
- Q. How soon after did the attack begin on the part of the Indians?
- A. Immediately. It began before I got there.
- Q. When did the attack generally begin?
- A. The attack followed me right in.
- Q. Can you tell about the time of day it was when you got back and the attack began?
- A. I think it was after six o'clock.
- Q. How long did the engagement last that day?

- A. Till dark; or rather till dusk.
- Q. State after you first joined Major Reno on the hill, if the battalion organizations were kept up?
- A. I don't think they were.
- Q. During the fight that afternoon where was Major Reno? What was he doing and what orders did he give and what did you notice of his conduct in act or word?
- A. I don't remember to have seen anything of him or to have heard anything he said or to have (had) any orders from him.
- Q. Do you recollect seeing him?
- A. I don't recollect it.
- Q. Or of saying anything to him?
- A. No, sir.
- Q. After the fight was over that day, what preparations were made to resist the Indians? What disposition was made of the troops or of your company?
- A. As soon as the firing on the part of the Indians ceased we began digging rifle-pits and putting the men in them.
- Q. State what disposition was made of the troops there at that time.
- A. The companies were changed so as to be put in regular order; each company assigned to a position.
- Q. Who gave the order?
- A. I don't remember who gave the order.
- Q. Who assigned your company to its position?
- A. I don't remember that anybody placed it in position. "D" Co. was withdrawn from the rear part of the line to connect with the corral, and "A" company and I fell into the position they vacated.
- Q. In regard to changing positions, state if you can, how it was brought about; relating the circumstances as fully as you can, what was done and by whom?
- A. There was quite a gap between the corral and the line we were occupying, and after dark Capt. Weir came to where I was and we were holding a conversation; and I told him I thought that gap ought to be filled in there. He said he was not in command and would not move out unless he got orders. Lieut. Edgerly came around afterwards and I asked him if he had orders to fill up the gap, to move the companies to the right, he said he had not. I told him if he were to move his company down there, I don't think anything would be said about it; that he could see it ought to be done, and perhaps if he would speak to Major Reno about it, it would be all right. He afterwards did speak to Major Reno, as he told me, and his company was moved.
- Q. State what conversation, if any, you had with reference to the condition of the command there, and what had become of General Custer and his command. What appeared to be the impression in regard to where he was with his command?
- A. This conversation I speak of was with Captain Weir; we thought he had been repulsed and unable to make a junction with us. We thought that the

command ought to move that night and effect a junction with him, as we had fewer casualties there to take care of than we would have in the future.

Q. State if you know where Major Reno was during that night, what was he doing, and what orders did you receive from him, if any.

A. I don't remember to have received any. I may have done so and not remember it.

Q. Do you remember having seen and talked with him that night?

A. I do not.

Q. State at what time the fight began on the day following?

A. As soon as it was light.

Q. What time was daylight in that section of country, at that time of year?

A. We did not have the local time, our watches were not changed. I think it was about three o'clock or earlier.

Q. State whether on the morning of the 26th you heard any conversation on the part of Major Reno and Capt. Benteen in regard to the latter getting assistance to protect his line. If so, what was that conversation and what did Major Reno do or say about it?

A. Capt. Benteen came over to where our line was, and stated that he was being hard pressed on his side, and that it was necessary for him to have more troops over there; that he must have another company. Major Reno, who was a few feet from my right in a pit with Capt. Weir, said that the Indians were pressing us very hard on our side and he did not see how he could spare another Co. Capt. Benteen insisted on another company: that he must have it; that his company was getting very thin from the number of casualties, and Capt. French was directed by Major Reno to go over on Capt. Benteen's line.

Q. Who took them over?

A. Capt. French.

Q. Where was Major Reno during the time it was going over?

A. He remained where he was.

Q. State if you observed at that time or after that, or at any time during the 25th or 26th, any act of timidity or hesitation on the part of Major Reno, in regard to his duty as Commanding Officer. If so, describe those acts fully.

A. When Capt. Benteen came over to our line some time in the forenoon and said we would have to drive the Indians away from our front: that they were firing over on the rear of his line and we would have to charge them and drive them away, I know he had to repeat the request a couple of times; that is as far as I can say about it.

Q. To whom did he repeat the request?

A. To Major Reno.

Q. What was done by that officer?

A. The charge was made.

Q. By whose order direct to the troops?

A. Capt. Benteen's.

Q. About what time of day was that?

A. I can't place it.

Q. How long before the general engagement of that morning ceased?

A. Soon after this charge was made the engagement ceased.

Q. Did you see Major Reno at any other time during that engagement or about its close, and if so, state all you know in regard to his acts or words, if there was any further.

A. Sometime after this charge was made, he came on the rear of my line where I was and said he was going over to look up a new position, and we started across together. I was going to the pack train. We started across. Some little distance between our line and the rise between us and the pack train, the Indians set up a pretty heavy fire on us, when Major Reno dodged and said "damned if he wanted to be killed by an Indian": "he had gone through too many fights". He said this in a laughing manner.

Q. How long were you with him at that time and after that continuously, and where did you separate or did you remain together?

A. I don't think we remained together; he went on over to Capt. Benteen's line.

Q. Did you see him over there after that?

A. I did not.

Q. State whether or not on the 25th or 26th of June you had any conversation with Major Reno in regard to what had become of General Custer's command; if so, state that conversation fully.

A. I did not.

Q. State fully and clearly your opinion of the conduct of Major Reno as Commanding Officer of the troops in that battle in regard to courage, coolness and efficiency as far as those matters came within your observation or knowledge, and state the facts upon which your opinion is based.

A. I saw very little of him on the first day or night. I was not particularly impressed with any of the qualifications.

Q. On the next day during the engagement how was it?

A. There was very little to do the next day except to lay and shoot. There was no supervision required, but what was done outside of the line was done by Capt. Benteen.

Q. Is that your full answer to the question?

A. Yes, sir; as near as I can understand it.

Q. State whether his conduct was such as tended to inspire the command with confidence in resisting the enemy?

A. I don't think it was, generally.

Q. State whether or not Major Reno to your knowledge, appeared to be exercising fully the functions and duties of Commanding Officer, or did they appear to be exercised by some one else; if so who, and state all the facts upon which your opinion is based.

- A. It was my opinion then that Capt. Benteen was exercising the functions principally of Commanding Officer.
- Q. Is that your answer to the question?
- A. Yes, sir.
- Q. Did you see the hostile village move off on the 26th of June?
- A. I did.
- Q. Describe it as it appeared to you, as to length, width and density as it moved away, and any circumstance in connection with that.
- A. It was about getting dusk and it seemed to be a very large mass; we made a comparison at the time and thought it was between two and three miles long; its width we could not tell exactly, but on the outside of it were a number of Indians riding, and also in the advance and on all sides mounted Indians were riding; it seemed to be very compact.
- Q. Did that moving mass present the appearance of warriors principally, or ponies?
- A. We could not distinguish individuals in the mass; only on the outside.
- Q. You could distinguish them on the outside?
- A. Yes, sir.
- Q. Inside what did it appear to be?
- A. Just a moving mass.
- Q. State whether you examined the place where the village had been and if so, state what your examination was, and give your estimate of the size of the village, if you can do so satisfactorily to yourself.
- A. I can't give any estimate as to the number of lodges. My company with several others were detailed on the 27th, I think it was, to destroy the tepee poles and the camp material that was left in the village, and we could not begin to touch it.
- Q. I understand by that that everything had been abandoned and left by the Indians?
- A. A great deal, a large quantity of camp equipage and lodge poles and robes.
- Q. Can you give any estimate of the number of lodges?
- A. I can't do it possibly.
- Q. Any estimate would simply be a guess?
- A. Yes, sir.
- Q. In regard to the effective fighting force of that village, give your estimate of it if you can, and on what you base it.
- A. I made an estimate at the time, or rather a guess, from the number I saw in position and off at long distances, and it would take at least 3000 to cover the ground I saw.
- Q. Did you make any examination of what is known as the Custer battlefield or the route General Custer had taken; if so, describe it fully and any developments that came to your knowledge as to the fate of his command?

- A. I made no examination of the trail. I helped with my company to bury the dead on the 28th. My company was assigned to a certain line of march.
- Q. Where was that in reference to the river?
- A. It was far from it, I think; there were one or two companies to my right.
- Q. Describe what you saw about the condition of the bodies and the evidences of a struggle.
- A. I made an examination where the different bodies were. I found a good many cartridge shells, but no cartridges that I remember. After remaining there a while, I went off from the command to see if there were any evidences of the escape of anybody. I looked for the tracks of shod horses to see if there were any signs of escape, and was away during the greater part of the time they were carrying on the burial.
- Q. What were those cartridge shells?
- A. Carbine shells, caliber 45.
- Q. The same as the troops used or different?
- A. The same as some of the troops used.
- Q. State if you made any examination of the point "B" or near it?
- A. I went down to that ford, and thought I saw evidences of where shod horses had gone across the ford; and I made up my mind at the time that General Custer had attempted to cross there.
- Q. How near to that ford did you find evidences of fighting?
- A. I saw no evidences of fighting near there; the first body was a long distance off from that, a half or three quarters of a mile.
- Q. In your examination, could you discover traces or evidences showing that General Custer had attempted to fly that field and get away: I mean General Custer's command?
- A. The bodies that I found where I found the shells, were some distance from where General Custer's body was found. I think they had attempted to make a stand there. There were some 15 or 20 bodies buried in one place by my company. All the troops I found there appeared to have made a stand.
- Q. To what companies did those troops belong?
- A. To different companies; all were not recognizable.
- Q. What did the appearance of the bodies show; an apparent line or scattered and in utter disorder?
- A. They were scattered.
- Q. What were the evidences in the position there at the time; that of a skirmish line?
- A. I supposed they had been dismounted there and been fighting.
- Q. State if you know, what was the condition of the horses of General Custer's column, as compared with those of the balance of the command.
- A. The horses of all the companies with his column had been on a scout some days before joining us, under Major Reno, and were very much ridden down as compared with the rest of the stock of the other companies.

Q. What were the general condition of the horses?

A. The general condition of the horses was good.

QUESTIONS BY MAJOR RENO

Q. How long have you been an officer?

A. Since June 1867.

Q. You have been a captain how long?

A. Two years.

Q. What was the number of the troops that were under Major Reno on the hill top?

A. I think a little over 300.

Q. How many captains were there?

A. 5, I believe.

Q. Some of them had held high commands in the Volunteer Service during the war?

A. Two had, I believe.

Q. They had been colonels?

A. One had been a colonel and the other a lieutenant colonel.

Q. They were experienced officers?

A. Yes, sir.

Q. Each one abundantly able to command a company?

A. Yes, sir.

Q. State whether there was anything in the position or character of the struggle there, to which anyone of those men as company officers was unequal?

A. I don't think there was.

Q. State whether those officers did not have the confidence of Major Reno in that fight, as far as you know.

A. As far as I know, they had.

Q. Were not the duties each captain had to perform of an elementary character, such as he would be abundantly able to discharge from his own knowledge?

A. Yes, sir.

Q. Was not the exigency such that all duties were of a simple kind, consisting mainly of self protection and defense?

A. Yes, sir.

Q. Do I understand you to say that in the narrative you have given of those engagements, you pretend to describe all that Major Reno said and did?

A. I do not.

Q. He might have done and said many things that you did not know about?

A. Yes, sir.

Q. Then you only described just that portion of your engagement in which you took a part, and which came under your view?

A. Only the facts which came under my observation.

Q. With regard to the opinion of yourself and Captain Weir about moving out that night, is it not a fact that there is generally a difference of opinion where there is a large number of officers with regard to the best way of conducting an engagement?

A. It is necessarily so.

Q. Any difference of opinion on the part of the Commanding Officer does not of itself indicate anything wrong on the part of the Commanding Officer?

A. No, sir.

Q. That was the opinion of Captain Weir and yourself?

A. It was.

Q. Did you have any complaints to make to Major Reno with regard to anything being wrong on your part of the line?

A. I did not.

Q. Everything as far as you know went along properly, and you were able to take care of all the duties of your position, were you not?

A. Yes, sir.

Q. Major Reno was aware of that fact, was he not, from his knowledge of yourself and what was transpiring there?

A. I don't know.

Q. Had he any reason to think otherwise?

A. He had not.

Q. With regard to the charge made under the order of Capt. Benteen, I wish you to be a little minute about it. Did Capt. Benteen accompany that charge, or only give the order?

A. He gave the order.

Q. Did he not give the order to make the charge because he was in position to see the Indians and Major Reno was not, on account of the nature of the ground?

A. He was in position to see the Indians and Major Reno was not.

Q. Did Lieut. Edgerly accompany that charge?

A. Yes, sir.

Q. Did not Major Reno accompany the charge?

A. I think he did.

Q. In point of fact, that was one of the acts you saw Major Reno do?

A. Yes, sir.

- Q. With regard to Lieut. Hodgson's body, state if Major Reno sent any officer with men to recover Lieut. Hodgson's body and effects?
- A. I know he started with a part of the command.
- Q. That was at the river edge?
- A. It was towards the river; I don't know where it was. I sent a trumpeter along to get some water.
- Q. State whether at the time Major Reno went in the direction of Lt. Hodgson's body, the nature of the ground through and over which he had to pass was such as to have prevented him from hearing any firing from the direction of General Custer's battlefield.
- A. It might have done so.
- Q. State whether the firing at any time that you heard it, was sufficiently severe or sufficiently continued, to make you or any person in the command, have any belief that General Custer and his command was destroyed?
- A. Such a thought did not cross my mind at all.
- Q. What number of Indians were in and about Major Reno on the afternoon of the 25th and during that night, as far as you judge?
- A. I don't know; there were a great many.
- Q. A large number?
- A. Yes, sir, during the day. I think a few during the night.
- Q. During the night of the 25th did you hear any firing at all?
- A. I heard I think, once or twice, shots fired outside of our line, but there was a great deal of firing down in the village where there was a war dance; they were firing and yelling down there. They had a big fire.
- Q. That was on the other side of the river?
- A. Yes, sir; that was on the left bank.
- Q. Not on the bank where General Custer's battlefield was?
- A. No, sir.
- Q. During the night of the 25th there was no firing at all except as you have described?
- A. None that I recollect.
- Q. Do you think a large number of Indians were around you that afternoon and evening of the 25th?
- A. Yes, sir.
- Q. With regard to the ford B, state how many horses were found on General Custer's battlefield, how many shod horses?
- A. I do not know how many.
- Q. Was there not a much smaller number of dead horses than the number of living horses the day before?
- A. Yes, sir.
- Q. That point "B" was a watering place or fording place, was it not?

A. Yes, sir.

Q. Might not the tracks of shod horses there have been made by horses captured by the Indians and driven into the village?

A. They might have been.

Q. State whether, when a proposition is made to a Commanding Officer by the second in command, or by an officer in whom he has great confidence, any hesitation in accepting it and acting upon it, is any indication in any way of cowardice.

A. No, sir.

Q. Does it not indicate to your mind consideration and reflection?

A. Yes, sir; it would generally.

Q. Then the hesitation of Major Reno in accepting the suggestions of Capt. Benteen was not indicative of cowardice?

A. No, sir; I did not think it indicated cowardice.

Q. When Major Reno dodged the bullets he said he did not want to be killed by Indians?

A. Yes, sir.

Q. Did that indicate fear to your mind?

A. Not fear; I probably thought it was nervous timidity.

Q. Don't you know that a great many brave men have dodged bullets?

A. I presume they have.

Q. Don't you know that as high (a) military authority as General Taylor said he "would allow the boys to dodge the bullets, but not to run away"?

A. I don't know the fact; I have heard of it.

Q. Then Major Reno's conversation to you when he dodged the bullets did not indicate fear; a laugh does not accompany fear.

A. Not necessarily.

Q. After dodging the bullets he went over to where Capt. Benteen was?

A. Yes, sir; I believe so.

Q. Was not that part of the line very dangerous?

A. It had been up to that time.

Q. Was it not then?

A. The Indians were withdrawing at that time, and the fire was letting up.

Q. Was it not still the exposed part of the line?

A. It was an exposed part of the line.

Q. At the time Major Reno said he did not care to be killed by Indians, was the fire ceasing?

A. It was about that time: the Indians had let up keeping up a heavy fire.

- Q. At the time he crossed that point were not the other officers under proper shelter?
- A. I think they were.
- Q. Did you see Major Reno firing his pistol when you came up on the hill?
- A. I did not.
- Q. You did testify it was through Major Reno you received orders to take position as quickly as possible?
- A. After falling back; yes, sir.

QUESTIONS BY THE RECORDER

- Q. State whether or not you were acting as captain in command of the company yourself?
- A. I was commanding the company.
- Q. State whether or not in Indian fighting, the officers of the command of large experience, had had any more experience in Indian fighting than other officers of the regiment.
- A. They had not.
- Q. In a place of that kind - in a place of great danger - where there is a difference of opinion among officers as to just what ought to be done, whose place is it to be present and decide those matters?
- A. The Commanding Officer.
- Q. You stated that Capt. Benteen came over, and had spoken to Major Reno and said the Indians should be driven away or charged. Was Capt. Benteen in a safe or exposed position at that time?
- A. Exposed.
- Q. Describe it.
- A. It was so exposed that I told him he had better come away from the place he was, that he would get hit. He said something about the bullet not having been moulded yet to shoot him: that he had been through too many dangerous places to care anything about their shooting.
- Q. Was this the position from whence he could see the Indians?
- A. Yes, sir.
- Q. Could Major Reno see the Indians from where he was?
- A. I think he could not.
- Q. Could he have seen the Indians by going to the position where Capt. Benteen was?
- A. He could.
- Q. Was there any hesitation there in his adopting the suggestions of Capt. Benteen?
- A. I think there was. After Capt. Benteen told him that the Indians must be driven away, Major Reno asked him something about if he could see them

and sat there some little time. Capt. Benteen said, "well, if you don't get them out, they will come in here", and do something - I don't recollect what it was. It was to the effect that they would come inside the lines and then upon us. Major Reno then told him "all right" to give the command. Capt. Benteen gave a couple of whoops and the command started out.

- Q. Was any effort made on the night of the 25th to find out anything about General Custer or his command, either by courier, or otherwise, to your knowledge?
- A. Not to my knowledge. I heard that scouts had been sent out on the night of the 25th.
- Q. How did that information come to you? Officially; or was it a matter of hearsay?
- A. It was by grape-vine.
- Q. Was there not in that command, from the vast number of Indians around those troops, some feeling of uneasiness in regard to General Custer and his command? If there was, state what it was, or was there a feeling of utter indifference about him, as far as you observed?
- A. I think everybody thought he had been repulsed, and the Indians had driven him away. There was such a feeling and I heard the men say during the night that they thought General Custer had abandoned them, as he did not come back.
- Q. Was there in your mind, or in the mind of others as far as you know, any impression that General Custer would abandon any part of his command if it were a possible thing for him to get to it?
- A. I don't think there was any such impression.
- Q. In regard to the ford B; on which bank of the river did you see tracks?
- A. On the right bank.
- Q. Could you be positive where the tracks came out on the left bank?
- A. I went on the other side and saw no tracks there.
- Q. You state that at the time you came up in the first instance to Major Reno's position on the hill, you did not observe any pistol firing? What was your position?
- A. The rear company in the battalion.
- Q. Do you mean to have it inferred that he could not have fired a pistol on coming to meet Capt. Benteen?
- A. I say I did not see him; I don't know anything about it.

QUESTIONS BY MAJOR RENO

- Q. Capt. Benteen had had considerable experience in Indian fighting, had he not?
- A. Yes, sir.
- Q. That opinion that you and Capt. Weir expressed together was in the nature of a conversation between you?
- A. Yes, sir.

Q. That was all?

A. Yes, sir.

Q. Not resulting in any communication to the Commanding Officer?

A. No, sir.

Q. Was not Major Reno exercising his own judgment in deciding the command ought to remain where it did?

A. Yes, sir.

Q. When did you go to the ford B?

A. On the 28th.

Q. With whom did you go?

A. I don't remember.

Q. Did you go with Capt. Benteen?

A. I don't know - several of us were there.

Q. Had not Capt. Benteen with a detachment of horses been there before?

A. I don't know.

Q. Don't you know he was the first to visit the field, and that he went to the ford B?

A. I do not.

Q. Might not those marks you saw on the ground which indicated shod horses have been made by horses of Capt. Benteen's, on his way to the battlefield?

A. They might.

QUESTIONS BY THE COURT

Q. At the time you moved down to Capt. Weir's position to the point known as Weir's Hill, did you look in the direction of the place of massacre?

A. Yes, sir.

Q. Could you see it?

A. I could see the general lay of the ground; but could not see any bodies or persons except Indians.

Q. Could you see the point?

A. I believe I could - my recollection is I could.

Q. Was there anything in the way of fighting going on there at that time?

A. No, sir; I don't think there was. I saw no evidences of fighting at that time.

The witness then retired.

JOHN FRETT, A CITIZEN, A WITNESS CALLED BY THE RECORDER and being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

Q. State your name, occupation and residence.

A. John Frett. I am proprietor of the Commercial Hotel and billiard room at St. Paul, Minnesota.

Q. Were you present with the 7th Cavalry or any part of it at the battle of the Little Big Horn on the 25th and 26th of June, 1876?

A. Yes, sir.

Q. In what capacity were you there?

A. As a citizen packer.

Q. What were your duties as packer?

A. To take care of the mules and pack and unpack them.

Q. Had you considerable experience in that?

A. Well, middling.

Q. On the morning of the 25th of June, did you see the cavalry horses, most of them?

A. Yes, sir.

Q. What condition were they in?

A. They seemed in pretty good condition.

Q. How were the mules?

A. They were in average good condition.

Q. Did any of them have to be left on the road?

A. Not there.

Q. Were there any horses left on the road?

A. I think there was one shot on the 25th - that was all that was left.

Q. Where did the pack train march?

A. We generally followed up in rear of the column.

Q. How does a pack train march usually - scattered out or closed up?

A. When they are packed there is a bell horse ahead, which somebody rides, and the mules and the packers go behind driving them?

Q. On the morning of the 25th, where was it that you first heard of the engagement - what word came to you?

A. We had several reports come which did not prove to be true till - I can't say the time exactly - but as near as I can guess, it must have been

between eleven and one when we got the first report. We were at the watering place near the tepee - the last tepee that was there before we got to the battlefield - the one with the dead Indian in it - when a Sergeant came from some company of the 7th Cavalry - I don't know what company, and said we should hurry up; that General Custer was attacking the Indians.

Q. Who gave you the order?

A. We got our orders from the chief packer.

Q. Who did he get his orders from?

A. Sometimes direct from General Custer, and sometimes from Major Reno.

Q. Did Capt. Mathey have anything to do with the pack train?

A. I know him - I don't know that he had much to do with us.

Q. Were there any soldiers with the pack train?

A. Some discharged soldiers.

Q. Was there a company of soldiers with the pack train that day?

A. Yes, sir.

Q. How far did you move from the watering place till you halted?

A. That I can't tell.

Q. Where did you go and what did you do?

A. We must have gone $2\frac{1}{2}$ and 3 miles when we halted and were ordered ahead again.

Q. What did you halt for?

A. To get them all together.

Q. How fast did you go?

A. As fast as the mules could walk.

Q. Were you pushing them?

A. We were driving them along. We did not trot them any.

Q. Where did you go then?

A. We started towards the big hill. Before we got to the river and when we got about half way, orders were we should return.

Q. Was that the big hill where you met the command?

A. It was where we met a large part of the command. Major Reno's and Capt. Benteen's commands were both there.

Q. From there you moved down the river and back again?

A. Yes, sir.

Q. Where did you move back to, near the place you stopped first?

A. Right at the place we stopped.

- Q. After you got back what occurred - was there any fighting?
- A. We could see Indians around us firing - they were pushing us pretty hard - we were corralled there.
- Q. Tell what you did with the pack train when you came back?
- A. After we put it in that place, we got orders to unpack and put the packs into breastworks.
- Q. What was done with the packs?
- A. Put into breastworks. Every pack that was there was put in.
- Q. Could you see what the troops were doing? And what were you doing?
- A. We were busy unpacking the mules and putting things in shape as we were ordered to; and the troops were fighting.
- Q. Did you see Major Reno during the fighting that afternoon?
- A. I did not.
- Q. Did you see any officers down there?
- A. Yes, sir.
- Q. What orders did they give?
- A. We had no orders except to unpack the mules and put the packs into breastworks.
- Q. Did anybody come there and order the men on the line?
- A. Yes, sir; several of the officers: Lieut. Edgerly and Lieut. Varnum and Lieut. Mathey, and, I think, Capt. French and Capt. Benteen and Capt. Weir; but they did not come in to order the men out. They were generally on the line fighting. On the northeast corner was where I saw Capt. Benteen.
- Q. You don't mean that those all came there, but that you saw those officers?
- A. Yes, sir.
- Q. I refer to the officers who came there.
- A. Lieuts. Varnum, Mathey and Edgerly.
- Q. For what purpose did they come - what did they say?
- A. They did not say much to us. Lieut. Edgerly encouraged the boys and told them not to be discouraged, that it would come out all right.
- Q. Were you ordered to go on the line, or were you engaged in other duties?
- A. At the time Lieut. Edgerly was there, I was holding my horse and two or three others.
- Q. What became of your horse?
- A. He was shot.
- Q. When did you first see Major Reno on the 25th of June?
- A. In the evening after the firing ceased.

- Q. Go on and tell just what occurred - what you said; where it was; what was said and done, and every fact in regard to it, according to your own knowledge.
- A. In the evening after the firing ceased, I went over towards where I had put the packs in the breastworks. I passed an officer, but did not notice him till I was almost in front of him, when I turned and saw it was Major Reno. I saluted him and said "Good Evening". The first he said was "Are the mules tight". I said "tight, what do you mean by tight?" He said "Tight, God damn you" and with that slapped me in the face with his hand. Then he took a carbine and levelled it at me and said "I will shoot you". At that time, a friend of mine named Churchill pulled me back, and that was the last I saw of Major Reno till the next day some time.
- Q. Did you notice anything in respect to Major Reno's condition there - by act or word?
- A. Yes, sir.
- Q. Tell what it was.
- A. He had a bottle of whiskey in his hand, and as he slapped me the whiskey flew over me and he staggered. If any other man was in the condition he was I should call him drunk.
- Q. For what purpose were you going over to where the packs were?
- A. We went to get blankets and something to eat.
- Q. Why did you go there for it?
- A. We had nothing that day and we had no blankets. I had lost my horse and everything I had was stolen. I wanted something to lay on and that was why I went there.
- Q. What else did you lose?
- A. I lost my blankets, two shirts, a pair of pants and a blouse.
- Q. Where did you go, after leaving the place where Major Reno slapped you?
- A. I went back to where Wagner, the Chief Packer was; he was wounded there.
- Q. Did you get anything to eat that night?
- A. One of the packers opened a box of hard tack which he brought in - that was all we got.
- Q. How long had you been under Major Reno's command as Commanding Officer, if you know, up to the time this difficulty occurred? Who was Commanding Officer of the expedition?
- A. General Custer.
- Q. You were not with Major Reno's command till after you came on the hill that day, as I understand.
- A. No, sir; we only followed it up.
- Q. You joined it there?
- A. Yes, sir.
- Q. Had he ever said anything to you before that, or had any difficulty with you?

- A. Never. All I knew of him was when we used to break in the mules to packing. He and Quartermaster Nolan used to come over and see us. There was where I saw what I did see of him.
- Q. State how long you continued in the employ there as packer with that command.
- A. I applied for a discharge about the 1st of July on the Yellowstone.
- Q. Were you with the pack train at that time going back?
- A. Yes, sir.
- Q. What kind of a discharge did you get?
- A. An honorable discharge.
- Q. Have you ever been in the service as a soldier?
- A. Yes, sir; three years and four months.

QUESTIONS BY MAJOR RENO

- Q. When was it that Lieut. Edgerly came over to the pack train and talked to the men there?
- A. On the afternoon of the 25th some time.
- Q. Was that the same afternoon that Capt. Benteen came there?
- A. I don't recollect that Capt. Benteen was there at all.
- Q. What other officers came over to the pack train that afternoon?
- A. Lieut. Wallace came once and got a lunch, and went away again and told the boys to go into the line and fight as much as they could, and encouraged them, and then Lieut. Mathey and Capt. French, I think, I am not sure, were over there.
- Q. Did not Capt. Benteen come over there and drive out a lot of skulkers?
- A. Not to my knowledge.
- Q. Are you positive he did not?
- A. I did not see him.
- Q. Could he come there and drive out skulkers without your seeing him?
- A. Not very well.
- Q. Do you say he did not come?
- A. I can't say. I can't give a positive answer to that.
- Q. You say he could not have been there and driven out skulkers without your seeing him?
- A. I think I would have seen him if he had been there.
- Q. Do you say he was not there?
- A. I can't give a positive answer; such a thing might happen and I not see it.

- Q. There had been officers over that afternoon to drive soldiers to their duty?
- A. Not to my knowledge.
- Q. Had there been officers there before dark to send men back to their duty?
- A. Not to my knowledge.
- Q. Then none of the officers went to the pack train to have the men come back and do their duty on the line?
- A. I don't know about that. There was one said they wanted him to go out. He said he was not hired to go on the line to fight - that he was a citizen packer - that is what he told me, and that is all I know about it.
- Q. Don't you know there was a good deal of trouble and a good deal of complaint of men stealing in the pack train?
- A. No, sir.
- Q. Don't you know there was a good deal of complaint in regard to stealing?
- A. No, sir; not in the pack train - we got our rations regular.
- Q. Don't you know some of the officers lost things, by theft, from the pack train?
- A. No, sir.
- Q. Major Reno smacked you in the face?
- A. Yes, sir.
- Q. He was not a coward then, was he?
- A. I don't know whether I have a right to answer that question or not.
- Q. Do you say that after an affront like that you have no bitter feelings toward Major Reno?
- A. No, sir; not in a place like this.
- Q. How often have you and Churchill talked this matter over?
- A. We talked it over twice before our discharges, and talked it over this morning.
- Q. Did you talk it over yesterday?
- A. No, sir.
- Q. Was it not your memory yesterday, that the time you received knowledge of this fighting, and the time you set forward to meet Major Reno, was between eleven and twelve o'clock?
- A. I don't know anything of the kind.
- Q. Did you not have that impression yesterday?
- A. No, sir.
- Q. Have you made no alterations since yesterday in the time?
- A. No, sir.

- Q. Had you and Churchill agreed in your statements?
- A. No, sir; I generally go by my own knowledge.
- Q. Major Reno was quite drunk, was he?
- A. I would call a man drunk in the condition he was in.
- Q. Would you say he was very drunk?
- A. I would.
- Q. Did he stagger and stammer?
- A. Yes, sir; his language was not very plain.
- Q. How long do you suppose it would take a man as drunk as he was, to get over it?
- A. That depends on circumstances.
- Q. I ask you as an expert.
- A. If a man still keeps at it, he will never get over it. If he stops, he will get over it finally.
- Q. Did you see any evidences the next morning of his having been drunk?
- A. I did not see him the next morning. I saw him in the afternoon again.
- Q. Did you see any evidences of his being drunk at all, except in that interview?
- A. Does that cover all the time I have been with him?
- Q. No; that time.
- A. That was the only time I saw him drunk there.
- Q. Where were you going at the time you met him?
- A. I made the statement that I went to where we had the packs to get a blanket and something to eat.
- Q. By whose order did you go?
- A. By the chief packer's. He said to go and see if we could get something to eat.
- Q. When Major Reno met you did he not say something about rations being stolen?
- A. No, sir.
- Q. Did he not say there were thefts of some things from the packs?
- A. No, sir; he could not say that.
- Q. Was he incapable of that amount of speech?
- A. Not easily.
- Q. He was pretty drunk, according to your knowledge?
- A. Yes, sir; pretty drunk.

- Q. Almost incapable of walking?
- A. He braced himself against a pack.
- Q. Where did he go after that?
- A. I don't know - I went away; I did not like the looks of his gun.
- Q. Towards what part of the line did he go?
- A. I did not see him go away from there. I went away.
- Q. Did he stand till you went away; or did he move first?
- A. Churchill and I went away and left Major Reno there.
- Q. Did you hear afterwards where he went?
- A. No, sir; I did not look after him.
- Q. For all you know, he remained there all night?
- A. Yes, sir; he might have remained there.

QUESTIONS BY THE RECORDER

- Q. How many citizen packers were employed in that train that Capt. McDougall was bringing up?
- A. There were five or six altogether.
- Q. Were the balance of the men in with the pack train soldiers or citizens?
- A. Soldiers.
- Q. What were your duties as a packer in regard to fighting or anything of that sort?
- A. We had no orders in regard to fighting, and we had no weapons except revolvers.
- Q. None of the citizen packers had any weapons except revolvers?
- A. No, sir.

QUESTIONS BY MAJOR RENO

- Q. Major Reno was not only very drunk, he had a bottle of whiskey with him?
- A. It was either a bottle or a little jug - anyway the whiskey flew over me when he struck at me.
- Q. What is an honorable discharge for a packer?
- A. Generally when a citizen packer is discharged and gets his pay as agreed upon, we call it an honorable discharge.
- Q. When he is paid and dismissed?
- A. Yes, sir.

QUESTIONS BY THE RECORDER

- Q. Were you discharged from the service as a soldier?

A. Yes, sir.

Q. Did you get an honorable discharge?

A. Yes, sir.

Q. And you consider your discharge as a packer in the same way?

A. Yes, sir.

QUESTIONS BY MAJOR RENO

Q. You had something to attest your discharge as a soldier?

A. Yes, sir; I had my discharge.

Q. Do you mean that a discharge as a packer gives a man a certificate of good character?

A. No, sir; not at all.

QUESTIONS BY THE RECORDER

Q. What was your discharge: from the regular army or the volunteer service?

A. From the volunteer service.

QUESTIONS BY THE COURT

Q. Did you know who stole your clothing?

A. No, sir; I would give ten dollars for a memorandum book I lost.

Q. Did you ever find out?

A. No, sir.

Q. Why did you expect to find any blankets down there?

A. The blankets that were under the pack saddles were down there.

The witness then retired.

CAPTAIN F. W. BENTEN, BEING RECALLED BY MAJOR RENO, testified as follows:

QUESTIONS BY MAJOR RENO

Q. State whether during the engagements of the 25th and 26th of June, 1876, you had occasion to go to the pack train in order to drive out from it skulking soldiers?

A. I had.

Q. Once or many times?

A. Many times.

Q. State if you went there on the afternoon of the 25th?

A. I don't know that I went there for that purpose that afternoon.

Q. State if you went there towards evening on the 25th?

A. Not for that purpose.

- Q. On the 26th and night of the 25th, state if you did.
- A. I was around there very often and very much, both on the evening of the 25th, and many times during the day of the 26th, for the purpose of getting skulking soldiers and bringing them up to their duty.
- Q. State whether or not there was very considerable complaint with regard to stealing rations and other articles from the pack trains?
- A. They stole everything I had.
- Q. Were there not also complaints that different articles were being stolen?
- A. Yes, sir.

The witness then retired.

CAPTAIN E. G. MATHEY, 7th CAVALRY, A WITNESS CALLED BY THE RECORDER, and being duly sworn to testify the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

- Q. State your name, rank, regiment and where serving.
- A. E. G. Mathey, Captain, 7th Cavalry, serving at Fort Totten, Dakota Territory.
- Q. State on what duty you were on the 25th and 26th of June, 1876, where, with what command and under what commanding officer or officers if more than one.
- A. I was in charge of the pack train from the 22nd to the 28th of June, under the command of General Custer, and afterwards of Major Reno.
- Q. State if you know, where the pack train was on the morning of the 25th of June, 1876; how far was it from the main column when Capt. Benteen's column diverged to the left of Gen. Custer's column, if you know.
- A. Early in the morning we were in some timber where we stopped just before daylight. We marched some distance - I judge about two hours, and then a long halt was made. During that long halt I went to sleep - somebody woke me up and said officer's call had sounded and I went to see what were the orders. The officers were coming away. Gen. Custer had given them their orders I supposed, and I had no further orders to ask and I went back to the pack train. Everything got ready to move and I followed the command. After we had gone I suppose, two miles, Capt. Benteen turned to the left with his column.
- Q. Was that near the divide?
- A. Yes, sir.
- Q. State what order, if any, you had received in regard to the pack train and from whom?
- A. I received orders from General Custer. I reported to him every evening and received orders from him what to do. That morning Lieut. Cook came back and brought me an order to keep the mules off the trail, they made so much dust. I sent a man to see about doing it, and while he was gone was when Lieut. Cook came and asked me if I had received the order. I said "yes", and I was about doing it: and when the man came back from giving the order, I asked Lieut. Cook how that was. He said that was

better - they were not kicking up so much dust. That was the last order I ever got from that source.

- Q. Of how many animals did the pack train consist, and how many men with it, including the escort?
- A. About 160 mules: and I was supposed to have an average of 5 men from each company. I suppose in number I had about seventy men.
- Q. In addition to that, how many citizen packers did you have?
- A. I forget exactly - I judge there were 4 or 5.
- Q. Did you have a chief packer or head packer?
- A. Yes, sir; I had a man acting in that capacity - I forget his name.
- Q. Do on and describe the movements of the pack train from the time Capt. Benteen diverged to the left, up to the time you joined Major Reno's command on the hill, if you joined it; and state all the orders you received and all the halts made and all the circumstances?
- A. We followed the main trail. Capt. McDougall was urging me to get the packs along as fast as possible. I did so, but we had to repack a great deal. When a mule became unpacked I would leave two men to pack him, and go ahead with the train and leave them to bring up that mule. We pushed along with a good deal of trouble, as our command had not had much to do with that before. After I had gone, I suppose a little over an hour, and I had a horse that was very warm, and I changed him for another one, and went to the head of the train to see how it was getting along. In a short time I came to where a mule had been in the morass. Something was said about the mule being there. I don't recollect what I said - something about coming up as soon as possible, and rode ahead. The packs were very much scattered. I judge it scattered two or three miles from the front to the rear of it.
- Q. How many mules were reported stuck in the mud there?
- A. Three or four.
- Q. Did you come in sight of Capt. Benteen's column at that place?
- A. I did not see it.
- Q. Was there any delay at that watering place, or did the general movement keep on?
- A. I don't know that it was delayed any - it was not reported that it was. It seemed to move right along.
- Q. In repacking, did you delay the general movement?
- A. No, sir.
- Q. Do you know what time of day it was when Capt. Benteen diverged to the left with his column?
- A. I judge it was near 12 o'clock.
- Q. About how far was it from there till you came to the morass you speak of?
- A. It was four or five miles, I think.
- Q. Whose trail were you then following?
- A. I supposed it was General Custer's and Major Reno's together.

- Q. What other object did you pass after passing the morass?
- A. After passing the morass, I judge about three miles, we came to a tepee - someone said something about a dead Indian inside it; but I did not look inside.
- Q. Who did you meet near the tepee, and what orders if any were received?
- A. After passing the tepee, probably two or three miles, I don't remember the distance, I saw somebody coming back. One, I remember, was a half-breed, and I asked him if Gen. Custer was whipping them and he said they were too many for him. I saw a great deal of smoke. When I first knew they were fighting, I stopped the head of the pack train and sent word to Capt. McDougall that they had been fighting and I would wait for him to bring up the rear. When it came up we went ahead.
- Q. How long was that halt?
- A. Probably ten or fifteen minutes. It was not long.
- Q. Did you receive orders from General Custer or Major Reno or Capt. Benteen on that march?
- A. No, sir; only such as I received from Capt. McDougall.
- Q. Did any sergeant report to you with orders?
- A. No, sir.
- Q. From that point where you made the halt, how far were you from Major Reno's position on the hill, if you know?
- A. Where I made the halt, it was probably 2 or 3 miles.
- Q. What did you see in the direction of where the village was supposed to be?
- A. I saw smoke and I thought I saw men on the hill; they turned out to be the command of Major Reno.
- Q. Did you meet any officer there with orders?
- A. After we started, I met Lieut. Hare, who said he wanted the ammunition; and I detached two mules from the train and ordered them to go with Lieut. Hare.
- Q. How much ammunition did a mule carry?
- A. Two boxes, each with 1000 rounds in a box.
- Q. Did you see that ammunition taken out of the boxes?
- A. Not that I remember.
- Q. State what was done then about the pack train?
- A. We moved on till we got to Major Reno. (It) was at a pretty fast walk.
- Q. After starting the ammunition pack mules with Lieut. Hare, how long was it till you arrived with the pack train? What time of day was it?
- A. Something less than a half an hour; probably 20 minutes. I think it was about 3 o'clock when we reached Major Reno's command.
- Q. How do you fix that as the time?

- A. I judge we started about 11 or 12 from where the long halt was made; we then marched six or seven miles to the morass, and about 3 miles from there to the tepee; and from the tepee to where Major Reno was, was about 4 or 5 miles; and I think it would be about that time that we got there.
- Q. What hostile Indians did you see on your arrival and how did you acquaint yourself with it and where did you see them?
- A. I saw a few scattered Indians in the bottom; not in any numbers at all.
- Q. Was there firing around Major Reno's position?
- A. No, sir.
- Q. Did you observe at that time any movement of Indians at a distance?
- A. Someone gave me a glass, and I saw off at a distance of three miles or more, and could see Indians circling around, but no soldiers.
- Q. Where was that?
- A. Down stream about where the village was.
- Q. Could you tell on which bank it was?
- A. On the left bank.
- Q. Did you see Major Reno on your arrival on the hill?
- A. Yes, sir.
- Q. When?
- A. Soon after my arrival.
- Q. What was he doing and what orders was he giving?
- A. He was standing there and giving some orders to Captain French about going to bury Lieut. Hodgson, and some men at the foot of the hill. I remember Capt. French rather seemed to want more men to go with him, and Major Reno told him to go on and he went on. Shortly after that, he gave an order for Capt. French to come back. I heard Major Reno say we must try and find General Custer. I don't remember his words, but something about going in the direction where General Custer was.
- Q. How long after Capt. French was ordered down the hill till he was ordered back again?
- A. Only a few minutes.
- Q. What did you do with the pack train?
- A. We got no orders there till the command started to move down the river. Then the pack train followed; I observed the movements of the troops and followed them.
- Q. How long after your arrival on the hill before the command moved down?
- A. I think about half an hour.
- Q. Do you know what they were waiting for?
- A. I don't know exactly. I remember Capt. Moylan said it would be difficult to go along with his wounded men. We made the movement very slowly.
- Q. How many wounded men did he have?

- A. I don't remember. I remember a Sergeant they were carrying. I don't remember what others.
- Q. Do you know who ordered the movement down the stream?
- A. No, sir.
- Q. Who ordered you to move out with the pack train?
- A. I don't remember receiving any orders, I just followed the command.
- Q. Describe the movement down the stream, as far as it came within your knowledge.
- A. There was one company in front which I heard was Capt. Weir's. When we got near the top of the high hill there seemed to be some halt made. Finally I saw the troops turning back, and of course I turned back with the pack train. I judge we had gone over a mile with the pack train; I don't know exactly.
- Q. Do you know anything about the movement of Captain Weir's company down the stream?
- A. Nothing only what I heard.
- Q. Was he there when you first got on the hill?
- A. I was under the impression he was, but I don't remember distinctly.
- Q. Do you know he was down to that advanced position?
- A. Yes, sir.
- Q. State where you went after you turned back with the pack train; what was done with it?
- A. When we got on top of the hill it seemed to be a good position, and they halted. As I was about to corral the mules and to tie them, when I received orders from Captain Benteen to put the men on the line, and I gave the order for the men to go on the line and let the mules go. I went out to see the line, and one man was wounded and brought back about to that place, and boxes were put around to afford protection; and after that the other wounded were brought to that place.
- Q. What men were ordered to the line, the men of different companies?
- A. The men of the different companies. I heard Capt. Benteen say: "put all the men out on the line". The firing became heavy as soon as we halted.
- Q. Go on and state anything about that matter that you recollect.
- A. The firing kept on and we remained there. Sometime after dark Major Reno gave me an order to put boxes out to cover the front. There was quite a depression and the firing was heavy from that direction. With help, I put all the boxes in the place where I was directed. Capt. Moylan's company was in that position.
- Q. Did you order all of the men with the pack train out on the line?
- A. Yes, sir.
- Q. What facilities had you for taking care of the mules?
- A. Not much; only the men that I could pick up among the mules?
- Q. Did you have any citizen packers?

- A. Yes, sir; one or two of them helped me unpack the mules.
- Q. What were the duties of the citizen packers?
- A. To help pack and repack and they did so. I had no special instructions about them. I supposed they were there to instruct the men how to pack and to assist. I think they did a great deal of packing around Headquarters.
- Q. Were the citizen packers armed; if so, with what?
- A. Some came to me for carbines, and I told them to pick them up if any of the wounded men had left them, or any where they could find them.
- Q. Did you have any trouble with the packers?
- A. No, sir.
- Q. What was their general conduct?
- A. I had no trouble, and there were no complaints made in the command that I remember.
- Q. Who selected the place to put the wounded men in that you speak of?
- A. I don't remember that any one did. I put the boxes there myself with Dr. Porter. I don't know whether Dr. Porter or myself made the suggestion. I know the first man was brought there, and then the orders were brought there.
- Q. When did the firing cease on the afternoon of the 25th?
- A. Not till about dark, as near as I remember.
- Q. Did you see Major Reno immediately after the cessation of the firing, or before that?
- A. After we came back from that position, I don't remember seeing Major Reno till after dark, when I received those orders from him.
- Q. Did he give that order in person or by his Adjutant.
- A. In person.
- Q. What was done that night about the pack train and by whose order?
- A. Nothing more that night. The next morning I got what lariats and ropes I could, and fixed some kind of a picket line, tying it to the dead mules and horses to tie the living horses and mules to. Lieut. Edgerly tied some of his horses to it. There was not quite room enough to tie all the horses and mules of the command, but some were tied and then the firing commenced early.
- Q. What time?
- A. Soon after daylight. There were but few shots fired while I was fixing the line. It took me probably half an hour to fix the line at that time.
- Q. By whose orders did you do that?
- A. I had no orders to do it.
- Q. Did you see Major Reno that night after he gave you that order?

A. No, sir: I know about where he was lying.

Q. Where was that?

A. Near the pack train: rather southwest of it.

Q. How far from the line where the troops were engaged?

A. I think 30 or 40 yards from the line; right where the pack mules were.

Q. How often did you see him there that night?

A. I don't remember seeing him only when he gave the order - probably I passed near him.

Q. Was he lying down when he gave the order?

A. I think he was standing up when he gave the order.

Q. State when you next saw Major Reno. What was he doing and what orders did he give?

A. On the morning of the 26th I saw him by where Capt. Moylan's company was, in front of the pack train. I judge that was about 10 o'clock. He was apparently walking around the line.

Q. Was there a general engagement going on?

A. Yes, sir; the firing was pretty heavy then.

Q. Was it about as heavy as it had been before?

A. Yes, sir; about the same.

Q. When did the fire from the Indians slacken?

A. Sometime in the afternoon, about 3 or 4 o'clock.

Q. I don't mean ceasing but slackening.

A. That is what I mean; probably about 3 it kinder slackened up. I heard some few shots after that.

Q. What time did the fire entirely cease?

A. It was probably 5 or 6 o'clock, as far as I remember.

Q. Can you state that from the time you arrived on the hill on the afternoon of the 25th, till the evening of the 26th, how often you saw Major Reno?

A. About three or four times.

Q. After the close of the engagement, what orders did you receive from Major Reno?

A. I received orders to move everything down to another position down towards the creek. That would be in a South or Southwest direction.

Q. After the close of the engagement, how often did you see Major Reno till the close of that day?

A. I saw him frequently.

Q. You arrived on the hill with the advance of the pack train?

A. Yes, sir.

Q. You don't mean with the ammunition packs?

A. No, sir.

Q. Did Capt. McDougall arrive soon after?

A. Yes, sir.

Q. How soon after?

A. I don't remember. I paid no attention. He must have come very soon after. It was a little while after I met Lieut. Hare that we moved on, after I made that halt.

Q. In regard to taking the packs off that night, were they put by the companies?

A. They were not put by (the) companies; they were put in a depression. Some of the packers and men of the companies took some of the boxes and put them in front of the companies, and I used some for the hospital.

Q. How were rations distributed to the command that night?

A. I don't know that any distributions were made that night. I don't think anybody ate much that night; we had no orders.

Q. Was there any regular distribution, or did the men help themselves?

A. I heard talk about men stealing rations. I suppose they helped themselves. I saw nobody issuing any.

Q. Had the packers stolen all the rations?

A. No, sir; they may have taken some.

Q. Did you hear any special complaint about things being taken?

A. Not any more by the packers than by the soldiers. If they were hungry they helped themselves. There was nobody to prevent them.

Q. You would not consider it your duty, if you had seen men eating a piece of hard tack, to take it from them and drive them away?

A. No, sir; as the packs got mixed up, it was hard to tell what companies they belonged to. Before that, each company had their own packs. It would be difficult for the men to find out what belonged to their Co's.

Q. State without reservation your opinion of the conduct of Major Reno on the 25th and 26th of June, 1876, in respect to coolness, efficiency and courage, as far as it came under your observation, and state all the facts on which your opinion is based.

A. When Major Reno first came up, he was as any man would naturally be under the circumstances, somewhat excited. I suppose it was not long since he had come out of the fight, and that would be the natural condition for a man to be in. I did not see much of his conduct, only as I have described where he gave me orders. I did not think to question his courage. I saw no action on his part to indicate want of courage or indicating cowardice.

Q. Did he seem to be exercising the powers and duties of commanding officer in a place like that? Was he around stirring up things generally?

A. As I stated, I only saw him three or four times. I stated what he said to me and where I saw him.

- Q. You received orders from someone else beside Major Reno?
- A. Yes, sir; I received orders from Capt. Benteen. He was the next officer to Major Reno, and I supposed he was acting under orders from Major Reno.
- Q. Had you in any way been put under Capt. Benteen's orders?
- A. Not by orders.
- Q. That was a mere inference of yours?
- A. Yes, sir; I obeyed his orders, as he was the second in command.
- Q. State whether any effort was made on the night of the 25th, after the cessation of the firing on that day, or on the 26th, to ascertain what had become of General Custer's command. If so, what was done, and by whose order, if you know?
- A. I don't remember anything being done. I remember on the night of the 25th, I understood that Major Reno was trying to get someone to go out.
- Q. How did you get that understanding?
- A. I don't know. It seems to me something was said about it. I heard from someone, I can't say from whom, they could not get the scouts to go.
- Q. Were there any other scouts there but Indians?
- A. Herendeen was there; I don't know whether any others except Indian scouts.
- Q. What impression, if you know, prevailed in the command on the night of the 25th as to what had become of General Custer and his command?
- A. I don't know that I heard any expressions. My impression was that General Custer was surrounded as we were, and had wounded men, and would not abandon them; that probably he was in the same fix we were.
- Q. Was there any impression that he had gone to join General Terry?
- A. I don't recollect hearing any expression of that kind. It was not my impression. I thought if General Custer could get away with his wounded he would certainly break for his own command. I don't know what others thought.
- Q. You were with the pack train; state, if you know, if there was any whiskey in the command.
- A. I heard nothing said about any.
- Q. Did you see any?
- A. On the 26th I saw Major Reno had a bottle with a little in it. Someone spoke of being thirsty, and he said he had some whiskey to wet his mouth with and to keep from getting dry to quench his thirst. It was a flask; I don't know whether a quart or a pint. There was very little left in it then.
- Q. When was that?
- A. On the morning of the 26th.

QUESTIONS BY MAJOR RENO

- Q. Did you ever see any indications of drunkenness on the part of Major Reno during those two days?
- A. No, sir.

Q. Did you ever hear any intimation that he had been drunk?

A. Not until last spring.

Q. Did you ever hear any officer charge Major Reno with having been under the influence of liquor during those engagements?

A. No, sir.

Q. No evidence ever came to your knowledge of his having been under the influence of liquor?

A. No, sir.

Q. He was giving away that whiskey he had?

A. I don't remember his giving any of it away.

Q. At the time you saw him, did he look as if he had been drinking?

A. No, sir; I saw nothing wrong about his having it.

Q. Is it not common on long expeditions, and is it not proper for officers to carry a small amount of liquor with them?

A. Yes, sir.

Q. Fully as proper as for travellers on railroads?

A. Yes, sir.

Q. You had been gone how long from where you could obtain supplies?

A. I suppose some supplies could have been got on the Rosebud. Perhaps Powder River was the last place. We left the steamboat on the 22nd.

Q. It was the 26th you saw that flask?

A. Yes, sir.

Q. It was not larger than a quart?

A. No, sir.

Q. And there was a little in it on that morning?

A. Yes, sir.

Q. If he drank all that liquor during that time, it would not be a large quantity for a man undergoing fatigue?

A. No, sir; it would not be much.

Q. Lt. Hare came to you with orders to hurry up the packs?

A. Yes, sir.

Q. Did he say who gave the order?

A. No, sir.

Q. Don't you know he was sent back by Major Reno?

A. No, sir; I supposed he was, but I did not question him.

- Q. How far away from the hilltop did Lieut. Hare find you?
- A. I judge it was about 2 miles.
- Q. Then from not only what knowledge you had then, but what you have since acquired, do you think Lieut. Hare was sent back to communicate with you as soon as Major Reno reached the hill?
- A. I don't know; I never spoke about it. I would suppose that was the time he was sent, if I was supposing.
- Q. You speak of evidences of excitement; do you distinguish that from fear?
- A. Yes, sir; a man may be excited but not be afraid. A brave man may be excited.
- Q. You were able to discharge all the duties that were left for you to attend to?
- A. I think so.
- Q. Don't you think every officer was equally able to discharge the duties left for him to attend to?
- A. I should think so.
- Q. As far as you know, did they not have the confidence of Major Reno?
- A. They did not express themselves.
- Q. You don't know they did not have.
- A. No, sir. Captain Nolan on the 27th asked me about Major Reno's conduct. Someone seemed to have said something about it. I declined saying anything to him, though he seemed to have information from someone.
- Q. Have you anything to say about his conduct now?
- A. No, sir; the most they seemed to question was his conduct in the charge, and I know nothing about that.
- Q. Was Captain Nolan in the charge?
- A. No, sir; he was not with the command. He seemed to have heard something; but I don't know from whom.
- Q. Do you pretend in the story you have given, to detail all that Major Reno did and said?
- A. No, sir; I saw but little of him.
- Q. With reference to Capt. French: had not the company under his command moved out in the direction of General Custer's battlefield before the entire pack train came up?
- A. I don't know; I suppose most of his company were there when I came up.
- Q. When the rear of the pack train came up, had not Capt. Weir gone down the river?
- A. That I can't say. When the pack train moved off, I know Capt. Weir was in front.
- Q. Was there any belief in the command that night that General Custer needed assistance any more badly than Major Reno's command did itself?

- A. I don't know what the supposition was. We had so many wounded I don't think we could have moved away with safety.
- Q. Was there a belief on the part of anybody that General Custer and his command had been destroyed?
- A. Nobody seemed to think he had been destroyed.
- Q. How far down the river on the afternoon of the 25th did the command move?
- A. I judge a little over a mile. It was a short distance.
- Q. Was there any evidences seen of General Custer and his command?
- A. I saw none.
- Q. In fact; had not an effort been made to communicate with General Custer that afternoon and it failed?
- A. Yes, sir.
- Q. Did not the command that night, by reason of the position it was in, and their unprepared state for an attack by a number of Indians about them, have as much to do as it was able to?
- A. We had a great deal to do; about as much as we could attend to.
- Q. Were not the entire efforts of the command directed to the protection of themselves against what should happen the next morning?
- A. I did not see the work that night. I was around putting up boxes and was so tired that I went to sleep standing up. I went to where Capt. Moylan was, and laid down near him and went to sleep, and did not see anything more till morning.
- Q. Were you not asleep on the night of the 25th through exhaustion?
- A. I think I was pretty well worn out when I went to sleep standing up.
- Q. Major Reno might have been doing many things that night and the next morning without your knowledge?
- A. I was up early the next morning.
- Q. You speak of his walking around on the afternoon of the 26th; were not all the officers moving around?
- A. Yes, sir.
- Q. Was there much walking back and forth while the saucer like enclosure was being raked by the Indian fire?
- A. Not very much.
- Q. Did not every officer of the command understand his duty?
- A. I think so.
- Q. It consisted of defense and excluding the Indians from that enclosure?
- A. I think they would do as well as they could in their positions; there was no particular use in exposing them.
- Q. From all you saw and all that came within your knowledge, have you any charge of cowardice to make against Major Reno?

A. No, sir.

Q: You speak about an officers' call on the morning of the 25th. State if that was a bugle call or not?

A. I was asleep when someone told me officers' call had sounded. I think I went to sleep again, and someone awakened me the second time; and I went up, and the officers were all gone to get their orders.

Q. Can you state whether there was a bugle sounded that morning?

A. I can't say. Someone said "officers' call" had sounded.

Q. You don't know whether it was bugle or not?

A. No, sir.

Q. Do you know whether or not Dr. Porter had orders to prepare the hospital from Major Reno?

A. I don't know; I did not hear him say.

Q. You can't say he did not?

A. No, sir.

Q. Did you hear a rumor among the command that Lt. Calhoun had been wounded?

A. No, sir.

QUESTIONS BY THE RECORDER

Q. You say it is customary for officers to take liquor out on expeditions?

A. I don't know that it is the custom; I have done it.

Q. If he does take a bottle and it is emptied, is it not the custom to refill it?

A. Yes, if he has anything to refill it with.

Q. Was it any part of the duty of a captain of one company, to command men of other companies, and give orders to other captains, he not being in command himself?

A. I should think not, unless he was ordered to, or something very important took place and he took the responsibility of giving orders.

Q. Would it not be confined to cases where there was urgent necessity?

A. I think so.

Q. What movement down the stream did you see?

A. I was in the rear and could not see what was going on.

Q. Do I understand that there was no necessity for a commanding officer there to give directions as at any other place?

A. After they were once posted and in line, it was very easy to know what to do.

Q. Were there not some reasons for a commanding officer?

A. He might see some necessity for a movement.

Q. Was there a trumpet call in the command on the morning of the 26th?

A. There was a trumpet call sounded on the hill, but I forget the time.

QUESTIONS BY MAJOR RENO

Q. By whom?

A. I suppose it was by Major Reno's order.

Q. Do you know the trumpeter?

A. No, sir.

Q. Don't you know from what Co.?

A. No, sir.

Q. Captain Benteen was the senior captain?

A. Yes, sir.

Q. The next officer in rank to Major Reno?

A. Yes, sir.

The witness then retired.

The Court then adjourned to meet at 10:30, Feb. 6, 1879.

TWENTY-SECOND DAY

Chicago, Illinois, Thursday, February 6, 1879, 10:30 o'clock AM.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

CAPTAIN MATHEY BEING RECALLED BY MAJOR RENO, testified as follows:

Q. Yesterday I asked you whether you ever heard any intimation on the part of anybody before you came to Chicago, that Major Reno had been using liquor while on the hill?

A. Yes, sir.

Q. You stated that you heard one intimation?

A. Yes, sir.

Q. When was that?

A. It was in the spring of 1878 while camped at Fort Lincoln.

Q. From whom did the information come?

A. Girard spoke to me about it.

Q. Was that Girard, the Indian interpreter?

A. Yes, sir.

Q. Did you hear any bugle calls on the hill the night of the 25th?

A. I don't think there was on the night of the 25th; I think it was the night of the 26th.

Q. Do you remember whether you heard any on the 25th?

A. No, I don't think I heard any on the 25th. I had thought it was on the 25th; but after studying the matter over, I am almost positive it was on the night of the 26th.

Q. By whom were the calls sounded?

A. I don't remember by what trumpeter. He sounded several calls.

Q. Do you know whether it was Trumpeter Martin or not?

A. No, sir.

Q. By whose order was it done?

A. I suppose by Major Reno's.

Q. You remember there were bugle calls?

A. Yes, sir.

The witness then retired.

CAPTAIN THOMAS M. McDougall, A WITNESS CALLED BY THE RECORDER and being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

Q. State your name, rank, regiment and where serving.

A. Thomas M. McDougall, Captain, Commanding Company B, 7th Cavalry, serving at Fort Yates, Standing Rock Agency, Dakota Territory.

Q. Where were you serving on the 25th and 26th of June, 1876, with what command and under what Commanding Officers?

A. I was serving under the command of General Custer on the 25th and 26th of June 1876, commanding the rear guard in rear of the pack train.

Q. Under what other commanding officer did you serve?

A. During the 25th I fell under the command of Major Reno, 7th Cavalry.

Q. State to what special duty you were assigned on the morning of the 25th; by whom and what were your orders?

A. On June 25th about 11 o'clock A. M., I reported to General Custer for orders. He told me to take charge of the pack train and act as rear guard.

Q. Where was that?

- A. That was on the divide between the Rosebud and the Little Big Horn.
- Q. What effective force had you with the pack train that day?
- A. My company was composed of about 45 men, and there were about 80 men belonging to the pack train, and 5 or 6 citizen packers.
- Q. State where it was, if you know, that Captain Benteen's column diverged to the left from General Custer?
- A. I can't say. I was bothered with straggling mules and did not see Capt. Benteen till he was 7 or 800 yards from where he started. The regiment was divided into three columns, and I kept as near as possible to the centre with my pack train. After they got seven or eight hundred yards ahead, I saw no more of any of them till I got on the hill.
- Q. From that point where the regiment separated, state all that happened in regard to the manner of movement; the halts, the orders received, and every circumstance and fact within your recollection up to the time you joined Major Reno on the hill.
- A. We started about twenty minutes after the command left. Lieut. Mathey in advance with the pack mules, made the trail and we followed in the rear. Whose trail he followed I don't know; whether an Indian trail or that of General Custer. We proceeded along the trail till we came to a kind of marshy watering place, where I found 5 or 6 mules mired. I dismounted my company to assist the packers, and we got them out in about 20 minutes. We adjusted the packs and started on. About 4 miles from there we came to an Indian tepee. I dismounted and looked inside, and found three dead Indians and a fire built round. From that point, I saw in the distance a very large smoke, and I told Lieut. Mathey to halt for a few minutes till we could close up the entire train and prepare for action, which he did. About a mile from that point, Lieut. Mathey sent word to me that the fight was going on. I told him to hurry up with the mules as fast as possible. I went on about 2 miles and saw some black objects on the hill in a mass, and I thought they were Indians. I told my company we would have to charge that party to get to the command. We drew our pistols. I put one platoon in front of the pack train and one in the rear, and charged to where those persons were. I found out then that it was Major Reno and his command. I should state that about a quarter of an hour before reaching there, I heard firing to my right; and as soon as I arrived, I reported to Major Reno that I had brought up the pack train all right, without losing any of the animals, and that I heard firing on my right.
- Q. Describe that firing and in what direction it was.
- A. I was going towards the Little Big Horn; and to my right would be north.
- Q. Would that be down or up the stream?
- A. I did not know at the time, but when I got to the command I knew it was down stream.
- Q. Describe that firing.
- A. It was just two volleys. I told Major Reno about it and he said: "Captain, I lost your Lieutenant and he is lying down there". Then I left Major Reno and went to my company and threw out a skirmish line. I waited about half an hour, when I heard the bugle sounded to mount. I mounted up and followed the command in single file towards a high mountain down the stream. After going about a quarter of a mile, Captain Moylan met me and said his men could not keep up with their wounded. I told him if he would take the responsibility, I would let him have one of my platoons. He said "All right", and so I took the second platoon in person down to where he was. Upon returning to join the first platoon of my company, I

saw the men "left about" to go back to our original position. Captain Benteen then put me in position on a kind of ridge facing this large hill, or down the river facing the Indian village. Then Major Reno came there by my company and said: "Captain, be sure to hold that point at all hazards". The troops were then being assigned to the different places, and the general engagement ensued. Very heavy fighting commenced, and we fought till about 9 o'clock that night. The heaviest kind of fighting: and officers and men displayed great courage. Then I went at nightfall and got some hard tack for my men, and a box of ammunition. The engagement began the next morning about half past two o'clock, being very heavy towards 10 o'clock, when they made a general sally on us; but we stood them off and drove them back. At about 2 o'clock, Capt. Benteen came down bare-headed to me, with his hat in his hand, and said to me: "Captain, you will have to charge the Indians with your company, as they are firing into me pretty heavily, both with arrows and bullets; so get your men ready and start out"; which I did, going about 60 yards, when the firing was so heavy on my right and rear that I had to retire to our original position. Major Reno then came up to where I was, and said: "Captain, how are you getting along?" I told him very well. He asked me which way I thought the Indians were going. I informed him I thought they were going down stream. He then invited me to take a walk around with him, which I did. He then informed me that he wanted to change the position that night as the stench, the flies, and the filth, were so great that the men would probably get sick. The Indians withdrew about five o'clock, when Major Reno put us in a new position. The next morning, the 27th, Gen. Terry's command arrived, and we were informed of the annihilation of the other portion of the regiment. That is all the statement I have to make.

- Q. State if you can, about how far it was, and how long it took you after this division was made by General Custer, to reach that watering place you have described.
- A. I can't form any idea of the time, as I was in the rear; sometimes with one mule or sometimes with five. I was troubled about losing animals and resisting an attack, and I have no idea of distance or of time.
- Q. Can you form no idea at all of the distance?
- A. I can't state. I only remember that from this morass to Major Reno's position, I think it was about 8 miles.
- Q. Did you receive any orders during that march from the place where you received General Custer's orders, till you reached Major Reno's command on the hill?
- A. No, sir; the only thing was, Lieut. Mathey said the engagement was going on.
- Q. You received no notification to hurry up the pack train?
- A. No, sir; I think Lieut. Mathey got that order. He told me about it, and I told him to hurry up. I was very anxious about it.
- Q. How far were you from the hill when you observed those black objects, thinking them to be Indians?
- A. I judge it was about two miles.
- Q. Describe at what gait the pack train was moving?
- A. The front part of the mules was going at a sort of jog trot; the rear was being pulled with lariats and whipped with blacksnakes to get them along.
- Q. State about what hour in the day it was you joined Major Reno on the hill?

- A. I think it was a quarter to four or four o'clock in the afternoon.
- Q. You afterwards visited the Custer battlefield?
- A. Yes, sir.
- Q. Where was Major Reno's position in reference to that firing you heard before reaching him?
- A. The firing was down the Little Big Horn from him; and as I was going towards Major Reno, the firing was on my right.
- Q. He was between you and the sound of the firing?
- A. He was in the angle.
- Q. As near or nearer to the firing than you?
- A. He was about four or four and a half miles from the firing, and I was about the same. The sound could resound through the hills.
- Q. Was the sound loud?
- A. No; it was a dull sound - just two volleys - I thought it was some of the command.
- Q. What command did you believe it pertained to on arriving on the hill?
- A. I thought it must be Gen. Custer and the Indians.
- Q. How many times did you report that firing to Major Reno?
- A. Only once; as soon as I arrived with the pack train.
- Q. How near were you to him?
- A. I walked right up to him, close enough to report to him.
- Q. Did he make any reply in regard to the firing at all?
- A. He just said: "Captain, you have lost your Lieutenant; he is lying down there". I then walked off and formed a skirmish line.
- Q. Did he give you orders to do it?
- A. No, sir; I did it as any officer would do.
- Q. What was the disposition there of the troops when you arrived?
- A. All were quiet - the same as at a halt. I did not know anything was going on at all with the command till I had thrown out the skirmish line and went back, and heard the officers talking about it.
- Q. After deploying your company as skirmishers what did you do?
- A. I went and talked with the officers till the order to mount was given, and then I mounted as I have stated.
- Q. That call was sounded by the trumpet was it?
- A. Yes, sir; trumpet signals were sounded right along that march, and reveille next morning.
- Q. Did you observe anything about that time, down the stream to the left in the bottom: If so, state what?

- A. I saw a very large herd of ponies and tepees - it seemed to me like a regular city of them.
- Q. To the left of the command, in the direction of where Major Reno had been engaged in the timber, what did you see?
- A. Only a few men. I don't know whether Indians or not.
- Q. About how many?
- A. I don't know - I was too busy.
- Q. Were there enough to impress you that there was a large force there, or only scattering?
- A. There was a large force in the village. We saw no large number till we took position on the hill finally.
- Q. When you came up was there any engagement going on?
- A. No, sir; as far as I remember everything was quiet.
- Q. Did you receive any notice or order as to where you were going, at the time the signal was sounded?
- A. No, sir; I knew we were going in the direction of the village.
- Q. Do you know by whose order the return movement was made?
- A. I do not. I was coming from Capt. Moylan and saw the left about, and I continued on and Capt. Benteen put me in position.
- Q. How long were you in going down the stream?
- A. I can't tell.
- Q. About how far did you move down the stream?
- A. I was the tail end of the command, and I suppose I moved not over a quarter of a mile.
- Q. Can you tell how much time intervened from the time you arrived on the hill till that movement was made?
- A. About half an hour.
- Q. You stated you saw Major Reno on your arrival on the hill?
- A. Yes, sir.
- Q. Where did you next see him and when?
- A. When I joined my company when it was in position, and the next time was when he came and invited me to take a walk with him, on the afternoon of the next day.
- Q. Was the firing ceasing at that time?
- A. No; the bullets were flying fast.
- Q. You saw him how often during those two days?
- A. Three times.
- Q. What time in the afternoon of the 26th did the fire of the Indians decrease?

- A. I think about half past three or four o'clock.
- Q. On the night of the 25th of June, what preparations did you make if any, to resist the Indians?
- A. I told the men to take their butcher knives and tin cups; - we had no axes - and throw up some dirt and make some kind of barricade for their heads, so the Indians could not see our heads. We had no breastworks - merely a shelter for our heads.
- Q. By whose order were those preparations made?
- A. By my order.
- Q. Did you receive any orders that night from Major Reno or his Adjutant?
- A. No, sir.
- Q. What was the position of your company with reference to that of Capt. Benteen?
- A. I was facing toward the Indian village, and could not see anything in my rear. Capt. Benteen was behind a knoll, and I did not see his position till the afternoon, when I walked round with Major Reno.
- Q. Your company was not connected with his in any way?
- A. No, sir; I was facing the village.
- Q. In that charge you speak of having made, can you state whether any other companies participated in it than your own?
- A. I was only paying attention to my own company; but on retiring I saw Lieuts. Varnum and Hare and Capt. Weir.
- Q. State fully your opinion of the conduct of Major Reno as commanding Officer in that battle, in regard to courage, coolness, and efficiency, as far as they came within your knowledge.
- A. When I found him he seemed to me to be perfectly cool. He had nothing to say; and during the day I did not see him till I went round with him. He was perfectly cool then: he had no enthusiasm as far as I could observe, but he was as brave as any man there in my opinion. The officers and all the men were brave. I saw no man show the white feather or show any indications of fear at all.
- Q. State if Major Reno's conduct was such as to inspire his command with confidence and courage in resisting the enemy, or the reverse. Give your opinion fully and the facts upon which it is based.
- A. I think he would make as stubborn a fight as any man; but I don't think he could encourage the men like others. Men are different. Some are dashing and others have a quiet way of going through. I think he did as well as anybody else could do - that is my opinion. Having so small a command fighting Indians, every man was taking care of his own duties.
- Q. State if you saw enough of Major Reno during those days to have a conclusive opinion in your own mind as to his conduct?
- A. I thought after he came the next afternoon and asked me to take a walk with him, that he had plenty of nerve. The balls were flying around, and the men were in their entrenchments firing away. We took it easily and slowly.
- Q. Did you see the hostile village moving away on the 26th?

- A. Yes, sir.
- Q. Describe it.
- A. It seemed to be about a mile and a half away - an immense village passing along with all their traps. It seemed to me like there were five thousand persons. It looked like a division or two of mounted men.
- Q. It looked like that number moving?
- A. Yes, sir; about that many moving.
- Q. Do you include the men, women and children?
- A. I don't think there were many children.
- Q. Do you include the men and women?
- A. Yes, sir.
- Q. How about the pony herd?
- A. It presented a large appearance.
- Q. How long was that mass?
- A. Two or three miles and very broad - it looked like an immense mass.
- Q. What did the bulk of that mass appear to be?
- A. I could not tell at that distance.
- Q. State whether the ponies were all mounted, or principally driven.
- A. I think three thousand were mounted or perhaps four thousand. It is hard to judge. I know we gave them three cheers as they moved away.
- Q. Did you examine the place where the village had been?
- A. Yes, sir; I went there with my company.
- Q. What evidences did you see as to its size or number of lodges?
- A. I made no careful examination. I went to get implements to bury our dead comrades of General Custer's command.
- Q. What do you estimate was the effective fighting force of that village, and upon what do you base it?
- A. I base it upon the immense herd that they had. I think there were about three thousand fighting men - probably over that. I did not see many indications of children.
- Q. You think from what you saw, there were 3000 warriors and two or three thousand women?
- A. I think there were three or four thousand warriors and about a thousand women. I think they had 5000 Indians.
- Q. In regard to the number of tepees, did you make any estimate of them?
- A. No, sir; I did not. There was an immense city of them.
- Q. Did you examine the Custer battlefield or the route General Custer took? If so, state all the circumstances that came under your observation in regard to the fate of General Custer's command.

- A. I only went to where I presume the skirmish line was killed. Major Reno then ordered me to take my company and go to the village and get implements to bury the dead. On returning, he ordered me to bury Company E, the one I had formerly commanded for five years, and to identify the men as far as possible. I found most of them in a ravine.
- Q. Here is a ravine marked H on the map. State if that is the one.
- A. That is where the most of Company E were found to the best of my recollection; about half were in the ravine and the other half on a line outside.
- Q. What appeared to have been the nature of the conflict there?
- A. I have no idea. All the men were lying on their faces and appeared to have been shot mostly in the side.
- Q. Were the evidences such as indicated to your mind a stand had been made there?
- A. I thought they fought the best they could, and probably were attacked from both sides.
- Q. Where was the skirmish line you speak of?
- A. About a hundred yards from the ford where I crossed.
- Q. Can you locate that ford?
- A. I think that is the place marked B.
- Q. How far was that skirmish line from the river?
- A. I can't tell that. I can't give even a good guess.
- Q. On the knolls and ridges as far as you observed, did there appear to have been an organized resistance; or to have the appearance of a rout or panic?
- A. I did not see any bodies but of the one company in the ravine. I did not go over the field at all. I buried that company and started on the march to where Gen. Terry was encamped.
- Q. State whether, to your knowledge, there was any uneasiness or solicitude in Major Reno's command as to what had become of General Custer and his command?
- A. I did not converse much except with Capt. Godfrey. During the night of the 25th, I think the conclusion was that he had met the same crowd and they were either following him or else he had gone to join General Terry. We could not judge very well there. That was only my opinion.
- Q. What was that based upon?
- A. We had heard firing down there and all the Indians had come back after us; and I thought perhaps he had retreated to Gen. Terry and they had come back to finish our command.
- Q. Was there any reason to believe that Gen. Custer would leave a part of his command if it was a possible thing for him to get to it?
- A. That is hard to say. It would depend upon the way he was fixed entirely. I can't state.
- Q. State if an attempt was made by Major Reno or by his order, to obtain any information on the subject of where Gen. Custer was with his command during the 25th or 26th?

- A. I think during the night of the 25th: I understood he was going to send a scout through - it was just hearsay - and I can't say who I heard it from. It may have been some of the men were talking about it.
- Q. Do you know of your own knowledge whether any attempt was made or not?
- A. I do not.
- Q. Do you know about how many men Major Reno had on the hill with him after you joined?
- A. I think he had about two hundred and sixty or two hundred and eighty men; something like that.
- Q. Do you know what force started in with his own column?
- A. No, sir; I do not.
- Q. Can you form any idea?
- A. I think the companies averaged some forty-five men; perhaps a little more.

QUESTIONS BY MAJOR RENO

- Q. Was there at any time any belief on the part of the command under Major Reno that General Custer and his command were destroyed?
- A. No, sir; we had no idea they were destroyed.
- Q. Was it any more reasonable to think that they were destroyed than that the command of Major Reno was?
- A. No, sir.
- Q. You regarded their positions as about similar?
- A. I presume so.
- Q. There was no knowledge of General Custer's fate until after General Terry's command came up?
- A. No, sir; we did not know what had become of him at all.
- Q. When you reached the top of the hill where Major Reno was, Captain Benteen and his command were already there?
- A. Yes, sir; they were resting there.
- Q. Were they already in skirmish line?
- A. I saw none at all. I went to where Capt. Benteen was after I threw out my line. I did not visit the whole command.
- Q. There was no firing just then?
- A. I heard none.
- Q. In throwing out your skirmish line you regarded that as part of your duty as company commander?
- A. Yes, sir; because I thought I would be ready if an Indian attack came on. I was always taught to look out for myself.
- Q. You did not see the location of Capt. Benteen's company till the afternoon of the 26th?

A. No, sir.

Q. You were earnestly engaged with matters in front?

A. Yes, sir; I was firing towards the village. Everything in the rear I did not go back to see. I knew they were holding their places by the firing.

Q. That showed that the line was being kept in position?

A. Yes, sir.

Q. State what Major Reno said to you on the 25th just before the engagement became general.

A. "Be sure to hold that position at all hazards"; or words to that effect.

Q. Did not the duty you discharged follow as a part of that command?

A. Yes, sir; he knew I would hold that place or would send him word I could not.

Q. What you did was necessarily in obedience to that general direction?

A. Yes, sir; I would hold that place unless I was whipped out or got orders to go somewhere else.

Q. Was there any occasion for inspiring the officers or men there?

A. Some men need it and others don't.

Q. Did that command fight well?

A. Yes, sir; no command ever fought harder.

Q. Was there any evidence of cowardice on the line?

A. No, sir.

Q. There was no necessity for encouraging words?

A. Some commanders go round to see their troops, and others do not.

Q. That is a matter of temperament and disposition?

A. Yes, sir.

Q. Was there any need of inspiring the men there?

A. No, sir; not on the part of the line where I was.

Q. Before you moved out from the hill, Capt. Weir's company had moved on down the stream?

A. I don't know - I did not see much of him. I remember seeing him pass back by me, soon after I got into position.

Q. Don't you know from evidence that afterwards reached you that Capt. Weir moved down the river with his company in advance of the command?

A. I don't know positively how he got there.

Q. You were almost in the rear of the command?

A. Yes, sir; next to the rear company.

- Q. You were a less distance down the river than those in advance?
- A. Yes, sir.
- Q. State if an effort was not made that afternoon by the whole command to open communication with General Custer, and it failed?
- A. We advanced in that direction. We would all have been killed if we had got to the top of the hill where Capt. Weir was. We had the best position we could get in that country.
- Q. You retired because you were unable to go any farther?
- A. I presume so.
- Q. Did not a large number of Indians immediately after attack you?
- A. Yes, sir; I had not been in position over 5 or 6 minutes till there was a terrible racket there.
- Q. State what, if anything, you saw that indicated that Major Reno was drunk.
- A. Nothing - I saw no whiskey in the command.
- Q. Did you hear he was drunk?
- A. No, sir.
- Q. If such had been the fact, don't you think it would have been known?
- A. I think someone would have known it.
- Q. If he was drunk, staggering and stammering on the night of the 25th, do you think it would have remained unnoticed by the officers?
- A. I think if he had been drunk someone would have found it out, of course.
- Q. Would it not have been impossible, in your judgment, for the commanding officer to have been in that condition without its being known to the command?
- A. I don't know - some men can hide whiskey pretty well - that is a hard question for a man to answer.
- Q. If they hide whiskey pretty well, they are not staggering and stammering, are they?
- A. I don't suppose they are.
- Q. You never heard any reflection on his conduct in that respect?
- A. No, sir; I never heard anything of the kind. I did not know there was any whiskey along.
- Q. You could see the men were cool when you got on the hill?
- A. Yes, sir; they were all cool, to my judgment.
- Q. Do I understand you to say that (when) you came on the hill, you reported to Major Reno, and then threw out your company in skirmish form?
- A. I reported to him that I had brought up the pack train all right; and then I said to him I had heard firing to my right. Then he said: "Captain, your Lieutenant has been killed and is lying down there". Then it was that I threw out a skirmish line.

- Q. After you threw out the line and returned to the officers, it was then for the first time you learned what had taken place in the timber?
- A. I saw Capt. Benteen, and he said they had had a fight down there. I did not ask him the particulars, and it was but a short time till we were mounted up.
- Q. During the time you were on the hill provision was made for the care of the wounded?
- A. To the best of my knowledge, it was. I did not go near the wounded men till we were on the march, when I went to Capt. Moylan's assistance.

QUESTIONS BY THE RECORDER

- Q. State how many companies were on the hill with Major Reno when you arrived?
- A. He had seven companies.
- Q. How many had General Custer with him?
- A. He had five.
- Q. You say you were placed in position by Captain Benteen?
- A. Yes, sir.
- Q. It was then Major Reno came along, and told you to hold that position at all hazards?
- A. Yes, sir.
- Q. Was there any danger there at that instant? Was there any firing there at any time?
- A. No, sir; but about 5 minutes after, there was.
- Q. Do you know how many wounded Capt. Moylan had?
- A. I think there were seven men; some were being carried in blankets and some on horses.
- Q. Those were all the wounded you observed?
- A. Yes, sir; I did not pay much attention.
- Q. Was there an engagement with the Indians going down the river?
- A. Not to my knowledge.

QUESTIONS BY MAJOR RENO

- Q. You were in the rear of the column?
- A. Yes, sir; next company to the rear.
- Q. When you came to the top of the hill, the command of Major Reno had lost men by death, and also had wounded men?
- A. Yes, sir; to the best of my knowledge.
- Q. How many men does it take to carry a wounded man?
- A. From four to six?
- Q. There were about seven wounded men?

A. Yes, sir; I believe so.

The witness then retired.

THE RECORDER THEN OFFERED AND READ IN EVIDENCE AN OFFICIAL COPY OF MAJOR RENO'S REPORT, dated July 5th, 1876, which is appended hereto and marked EXHIBIT NO. 4.

THE RECORDER ALSO OFFERED AND READ IN EVIDENCE AN OFFICIAL COPY OF A LETTER FROM MAJOR RENO TO GEN. TERRY dated June 27th, 1876, which is appended hereto and marked EXHIBIT NO. 5.

THE RECORDER ALSO OFFERED AND READ IN EVIDENCE AN OFFICIAL COPY OF THE LIST OF CASUALTIES IN THE 7TH CAVALRY AT THE BATTLE OF THE LITTLE BIG HORN RIVER on the 25th and 26th of June, 1876, which is appended hereto and marked EXHIBIT NO. 6.

THE RECORDER THEN ANNOUNCED TO THE COURT THAT HE HAD NO FURTHER TESTIMONY TO BRING BEFORE THE COURT IN HIS CAPACITY AS RECORDER.

MAJOR RENO THEN ASKED THAT THE RECORDER BE EMPOWERED TO TELEGRAPH TO CAPT. MOYLAN AND LIEUTS. VARNUM AND HARE AND GET THEIR STATEMENTS REGARDING THE INDICATION OF DRUNKENNESS ON THE PART OF MAJOR RENO ON THE 25th AND 26th OF JUNE, 1876.

LIEUT. WALLACE BEING RECALLED BY MAJOR RENO, testified as follows:

QUESTIONS BY MAJOR RENO

Q. State if you kept the itinerary?

A. I did.

Q. Give it for the 25th of June 1876, showing the time the march was commenced, and the halts and the duration of them.

A. The march commenced at 8.45 in the morning. The first halt was at 10.07. We started out at 11.45. At 12.05 it halted, and the division into battalions was made, and it moved on at 12.12. That is the only record of time I have. There were no more halts made till we went into the fight.

Q. What time do you fix as the commencement of the fight in the timber?

A. I estimate it at about 2.30.

Q. Your estimate was made in reference to accurate observations previously made?

A. Yes, sir.

- Q. What time do you fix as the time the division of the command was made; what was that division; and at what point was it made?
- A. The division was made at 12.05. We had crossed the divide about a quarter of a mile, probably. Capt. Benteen was given a battalion; Major Reno was given another, and General Custer went on with the balance.
- Q. At what point were you with reference to the crossing "A"?
- A. We were 12 or 15 miles from there.
- Q. The entire regiment was together at the time that division was made, was it not?
- A. Yes, sir; moving as one regiment.
- Q. How was that division made, and what followed; and what orders affected that division?
- A. The only part I heard was Lt. Cook, the Adjutant, coming to Major Reno and saying his battalion consisted of such companies. I don't know what other orders were given. I know our order was to move on.
- Q. Where were you on the morning of the 25th with reference to Major Reno, up to the time he crossed the Big Horn and went into the timber?
- A. After the division was made I rode with Lieut. Hodgson, who was Major Reno's Adjutant, and he was riding at the left of Major Reno.
- Q. State whether during all that time you were in accurate hearing distance of Major Reno?
- A. I was within a few yards of him all the way till we crossed the river.
- Q. Who gave the order to cross the river and charge the fleeing Indians?
- A. The Adjutant, Lieut. Cook.
- Q. At what point and at what time?
- A. A little time after we passed the burning tepee, about $2\frac{1}{2}$ miles from the ford "A". Before Lieut. Cook used the words "the Indians are about $2\frac{1}{2}$ miles ahead" I could see the dust there.
- Q. What was the difference in time and distance from the time and place the division into battalions was made?
- A. It must have been 9 or 10 miles, and it was after two o'clock.
- Q. Did General Custer communicate in person any orders or directions to Major Reno?
- A. Not that I saw or heard.
- Q. After Capt. Benteen received his battalion, what did he do, if anything?
- A. I saw him move to the left.
- Q. How soon after that did he pass from sight?
- A. It was not a great while. The country was broken and he soon disappeared from sight.
- Q. How long before Major Reno received through Adjutant Cook the order to make the charge?

- A. It was nearly two hours.
- Q. Then Capt. Benteen had diverged to the left about 2 hours before the separation of Major Reno's column from General Custer's command?
- A. Yes, sir.
- Q. State whether you at any time heard any order to Major Reno to unite with Capt. Benteen's column, or whether you heard any statement to Major Reno that Capt. Benteen's column was to act in concert with him?
- A. I did not.
- Q. There was no communication at all between General Custer and Major Reno save through the Adjutant?
- A. Not that I saw or heard.
- Q. If there had been would you not have heard it?
- A. I think I would.
- Q. Would you not have noticed any meeting between General Custer and Major Reno?
- A. I think so.
- Q. You rode to the ford with Major Reno, did you not?
- A. Yes, sir.
- Q. Were there any axes with Major Reno's column when it crossed the river?
- A. No, sir.
- Q. Speak with regard to the taking the ammunition out of the boxes on the hill; were the boxes taken off the mules and then replaced on the mules without being opened?
- A. I saw one box brought up. The lid was fastened on with screws. Someone called for an ax and the box was split open about in half, and the men came up and helped themselves to what they wanted till it was all gone.
- Q. That was before the command moved down the stream in the direction of General Custer's battlefield?
- A. Yes, sir.
- Q. State what evidences you saw of insobriety on the part of Major Reno during any of those engagements.
- A. I saw none.
- Q. Did you ever hear any intimation that he was under the influence of liquor at any time during the 25 or 26 of June, or at any time during the entire advance?
- A. No, sir; I never heard it till the 2nd day of this month.
- Q. Where was the first mention you heard of it?
- A. In this hotel in Chicago.
- Q. State as far as you can, the character of the ground on which the final stand was made during the afternoon and night of the 25th, and first part of the 26th.

THE WITNESS MADE A PENCIL SKETCH OF THE GROUND AND THE POSITION OF THE TROOPS AND EXPLAINED IT TO THE COURT.

- Q. Then in a vague way, the position can be described as being an elevated piece of ground with a little rise in the center, and the men grouped around that?
- A. Yes, sir.
- Q. Was not the position occupied, such that one officer, or the men of one company, could see only a part of what was being done by the remainder of the command?
- A. They could only see a portion.
- Q. State what, if anything, you saw of Major Reno during the struggle on the hilltop?
- A. I saw him once on the afternoon of the 25th after we came back from the movement down stream. That was soon after we got back. He was on his horse and went over the ridge. I did not notice him any more that afternoon.
- Q. Then that night, or the next day, what did you see of him?
- A. During the night of the 25th I did not see him, because soon after dark I went to sleep. The next morning Major Reno came to the rifle pit I occupied, and spent the greater portion of the day there or about there.
- Q. State if there was a general expectation on the part of the command, or on the part of Major Reno, that that part of the line was the one the Indians would attack in greatest force.
- A. That was the impression.
- Q. State if you saw Major Reno fire a revolver at the time you got on the hill?
- A. No, sir; I don't remember seeing him.
- Q. If he had fired a revolver about the time Capt. Benteen came up, do you think you would have observed it?
- A. I might or might not.
- Q. State if you heard Capt. Benteen come to Major Reno and consult him in regard to giving orders. If so, when and under what circumstances.
- A. On the 26th I heard something, I don't remember just what, passed between them about making a charge on some Indians on our side of the line -- that was the east side. I can't give the exact words, but he told him he could make the charge or something to that effect, and the charge was made soon after.
- Q. State whether you observed at any time, any failure on the part of Major Reno to do the duty that was expected and required of a Commanding Officer?
- A. No, sir; I did not.

QUESTIONS BY THE RECORDER

- Q. Is that memorandum you refer to the original itinerary?
- A. No, sir; that is a copy. I did not compare it, but Lieut. Maguire said it was an exact copy.
- Q. Did you make any notations of time from the place where the division was made to the river?

- A. No, sir; I only looked at my watch once.
- Q. Are you quite positive that you were continuously with Major Reno; near enough to him at the crossing to know what was said and who talked to him?
- A. I had a pretty good idea of what was going on. I heard the order of Lieut. Cook.
- Q. Are you positive that at the time of that division or after, there were no orders given by General Custer himself to Major Reno?
- A. I am positive General Custer gave him no orders in person.
- Q. Are you positive the only order he received was from Lieut. Cook?
- A. I am pretty positive about it; I saw no one approach him but Lieut. Cook, and I saw and heard no other order given.
- Q. Do you know where it was that General Custer beckoned Major Reno to come on the opposite side of the tributary?
- A. Yes, sir; I remember the time; that was the time I pulled out my watch and looked at it.
- Q. Did you see General Custer beckon him over?
- A. Yes, sir; and it is my impression an orderly came about the same time with General Custer's compliments, and asked him to go over on the other bank.
- Q. Did Major Reno go over?
- A. Yes, sir; he moved over with his battalion.
- Q. Did he go to General Custer?
- A. No; it was to bring his battalion over.
- Q. How far was it from General Custer when he went over?
- A. The two battalions went along from 10 to 15 yards apart, the heads of the columns about opposite to each other.
- Q. Where was General Custer?
- A. At the head of his column.
- Q. Where was Major Reno?
- A. At the head of his column.
- Q. Was there not more or less mingling together of the men, and were not some of General Custer's officers along with Major Reno's battalion?
- A. Some of them started with us.
- Q. Did you keep that relative position towards Major Reno and Lieut. Hodgson?
- A. No, sir; Lieut. Hodgson was sent back.
- Q. You were in that relative position towards Major Reno all the way down?
- A. Yes, sir; I was within a yard or so of him.

Q. You gave an answer as to what Major Reno expected. Do you know that was what he expected, or was that an impression of your own?

A. It seemed to be the impression of two or three officers around there.

Q. Was Major Reno one of them?

A. Yes, sir.

Q. What did he say about it?

A. In a general conversation between Major Reno, Capt. Weir and myself: and I know it was thought that would be a good place for the Indians to come.

Q. Was that point more dangerous than other points on the line?

A. I don't know that it was; I think they were all about alike.

Q. You have given a description of the position of the troops. There was a hill or ridge which separated one part of the command from the other, you could only see part of it?

A. I could not see all of it.

Q. If you wanted to see the other part of the command, how could you do so?

A. By passing over the ridge.

Q. How often did you see Major Reno pass over that ridge during the time the command was engaged?

A. I have only one time impressed on my memory. He said he was going over the ridge; and when the Indians opened fire on him, to return it and try to keep them down as much as possible; and I remember they did fire on him pretty heavy.

Q. When was it he was with you on the line?

A. On the 26th.

Q. Was he there during the entire fight?

A. He was there the greater part of the time. He left there once or twice. That one time I remember particularly.

Q. Was there any firing going on at that particular time?

A. Yes, sir: some. It was not quite as heavy as it had been, but the moment he started, the fire was opened again.

Q. During the afternoon of the 25th, where was your position?

A. The same as on the 26th.

Q. How often did you see Major Reno there?

A. Only once - soon after I got in position.

Q. When did you next see him?

A. I don't remember, till the next morning.

Q. Then you know nothing of what may have occurred between him and any packer or others in that interval?

A. No, sir; I never heard of it.

Q. How long had you been in the service as an officer at that time?

A. Four years.

Q. What was your rank at that time?

A. Second Lieutenant.

Q. Then in that position, if the commanding officer desired to see his command frequently, he could only do so by going over the ridge frequently?

A. Yes, sir. There may have been one point from which he could have seen the whole of it. I was not there, but that is my impression now.

QUESTIONS BY MAJOR RENO

Q. You are a graduate of West Point?

A. Yes, sir.

Q. Do you pretend to relate all that Major Reno said or did during these engagements?

A. No, sir; only what I heard and saw.

Q. He might have said and done many things you don't know of?

A. Yes, sir.

Q. Were there not opportunities for a commander, with his command placed as Major Reno's was, to inform himself whether any part of the command was doing its duty without passing around the line?

A. Yes, sir; by the firing, and reports of officers and other ways.

QUESTIONS BY THE RECORDER

Q. Then there would be a necessity for the commanding officer to know what was going on; and if he did not go out, the officers should come to him. Is that what I understand you to mean?

A. Yes, sir; about that.

QUESTION BY MAJOR RENO

Q. If there was any doubt about it?

A. If there was anything going wrong, he would find it out pretty soon.

QUESTIONS BY THE RECORDER

Q. Would the company officers be expected to report the doings of their companies, or would the commanding officer, or someone acting for him, be expected to inform themselves?

A. I don't think there was any necessity for that. All there was to do was to lie there and wait.

The witness then retired.

LIEUT. COL. M. V. SHERIDAN BEING CALLED AS A WITNESS BY MAJOR RENO and being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

QUESTIONS BY MAJOR RENO

- Q. State your name, rank and official designation and where stationed.
- A. M. V. Sheridan, Lieut. Col. and Military Secretary to the Lieut. General, stationed at Chicago, Illinois.
- Q. Did you ever visit what is known as the battlefield of the Little Big Horn River?
- A. Yes, sir.
- Q. When?
- A. In July 1877.
- Q. For the purpose of making an examination?
- A. For the purpose of bringing away the bodies of officers killed there.
- Q. State the result of your examination of the position and of that point B on the map.
- A. I was there for nearly three days and crossed at the point B several times; I suppose seven or eight or ten times myself: - and went over from that point to the point E, and over the whole country in that vicinity, out to a point called Cedar Bluffs, some four miles to the right, back of the stream. I suppose I went over a circuit of 10 or 15 miles.
- Q. What difficulty, if any, did you find in crossing the stream at the point B?
- A. I found no difficulty at all; it was a good ford.
- Q. Was there any difficulty in crossing the stream at that point with a wagon?
- A. No, sir; I sent a wagon across there several times.
- Q. What was the character of the country approaching the ford on the right bank of the stream?
- A. Right at that point, or about fifty yards from it, was a dry ravine that had been the bed of an old creek. For about 50 yards it sloped down gradually and was nearly level. Perhaps a wagon could not cross, but there would be no difficulty in horsemen crossing it.
- Q. What was the character of the country adjacent to the ford B for purposes of defense or for covering the crossing?
- A. I think it would be good - there was a high point in the angle between the dry ravine and the Little Big Horn that rises up with shelving banks, and it was good to cover the crossing, either for going over the stream or resisting an attack.
- Q. What number of men could efficiently protect the crossing against a body of men advancing from the other side?
- A. I think twenty-five men could cover the ford perfectly.
- Q. Against a very large number of advancing Indians?
- A. I think so - I don't think they would cross with those men lying there in that position.
- Q. Did you observe the timber on the left hand side of the stream? If so, does this map correctly represent it?

- A. No, sir; it represents very much more timber than there was.
- Q. State if you have a sketch made of the place where the command of General Custer was killed, and whether it shows with reasonable accuracy the positions where the men and officers were killed?
- A. Yes, sir; I have a sketch made by Capt. Nolan. It is a rough sketch not made with reference to any scale, and was made for me to exhibit to the Lieut. General when I came back.

MAJOR RENO THEN OFFERED IN EVIDENCE THE SKETCH REFERRED TO BY THIS WITNESS which is appended hereto and marked EXHIBIT 7.

- Q. What does that map represent?
- A. It represents the position in which the bodies were found. The first point on the dotted line is where the first body was found back from the ford B - it is nearly half a mile back. I did not notice any more bodies, or more than one or two, before we came to the crest of the ridge, and there we found Lieut. Calhoun's company; or I was informed they were his company. There I found the men at intervals as though there were a skirmish line or resistance had been made there. There was no other place that showed evidence of resistance having been made. There were other men killed in various positions and in every direction. Behind the position in which I found Lieut. Calhoun's body, was that of Lieut. Crittenden, who was attached to the regiment at that time. From a quarter to a half a mile in rear of that, I found Capt. Keogh's body. Then they continued in a scattered condition to the point of the ridge where we found the remains of 40 or 50 officers and men, among others those of General Custer, Col. Custer, Capt. Yates, Lieut. Smith and perhaps one or two others, I don't remember who.
- Q. What was the character of the place where Gen. Custer and the officers about him were found?
- A. It was a rough point or narrow ridge, not wide enough on top to drive a wagon on. It was not a position where successful resistance could be made. Across that ridge were 5 or 6 horses, apparently in line; and looked as though they had been killed for purposes of resistance: but the remains were found in a confused mass.
- Q. If you were able to form an opinion from the position of the bodies and the nature of the ground, with regard to the nature of the struggle, I wish you would give it.
- A. From the position of those bodies of Capt. Calhoun's company, it looked to me as though that was the only point where resistance was made at all. I don't think the struggle could have lasted over an hour. Of course that is merely an opinion, and I merely give it for what it is worth.

QUESTIONS BY THE RECORDER

- Q. How long after the battle till you visited that field?
- A. About a year after.
- Q. The positions of those bodies as you found them was where they had been buried was it not?
- A. Yes, sir.
- Q. You don't know that that was the position in which the men had fallen on the field?

A. No, sir; I do not.

Q. State whether in a cavalry charge or in troops advancing, the dead bodies on the field will appear in line showing resistance, or scattered.

A. I think in a charge they would show rather in a scattered condition.

Q. Did you make an examination of the river below the ford B?

A. Yes, sir; I crossed at one place below, perhaps a half or three quarters of a mile - there was a good ford there.

Q. Were there indications that it had been used by the Indians?

A. Yes, sir; it had evidently been used either by Indians or buffaloes.

QUESTIONS BY THE COURT

Q. From what direction did you approach that field?

A. I came from the north - I came up the valley.

Q. You did not go over the trail the troops probably pursued in going there?

A. I went up to the point known as ford A and rode over it, and went over what was known as Reno's position, but not back beyond A.

Q. How was the crossing of the river between A and B say for some hundreds of yards up from B?

A. I don't think it possible for a command to cross there if resistance were made. Not only was the crossing bad, but the approach to it, on account of the precipitous bluffs. It would be difficult for a command to get down there even without resistance.

Q. Don't you know that fords sometimes change, and that what may be a practicable ford one year is not certain to be practicable another year?

A. That would be the case in a stream with a soft bottom. That had a hard gravelly bottom, and I don't think it would change much.

QUESTIONS BY MAJOR RENO

Q. What was the character of the right bank of the stream from the point A to the point B?

A. I think it was pretty generally a cut bank. I tried to cross it at several places and I don't think it would be practicable to cross it if resistance were made, at any point between A and B.

QUESTIONS BY THE RECORDER

Q. Following the banks of the ravine from B, did you notice the approaches to it?

A. Yes, sir; I went down the ravine on what may be known as the left bank of it, I suppose two miles, and then crossed it.

Q. There are bluffs on the right bank following it from the mouth up?

A. After you get above the mouth 30 or 40 yards, it would be difficult to cross it till you went up nearly two miles. It had steep cut banks.

The witness then retired.

The Court then adjourned to meet at 10 o'clock A.M. tomorrow Friday, February 7th, 1879.

TWENTY-THIRD DAY

Chicago, Friday, February 7, 1879, 10:30 A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

THE COURT WAS THEN CLEARED to decide upon the request made by Major Reno yesterday that certain questions be propounded to certain witnesses by telegraph and after mature deliberation the Court was again opened, Major Reno and his counsel being present, and the decision of the Court was announced by the Recorder that the request of Major Reno that certain witnesses in this case answer certain questions by telegraph is not granted.

The proceedings of the last session were then read and approved.

CAPTAIN MATHEY BEING RECALLED BY THE RECORDER, testified as follows:

QUESTIONS BY THE RECORDER.

- Q. Please state what opinions have been expressed to you by any officer or officers who were with the command of Major Reno on the 25th and 26th of June, 1876, in regard to the conduct of that officer, as commander of troops, while engaged in the timber on the left bank of the river. Give as nearly as you can the exact words and when and where spoken.
- A. Since the time of the battle of the Little Big Horn, I have heard officers talk about the battle. Some seemed to think it would have been better to have remained down below; and officers have expressed their opinions in different ways. I don't remember exactly what all of them said or who were present. Sometimes there were two or three. I don't remember the time, but on one occasion I heard an officer express an opinion that made such an impression on my mind that I have remembered it ever since, and I remember who the officer is that said it. He said: "if we had not been commanded by a coward we would all have been killed." Those are his words as near as I can remember. I don't know that I have to state who the person was; he was an officer of the Army. I have heard officers in talking about the matter say they thought Major Reno lost his head or words to that effect. I can't remember who the officers were who said that; I only remember this particular one.
- Q. When and where was that?
- A. That was last summer, while in camp near Bear Butte, that this particular thing was said.
- Q. Was he an officer who participated in that battle?
- A. Yes, sir.
- Q. State his name.
- A. Lieut. DeRudio.

QUESTIONS BY MAJOR RENO

- Q. When did he express that opinion?

- A. Sometime last summer, the summer of 1878.
- Q. He was not under oath?
- A. No, sir.
- Q. It was not a sworn statement?
- A. No, sir; the officers were talking.
- Q. Have you heard him say anything else in regard to Major Reno?
- A. I don't remember any particular words. That made such an impression on my mind, that I remembered it.
- Q. Have you not heard him say since that he saw no evidence of cowardice on the part of Major Reno at that time?
- A. I don't remember.
- Q. Has Lieut. DeRudio always agreed in his statements about the conduct of Major Reno in the timber?
- A. He always stated about the same thing to me.
- Q. Has he always agreed in regard to his own conduct about there?
- A. I don't know about that.
- Q. Have you heard him vary in his statement as to how he got left in the timber?
- A. I have heard him say that he dismounted to get the guidon and his horse got away from him. I never heard him say any different.
- Q. Have you not heard him say that he got the guidon on foot, and at other times that he got it while dismounted? (sic)
- A. No, sir.
- Q. Has there not been a question among officers as to the manner Lieut. De Rudio behaved himself in that timber?
- A. I don't know that there has been much.
- Q. Has there been any question?
- A. Yes, sir.
- Q. Has there not been a question in regard to his bravery?
- A. I have not heard much of it; I have heard officers probably say they doubted how he was left there; it was a question in their minds. I don't remember who the officers were that were talking it over. There were not many.
- Q. Was there not a very considerable difference in belief as to the manner he was left there on the part of the officers of the 7th Cavalry?
- A. I don't know that I ever heard many express that.
- Q. Have you not heard some disbelieve him?
- A. I have heard some question it. They had doubts about his story.
- Q. With regard to the conduct of a battle, is it not always the subject of conversation and criticism among the officers who participated in it?

A. Yes, sir; a battle is always talked over.

Q. Is there not frequently a wide diversity of opinion on the part of those who participated in it, in regard to the wisdom and prudence and management on the part of the Commanding Officer?

A. As a general thing, it is a matter more or less discussed, each one giving his opinion.

Q. Don't those opinions differ?

A. Yes, sir.

Q. Military criticism is wide, is it not?

A. Yes, sir.

Q. Take an engagement of one hour's duration in 1876 and a criticism occurring in 1878: would not that be according to your mind wisdom after the fact?

A. It was wisdom after the fact, of course.

Q. Have you not heard Lieut. De Rudio give several descriptions of his behavior in that battle?

A. I have generally heard him give about the same when I have heard him, as to how he got out of there.

Q. I mean in regard to the manner in which he was left there, and the way he recovered the guidon.

A. I have always heard him tell it about the same.

Q. Did he bring the guidon out of the bottom with him?

A. I don't know.

Q. Don't you know he did not?

A. I don't know positively. I did not see it.

Q. Did he exhibit it?

A. I don't know that he ever did.

Q. Would he not have done so if he had brought it out?

A. I suppose he would, I don't know.

The witness then retired.

CAPTAIN McDOUGALL BEING RECALLED BY THE RECORDER, testified as follows:

QUESTIONS BY THE RECORDER

Q. State if you know, who buried Lieut. Hodgson's body.

A. On the night of the 26th of June 1876, I took Privates Ryan and Moore of my company, and we went and got Lieut. Hodgson's body and carried it to my breastworks and kept it there until the next morning, the 27th. After sewing him up in a blanket and a poncho, I proceeded with those two men to bury him.

QUESTIONS BY MAJOR RENO

Q. That was after the fight?

A. Yes, sir.

Q. Where was the body lying?

A. Near where Major Reno crossed from the woods.

Q. On which side of the river?

A. On the side we made our stand, the right-hand side.

Q. Do you know whether Major Reno went to that body on the afternoon of the 25th?

A. I know he was going to send some one; I don't know whether he went himself or not.

Q. Don't you know some valuables were recovered from his body on that afternoon?

A. I don't know; I heard of it.

The witness then retired.

GENERAL JOHN GIBBON, A WITNESS CALLED BY THE RECORDER, being duly sworn to tell the truth, the whole truth and nothing but the truth, testified as follows:

QUESTIONS BY THE RECORDER

Q. State your name, rank, and official designation and where serving.

A. John Gibbon, Colonel, 7th Infantry; serving at Fort St. Paul, Minn.

Q. State whether you arrived on the battlefield known as that of the Little Big Horn River. If so, when and under what circumstances.

A. I reached the battlefield on the morning of the 27th of June, two days after the commencement of the fight. I was in command of the column directly under the directions of the Department Commander, General Terry.

Q. State what examination, if any, you made of that battlefield, or any part of it, with a view to determining the defensibility of the position; if so, describe that position as fully and clearly as you can, showing its advantages or disadvantages of the position.

A. I made very little examination of the position held by Major Reno, though I was on the ground probably an hour or two. My own camp on arriving there, was in a bend of the river, a little way below where he crossed the river going back. I examined the river banks from there down to the point of woods where it was generally understood his charge terminated. My attention was particularly directed to the position where it was said he had his forces dismounted a while, commonly known as the point of timber. I don't know how I can describe it better than by stating, that just below where he crossed the river going to the bluffs, there commences a series of crescent shaped curves on the left bank of the river; and beyond those curves occur what is called the second bench of the valley; the main open valley extending off to the bluffs. These curves are somewhat irregular in shape, evidently formed by the body of water when much larger than it is at present, and these curves extended in crescent shape, generally connecting with each other. This point of timber had enclosed in it, a considerable space of ground which was open. The connecting slope between the second bench and what I would call the first bench, was covered with timber and thick brush. Some of the timber was

of considerable size. The lower end of this crescent shaped slope very nearly reaches the present stream, to what is called a cut bank, to where the stream has worked in to what is called the second bench; and there the stream is probably ten or twelve feet lower than the level of the country. Just behind this position the water is very deep, I judge from appearances; and a short distance above that was a ford which I crossed on coming back from a trip down the river. The bend in the river opposite this, is filled with tangled brush and fallen timber, and directly behind that and close to the bank of the river, there was some more timber, some tolerably good sized trees, in which we found a number of dead horses. The upper curve I speak of just below the ford where Major Reno crossed, was occupied by my troops when we first reached the ground. The next curve below that was occupied by the 7th Cavalry when they came down on the morning of the 28th from burying the dead, and came to our camp. I think the third one was the point of timber I speak of. It was the 3rd or 4th crescent shaped curve below the ford.

- Q. In regard to that lower place you speak of, as opposite where Major Reno had his command, how was it on the other side of the river in regard to bluffs?
- A. The bluffs are some distance back from there. There was a wide flat there through which this stream passes in a very crooked way, and the bluffs directly opposite that position were considerably back from the river. I don't know how far. The way I happened to see that position was: General Terry and myself started from my camp to go to the scene of the Custer fight, and we crossed opposite the camp and made our way to the foot of the bluffs; and in coming back we got involved in brush wood and were obliged to come back and cross it just above that point of timber. I don't think this map pretends to be correct in the curves of the river, and does not represent the position of those places.
- Q. Were those bluffs within range, or did they command the position in the timber at the lower point?
- A. No, I think not. Probably they were within very long rifle range. I would not say they commanded it for any practical purpose.
- Q. I believe you examined or went to the position Major Reno occupied on the hill?
- A. Yes, sir; I went there in about an hour after we arrived there.
- Q. Did you notice what had been the location of the hostile village?
- A. We passed right through it on the march up. There were buffalo robes, tepee poles and furniture of many kinds lying there. I don't think this map represents the village at all correct. I think most of the tepees were down near the stream or a short distance from it. I saw no signs of tepees up to the left, except two about the middle of the plain, which were filled with dead Indians, I understand.
- Q. From what you saw of the village or where it had been, how near was it to the position indicated as Major Reno's position?
- A. I can't answer the question because I made no examination of the nearness of those tepees. There may have been scattered tepees, I do not know. The main camp was below that deep gulch, judging from appearances.
- Q. As a place for defense or from whence to threaten this village, how did that place on the left bank of the river which you have described as the one occupied by Major Reno, compare with his position on the hill?

MAJOR RENO OBJECTED TO THIS QUESTION and to the going into this matter because if expert testimony is to be given by persons not present during the

engagement, it may necessarily enlarge this inquiry by calling for other expert testimony.

The court was then cleared and closed and after mature deliberation was reopened, Major Reno and his counsel being present when THE DECISION OF THE COURT WAS ANNOUNCED AS FOLLOWS:

BY DIRECTION OF THE COURT THE QUESTION IS AMENDED AS FOLLOWS:

- Q. Please state what examination you made of Major Reno's position on the hill and describe that position fully, showing, if any, its advantages or disadvantages as a defensible position.
- A. I spent probably 2 hours up on the hill conversing with the officers and attending to official business. I did not go into a very extended examination of the position. I don't even know where all the troops were posted. I saw some rifle pits and examined the position generally. My conclusion in regard to it was that it was an exceedingly weak position for defense. Naturally it was commanded at tolerable long range by the hill which bordered it on the down stream side. The country was quite broken by a succession of little rolling hills and valleys, behind which attacking forces could conceal themselves. Then the manner in which the animals were exposed was very bad for the command. I think I counted 48 dead horses in one little valley, and then the fact of them being cut off from water, not entirely so as I understood, but very much cut off from an ample supply, to render the point weak for a prolonged defense. This opinion however, must be taken as a very general one, because I did not even go over the whole line, I just had a general view of it from the top of the hill.
- Q. Describe that crescent shaped portion of timber as to its length and width at the place represented as being the one in which Major Reno had his forces in the bottom; give as careful a description of that place as you can as to the water, the banks of the river, the underbrush and timber.
- A. This map is not correct at all in regard to the timber. My decided recollection of that point of timber is that it was just above where the stream cuts into the second bench a considerable way, so as to leave the bank almost as high as the ceiling of this room above the water. Around this bend there is no timber at all. The extent of this piece of timber I don't know, and can give no definite idea at all with reference to it. I noticed, inside of that piece of timber, there was a considerable open space, probably 50 yards wide, where there were evidences of there having been an old Indian camp. The distance from the front of the curve, that is, the part farthest to the south from the stream, varied of course very much. From the point where we crossed the river to the ford, must have been two or three hundred yards. Then there was another open glade looking toward the prairie to the left and rear of the position. I would not like to give any estimate of the size of that enclosed space on the lower side. I don't think there was any connection with the timber on the upper side. There was more or less scattered timber up the river. On the opposite side of the river, there was very little of what you would call timber. There was brush-wood and small trees, very thick and tangled in some places, with a good deal of fallen and dead timber amongst it.

QUESTIONS BY MAJOR RENO

- Q. You came up on the 27th?
- A. Yes, sir.
- Q. Which direction did you come?
- A. Right up the valley on the left hand side of the river on the left bank.

- Q. You came up with the entire command of General Terry?
- A. Yes, sir.
- Q. That examination you made leisurely and deliberately?
- A. Yes, sir.
- Q. What was the character of the banks on the right side of the river, say from Major Reno's position down to the point B?
- A. That I can't tell you, except the point where I crossed from my main camp. There I found a good ford and the points were easily passed over.
- Q. How about the bluffs; were they high or not?
- A. Yes, sir; all the bluffs were high from just below Major Reno's position to some distance down the stream.
- Q. Did not the bluffs extend almost down to the point B?
- A. I suppose they did. I know they extended as far as I went down towards that position.

QUESTIONS BY THE COURT

- Q. Did you give the length of this curve you have described?
- A. No, sir; I don't know that I could give any very definite description of its length. It was a place where you could not see any great distance as long as you were in the timber. I rode down through a mere path, and I had to stoop on my horse to get through. I did not go to the lower end of it, and only know they were cut banks by approaching it from the other bank of the river.
- Q. What would you judge to be the length of that curve?
- A. Having seen only one end, and not knowing where the other end was, I can't express an opinion. I express the opinion that the cleared space inside of it was some 50 yards wide. It may have been greater. That would not fix the length of it.
- Q. I would like to know about the bank of the river on the other side; whether higher or lower than that position?
- A. It was considerably lower. Right in the bend of the river opposite that position was probably a little flat from there to the stream; it swept around and the bank was probably not over two feet above the surface of the river. We had to ride a good distance up to get into the river and cross it.
- Q. How about cover for an enemy as far as concealment is concerned?
- A. If the enemy had got possession of it before that point was occupied, they would have to be driven out because the brush was thick and tangled, and as far as sight was concerned, they would be almost perfectly concealed.

The witness then retired.

MAJOR RENO THEN ASKED FOR THE ADVICE AND THE DECISION OF THE COURT, AS TO WHETHER HE SHOULD HIMSELF BE EXAMINED AS A WITNESS UPON THIS INQUIRY.

The Court was then cleared and closed and after mature deliberation was reopened, Major Reno and his counsel being present, and THE DECISION OF THE COURT was announced by the Recorder as follows:

THE COURT DECIDES THAT MAJOR RENO CANNOT APPEAR BEFORE IT AS A WITNESS, EXCEPT AT HIS OWN FORMAL REQUEST AS SET FORTH IN THE LAW.

The Court is of opinion that in no wise would his position as an officer be prejudiced by a failure to make such request, nor would it in the opinion of the Court be indelicate in any sense for him to ask to appear as a witness.

The Counsel for Major Reno then asked that the record might show that Major Reno by direction of his counsel was called before the court to testify.

The Court then without being cleared, decided that that would not be a compliance with the law.

The Counsel for Major Reno then asked that the entry upon the Record should be "Counsel for Major Reno in open Court directs him to make request to appear before the Court as a witness" and asks the decision of the Court upon this request.

The Court was then cleared and closed and after mature deliberation was reopened, Major Reno being present and the decision of the Court was announced by the Recorder as follows:

The Court again decides that Major Reno cannot testify as a witness except at his own formal request.

MAJOR RENO THEN PRESENTED TO THE COURT HIS FORMAL WRITTEN REQUEST THAT HE BE ALLOWED TO TESTIFY which is appended hereto and marked "EXHIBIT NUMBER 8".

MAJOR M. A. RENO, 7TH CAVALRY being duly sworn to testify the truth, the whole truth, and nothing but the truth, testified in his own behalf as follows:

QUESTIONS BY RECORDER

Q. State your name, rank and official designation.

A. Marcus A. Reno, Major, 7th Cavalry, U. S. Army, the headquarters of the regiment stationed at Fort Lincoln. I am accounted for on the returns of the regiment at that place.

QUESTIONS BY MR. GILBERT, Counsel for Major Reno

Q. Commence from the morning of the 25th of June 1876 and describe what you did as major of the 7th Cavalry.

A. On the morning of the 25th the regiment was lying in some sage brush. I don't know the time exactly, and we had something to eat there; and I remember that Col. Benteen came over to where I was. When he came over there I discovered the column was moving. I was not consulted about any of those things. The organization into battalions and wings had been annulled before we left the Yellowstone River. I never received any orders direct myself. I exercised the functions of what I imagined to be those of Lieut. Colonel. I was at different positions in the column; sometimes on the flanks and sometimes in the rear. The column moved out and I followed it. I think the next halt that we made was after we had marched some distance. It was daylight in the morning, and I was informed only that the commanding officer of the regiment had gone to the top of a mountain to make observations in regard to the Indians which the scouts had reported in sight. He called the officers together and I attended, of course. He said the Indian scouts had reported there was a large Indian village in view from the top of the mountain. He did not believe such himself, as he had looked with his glass. He then announced that

the column would be formed by companies in accordance with the manner in which they reported themselves ready, and it was so done. I still continued moving with the regiment as I had done, I suppose for 2 or 3 hours. I am not accurate as to time; I was not a company officer and my position gave me latitude as I was understood to belong to the field officers. We moved on down in that way. As Lieut. Wallace states, it was about 10 o'clock when Col. Cook came to me and said "The General directs you to take specific command of companies M, A and G". I turned and said to him "Is that all". He said "Yes". I made no further inquiries, but moved with my column to the second ridge; and between myself and the column commanded by Gen. Custer was a small ravine which developed further down into a tributary of the Big Horn River. I moved my column nearly parallel to Gen. Custer for some time. Previous to that, Capt. Benteen had started to the left up the hill. I had no instructions in reference to him, and I asked him where he was going and what he was going to do. I don't recollect his reply exactly; but it was to the effect that he was to drive everything before him on the hill. That was all that passed between us.

Q. How many companies did he have, and what direction did he take?

A. He had 3 companies, H, D. and K, and went over to the left of me; over to the hills and was very soon out of sight. The other two columns continued moving on opposite banks of the stream until we got down within sight of the Indian tepee that has been referred to. I can't tell the distance. We were moving almost parallel, when the commanding officer beckoned me with his hat to cross over to the bank on which he was. The crossing was a little difficult, so that when I got on that side, the battalion was somewhat scattered; and I was about opposite the rear of the column commanded by General Custer. I there received an order from Lieut. Cook to move my command to the front. When I got up there, there was a tumult among the Indians that were with us as scouts. They were stripping themselves and preparing for a fight. I afterwards understood that they would not go forward and Gen. Custer had ordered them to give up their guns and horses. I moved forward in accordance with the orders received from Lieut. Cook, to the head of the column. Soon after that Lieut. Cook came to me and said "Gen. Custer directs you to take as rapid a gait as you think prudent and charge the village afterwards, and you will be supported by the whole outfit."

Q. Who was with you at the time?

A. My battalion Adjutant Lieut. Hodgson was on my left, and Lieut. Wallace was on his left. He came up and said he was going with that battalion as volunteer aide - laughing - and took his place on my left. He was not at the time on any company duty. I took a trot, which I thought a prudent gait, and proceeded to carry out my orders. I crossed the creek and then formed my battalion with two companies in line and one in reserve. I had been a good deal in the Indian country and I was convinced that the Indians were there in overwhelming numbers. I sent back word twice. First I sent a man who was known in Army parlance as my striker, named McIlargy, to Gen. Custer with my compliments and to say that the Indians were in front of me and in strong force. Receiving no instructions in response to that, I sent a second time - a man named Mitchell, who was about me in the capacity of cook. They were the nearest men I could get hold of quick. That was some minutes after, and I was convinced that my opinions were correct. I still heard nothing to guide my movement, and I went on down the valley to carry out my orders.

Q. Did you form your companies, and how did you go?

A. When that company was put in the rear, I thought the charge would be made in that shape with the two companies, and I would hold the third one as a point to rally on afterwards. Proceeding further, I knew the number of Indians, and sent my Adjutant to bring that company into the line. The three companies were then in line of battle and I was in front. I suppose near the center, perhaps a little to the right. The Indian scouts had run

away except three or four, and we did not see them again until we got to Powder River, which was about 90 miles from where we were.

- Q. After you had all the companies in line and you were in the center, what gait did you take and how far did you go?
- A. We were then at a gallop. I suppose I must have been forty paces in advance, and I could see a disposition on the part of the Indians to lead us on; and that opinion was also confirmed when a little afterwards on advancing a little further, I could see the Indians coming out from a ravine where they evidently had hid themselves.
- Q. Where do you locate that ravine?
- A. I think the ravine as I saw it, was 8 or 900 yards in front of me and on what are called the foot hills on the left bank of the river. There were straggling parties of Indians making around to my rear. I said to myself at once that I could not successfully make an offensive charge. Their numbers had thrown me on the defensive.
- Q. Where was the village at that time?
- A. It was stretched along down the bank of the river to my front and right. There were times going down that I could not see the village.
- Q. The Indians you speak of as going to your rear were leaving the village and going to your rear, were they?
- A. Yes, sir; they were coming out and going to my left and rear.
- Q. When did you dismount, and how did you give that order?
- A. I dismounted by telling the company officers. Lieut. Hodgson gave the order to company G, and I gave it to companies M and A. I gave the order to dismount and prepare to fight on foot, and their horses would be sheltered in this point of timber.
- Q. At the time you gave the order to dismount and deployed the men in skirmish line, how many Indians had you seen, and what indications had you seen as to their numbers and disposition?
- A. I had an (idea) of the number of Indians from the trails in the first place, and I saw distinctly with my own eyes, five or six hundred Indians. All the evidences through the bottoms and over the trails showed there were Indians there. The dust on the trail I followed must have been from 4 to 6 inches deep, and there were several trails showing that numbers of animals had gone there.
- Q. In making your estimate, did you have as one of the ingredients the fact that the Indians were circling to your rear, instead of remaining in your front?
- A. Yes, sir; I knew they were going there in small parties. At the same time there were many in my front.
- Q. After the men were deployed in skirmish line what did you do, and what orders did you give?
- A. We had been out there about fifteen or twenty minutes under a pretty hot fire. I was on the line near Captain Moylan, when word came to me from out the timber that the Indians were turning our right. I left Lieut. Hodgson, my Adjutant, to bring me word what went on there, and I went with Company G to the banks of the river. I suppose there were forty men in it. When I got there, I had a good view of the tepees, and I could see many scattering tepees. It was plain to me that the Indians were using the woods as much as I was myself, in sheltering themselves and creeping

up on me. I then rode out on the plain. There was firing there that I could hear, but not see. Lieut. Hodgson came to me, said the Indians were passing to our left and rear, and I told him to bring the skirmishers in round the horses. After going down to the river there, and seeing the facilities they had, I knew I could not stay there unless I stayed forever. The regiment had evidently got scattered, or someone would have sent me an order or come to aid me; and in order to secure a union of the regiment which I thought absolutely necessary, I moved to the hill to get where I could be seen and where I thought I could so dispose the men that they would hold their own till someone came to aid us.

Q. What amount of firing was there on that line and in the timber, before returning to the hill?

A. Among some of the men the firing was very rapid. Others fired more deliberately. It was what I call a quick fire for about twenty minutes while the line was on the plain, and they continued firing afterwards when brought to the woods there.

Q. How were the men armed, and with what amount of ammunition did they cross the river to go to the timber?

A. I did not make an inspection of the battalion when it was assigned to me, and only know from the company officers. They reported to me that the Commanding Officer of the regiment said that the men should have 100 rounds of ammunition: 50 on their persons and 50 in their saddle bags. That was the first I knew anything about his order.

Q. At the time you were in the timber where was the pack train?

A. I had no idea.

Q. Had you any idea where Capt. Benteen was with his column?

A. Not the most remote. There was no plan communicated to us. If one existed, the subordinate commanders did not know of it.

Q. How did you come to leave the timber, with what orders and in what manner?

A. I left the timber sending orders to Capt. French by Lieut. Hodgson, and giving the order in person to Captain Moylan and Lieut. McIntosh, to mount their men and bring them to the edge of the timber where they would be formed in column of fours. I had no other means of accomplishing that formation except through their action.

Q. What halt was made at the edge of the timber?

A. Where Bloody Knife was shot, I think I stood some ten minutes while the formation was going on. I had nothing to do with it. They had orders to form the men in column of fours out of the timber. I had made up my mind to go through those people and get to the hill for the purpose I stated; to get the regiment together, and such of the officers and men as did get through, I would get a chance to save them. There was no use in my staying in the timber, as I could assist no one and could make no diversion. When I left there I acted on my best judgment and I think events proved I was right.

Q. Were the Indians increasing or decreasing?

A. Increasing, particularly on the right bank of the river, skipping from tree to tree, keeping themselves as much under shelter as they possibly could. They were making use of that timber for shelter as much as I possibly could, and maybe more. They were more cunning in woodcraft than the soldiers.

- Q. What number of Indians were in and about the timber within range of the command at the time you left the timber?
- A. The Indians are peculiar in their manner of fighting - they don't go in line or bodies - they go in parties of from five to forty. You see them scattering in all directions. My opinion is there were six or seven hundred there, and I had a hundred and twelve men. I have since had my opinion confirmed.
- Q. Before you left the timber, was it in your judgment your duty to communicate with the rest of the regiment, or put yourself in a place you could be communicated with?
- A. Yes, sir; I thought it my duty to give those men the best chance I could to save themselves, and it was impossible to have a victory over the Indians.
- Q. Did you think it your duty to do so as a military movement?
- A. Yes, sir; and I took the responsibility.
- Q. In what way did the command move from the timber to the river and from there to the hilltop?
- A. The column was formed so as to go through the Indians on that side. I felt sure that more or less of us would go up - we were bound to - that some of us would be hit in going through the Indians - that I would lose part of the command.
- Q. What was your reason for being willing to do that?
- A. That the rest might possibly save their lives from the desperate position we were placed in.
- Q. What casualties did you know of in the timber at that time?
- A. I saw Bloody Knife, one of the scouts, shot; and a man from "M" Company wounded, to whom the attention of the doctor was at the time directed.
- Q. Where was Bloody Knife killed?
- A. Within a few feet of me. I was trying to get from him by signs where the Indians were going.
- Q. At the time he was killed almost at your side, did you immediately dart from the glade and go out of the timber, and go on a gallop to the river?
- A. No, sir; I had given orders to the company commanders to make the formation, and I went through the timber and out on the plain to satisfy myself in regard to the Indians there.
- Q. Was Capt. Moylan with you at the edge of the timber?
- A. He was immediately at my side. After the Indian had fallen, I was sitting by the side of Capt. Moylan observing the formation.
- Q. At the time Bloody Knife was killed at your side, had you made up your mind to leave the timber?
- A. Yes, sir; and had already given the orders to the Company Commanders.
- Q. Before Bloody Knife was killed?
- A. Yes, sir.
- Q. What was the organization of the command in the movement back to the river?

- A. It was in column of fours, with A Company in front, M Company in the rear and G Company in the centre.
- Q. What was the gait at which you moved and what was your position?
- A. I was at the head of the column and the gait was a rapid one.
- Q. Why did you take that position?
- A. I thought my duty was there, to see about the direction of the column and have facilities for observing the ford and the hill on the other side; and I would be on the top of the hill to rally and reform the men.
- Q. What did you do at the river when the column reached there?
- A. I stopped at the river a moment. The men were crossing hurriedly and that threw the rear of the column into some confusion. They were exposed to a heavy fire from the Indians, and I lost a good many men there. The Indians had Winchester rifles and the column made a large target for them, and they were pumping their bullets into it.
- Q. You did not regard the march from the timber to the hill as a triumphant march?
- A. No, sir; nor I did not consider it as a retreat.
- Q. After the command reached the top of the hill what was done and by whose orders?
- A. After a glance about, I thought it as good a position as I could obtain with the time at my disposal. I immediately put the command in skirmish line dismounted; a movement that was accomplished through the company commanders.
- Q. At the time you left the timber, could you see Capt. Benteen's column?
- A. No, sir.
- Q. Did you see him?
- A. No, sir.
- Q. Had you any reason to expect him to unite with your command?
- A. Not the most remote.
- Q. How soon after you arrived on the hill did you meet him?
- A. In a short time. I rode out to see him; he was not far off. I told him what I had done and I was glad to see him. He then moved his battalion up to where my battalion was. I rode up with him myself. In crossing the ford Lieut. Hodgson, who was my Adjutant and a great favorite and friend of mine, I was told had been shot. With the hopes that it might be only a wound, or that I might be able to do something for him, I went to the river after Capt. Benteen's arrival with some men I called together, but whose names I can't remember. Sergeant Culbertson I remember was one I had to go, and went to the ford. I suppose I was gone a half an hour. Capt. Benteen was the senior officer in command when I went down, and he was a man in whom I had the greatest confidence.
- Q. At the time you met Capt. Benteen were you informed of the order that had been sent by Lieut. Cooke?
- A. He showed it to me.
- Q. What was that order?

- A. It has been repeated here in court. I can't recollect the exact phraseology, it was to about this effect "Benteen: come on - big village - bring packs" and then a postscript "Bring packs" and signed "W.W.Cooke". He had not time to put his official designation as Adjutant.
- Q. Did you get anything from Lieut. Hodgson's body?
- A. I took a ring from his finger and from his pocket a bunch of keys - the body had been rifled of the watch. I came back on the hill. The Indians withdrew from my front and around me except a scattering fire.
- Q. What number of wounded did you have there?
- A. Ten were able to get on the hill with their horses.
- Q. What was done with regard to making them comfortable?
- A. All that could be done. I told Capt. Moylan, to whose company the greatest number of wounded men belonged, as he was in the front coming across - I told him to take such measures as were attainable to make the men comfortable, and I knew it would be done.
- Q. When you came up from examining Lieut. Hodgson's body, where was the pack train?
- A. Not yet in sight. One of the men was sent to it. I told him to go down to the packs - to get out some ammunition mules and get there with them as quickly as possible.
- Q. What order was sent to the pack train and by whom?
- A. When I had time to look around, I said to Lieut. Hare, I wanted him to act as my Adjutant. I could not make myself omnipresent. I sent him to the pack train to hurry it up all he could. At that time it was not in sight.
- Q. Did he return?
- A. He did, and reported to me what he had done.
- Q. How long after did the pack train come up?
- A. I think about an hour - I am not positive. I had a watch but I had something else to do than be looking at it.
- Q. After the pack trains came up what was done?
- A. Before the pack train came up, the command was put in position. It was on this hill which I thought would enable everybody to see it, and I kept it there as a nucleus about which these scattered parties could gather, till they all came together. That was the purpose for which I went there. When Lieut. Hare returned from the pack train, I told him to go to Capt. Weir, who on his own hook had moved out his company, and tell him to communicate with Gen. Custer if he could, and tell him where we were. I knew in what direction to send him because Gen. Custer's trail had been found. It was back of the position I took when I went on the hill.
- Q. What was done with the main body of the troops?
- A. They were kept in hand.
- Q. In what direction did it march?
- A. After the pack train came up, I formed the column with three companies on the left, the pack train in the middle, two companies on the right, and started down the river.

Q. How far did you go and where were you?

A. Perhaps a mile or a mile and a half. I was at the head of the column. There were skirmishers thrown out at some distance from the flanks: some men were on the river bank. I regarded Capt. Weir's Company as the advance guard, and if anything came there he would check it and give time for the other companies to get into position.

Q. Why did you not go on?

A. Lieut. Hare came back and said he had taken the responsibility of using my name and ordered the return of the command on account of the number of Indians he saw. The orders were communicated to other officers in the line. Capt. Weir, I was afterwards told, left one of his men down there. I had been impressed with the position I first reached on the hill. I had looked at it a little; it was nearer water than where I was, and if the companies who were thrown to the rear could hold the Indians in check, we could get there all right.

Q. By whose command did the column move down the stream and return?

A. By mine, both orders.

Q. Where did you go after the column halted?

A. I remained at the rear; the column was put about by fours. I thought as the Indians were coming there, I would be there so as to get the first information. I remained there, the column moving back at a walk; and after a few minutes I galloped to the head to make disposition of the troops on their arrival. Captains French and Godfrey were sent to Capt. Benteen, who gave directions to them himself while I was gone to the head.

Q. Why did you go to the head?

A. To dispose of the men on the line and make what disposition I could for the shelter of the men and horses.

Q. Who made the selection of that position?

A. I did.

Q. Why did you select it?

A. It appeared to me in the hurried manner in which I had to select, that it was the best place I could get into. I knew I would have to fight the Indians dismounted, and I would have all I could do to take care of myself.

Q. After reaching that point, what disposition was made of the troops and by whose order?

A. I said to Capt. Benteen, "you look out for that side and I will of the other." I took "D" Co. with me. I spoke to the men and told them to come with me. It was the strongest Co. we had and I put that company in position; and as I had an impression at the time that the main attack would be made there, I remained there most of the time. I knew the other flank was in good hands.

Q. What reason had you for thinking the main attack would be made there?

A. From the configuration of the country, I thought the Indians could come there in greater numbers than from the river side; and I never could account for why they did not come there.

Q. What time were the troops put in position there on the hill and what time did the firing commence?

- A. The horses were put together hurriedly. We had hardly time to get in line dismounted, before they came at us in large numbers. The men threw themselves on the ground. They had no shelter. There was no protection except a growth, not exactly of sage brush, but it was what is called "grease weed", forming no protection whatever.
- Q. When did the fire commence?
- A. Immediately; as we got on the line.
- Q. Can you fix the time?
- A. No, sir, except that I remember the sun was high enough to enable me to see it over the hills below us when we got in position, so that it could not have been very near the horizon.
- Q. How long did the fighting continue and with what severity?
- A. It continued till dark, as long as they could see to shoot. That was the 25th of June, and we were between 46 and 47 north latitude, and that was about the longest day in the year. Twilight lasted till about 9 o'clock. That is the way I get at the duration of the fight.
- Q. How severe was the firing?
- A. It was a very severe fire. They had position where they could see us, and the Indian never fires by volleys; its every man for himself.
- Q. During the time between 6 and 9 o'clock, what if anything, was done by yourself?
- A. I went twice over to the flank of "D" Company and went farther on and saw the whole line. I was perfectly satisfied with the position. I knew the men could hold it: at least I thought they could, and that I had better be on the other side. I went back there and remained there during the afternoon and evening. I think I was on the left of "D" Co.
- Q. When 9 o'clock came did the fire slacken or not?
- A. Yes, sir; they went back from our command and made a huge bon fire down in the village by which I could see them dancing and scampering about. I didn't know what they were doing.
- Q. After 9 o'clock what did you do?
- A. I went round and made other dispositions.
- Q. What were they?
- A. I moved some of the companies, and told the company commanders to protect themselves all they could and give themselves all the shelter they could, that they had to stay there. I remember distinctly saying a good many times that we could not leave those wounded; and we had got to stay there until some relief came that I knew could not be long, as I knew General Terry was in the country and I was sure to get information soon.
- Q. General Terry was in what direction at that time?
- A. I had been informed by one of General Terry's Staff Officers that there had been a plan agreed upon between himself and General Custer to meet in the vicinity of the Little Big Horn.
- Q. In what direction was he supposed to be coming?
- A. Up the Little Big Horn River.

- Q. Then you expected to be relieved by General Terry or by General Custer?
- A. Yes, sir.
- Q. State whether at that time, or at any time during that day, there was any belief or suspicion on your part that General Custer and his command had been destroyed?
- A. Not the slightest. The men and officers were very tired; they had been hard marched. It had been harder on the men than on the horses. The men were badly in want of sleep because they had been up in the saddle. That evening the whereabouts of the commanding officer of the Regiment was the subject of conversation between Capt. Benteen and myself, while he was lying on my blankets.
- Q. Was there any suspicion on the part of anyone that General Custer and his command had been destroyed?
- A. No, sir; there was no such impression at all. It was supposed he could take care of himself as well as we could. He had nearly as many men as I had; more than when I opened the fight.
- Q. What did the Indians do after you had fortified yourself?
- A. They withdrew from us at about 9 o'clock.
- Q. Did they renew the attack?
- A. Yes, sir; on the morning of the 26th. I had been all round the line and could see them moving up the valley. It was just about the break of day. I arrive at that time in the same manner as I do at 9 o'clock.
- Q. With reference to the time you have fixed for various matters in your report, how did you fix it?
- A. Well; it was gathered by me from various persons in the command. I got the best impression available at the time.
- Q. Does that remark apply to other periods of time than the one you are now testifying to?
- A. No, sir; I think I am nearly right about the 9 o'clock and the 2:30.
- Q. But I mean the other time.
- A. They were fixed by the best information I could get.
- Q. When did the attack commence?
- A. About half past two. Before that I saw many of them going up the bottom, forming a circle around me.
- Q. In what way was the attack commenced, and how long did it continue?
- A. The first thing I heard was two rifle shots, and as everything was quiet at that time, it was something which attracted attention. It was immediately succeeded by firing from all round the position. It was only when they fired that their position was indicated by the puffs of smoke and by the sound. There was one point behind which there was, I think, 25 Indians and they would fire together. They were the nearest Indians to us. They were the men who hit most of the horses.
- Q. Was the firing severe or not?
- A. It was as severe as I ever experienced.

- Q. Could you form any estimate of the number of Indians that attacked you during that engagement?
- A. I stated in my official report, that from the best information at my command, and thinking I would be on the safe side, I put it down at twenty-five hundred. I think now I was below the mark.
- Q. What number of Indians do you suppose engaged the command on top of the hill?
- A. I think they were all there.
- Q. How long did the firing continue?
- A. In intensity till about half past ten. I am not sure of the time.
- Q. Then did it slacken any?
- A. Yes, sir.
- Q. In what way?
- A. The Indians removing down the bottom towards the village - I thought they were going for ammunition or to get relief and would come back again. They were raising quite a dust and smoke, having set the prairie on fire, and it was difficult to distinguish what they were doing exactly, because when they got behind this smoke and dust I lost sight of them. I think now that they went that afternoon to meet General Terry's column, which on the night of the 26th encamped eight or nine miles from there. I think they went to meet him; in fact I know they did.
- Q. When did the Indians withdraw from the neighborhood of your position on the 26th?
- A. There were some high points which perfectly sheltered some of their sharpshooters, and they remained there all day. There were a few Indians left to annoy the command, and they remained there till the evening of the 26th annoying us, particularly in the matter of getting water. They moved up closely to where we had to go out to get water.

The Court then adjourned to meet at 10:30 A.M., tomorrow, Saturday, February 8, 1879.

TWENTY-FOURTH DAY

Chicago, Illinois, February 8, 1879, 10:30 A. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

THE EXAMINATION OF MAJOR RENO BY HIS COUNSEL WAS THEN CONTINUED as follows:

- Q. I wish you to state the kind of weather you had on the 25th of June, and how you covered your head.
- A. It was very warm. The sun was shining brightly. Previous to leaving the mouth of the Rosebud I had been wearing a felt hat, and it was dusty and dirty, and some officers went on a boat to where a trader had some broad brimmed straw hats, which we paid 25 or 50 cents for. They had no band, but they were a very good shelter from the sun. I wore one of those.

- Q. Where did you lose it?
- A. In the bottom, or in the timber.
- Q. State if you brought your carbine with you to the top of the hill.
- A. Yes, sir; I did.
- Q. Did you ever tell any person you lost your carbine in the bottom?
- A. No, sir; I don't think that matter would be a subject of conversation under the circumstances. I had no time to talk about it.
- Q. State if you fired your revolver on the top of the hill when the Indians were a considerable distance from you.
- A. No, sir; I fired my revolver several times coming across the bottom. I don't think when I got on the hill I had a charge in it.
- Q. State whether it was cowardice or not that prompted you to leave the timber and the bottom.
- A. No, sir.
- Q. Have you already sufficiently stated your motives in leaving the timber?
- A. Yes, sir. My idea was, we had an immense force against us, and nobody came to our assistance. I was not certain that anybody knew where I was, unless directed by the firing. The position, in my judgment, was not tenable, and I thought that by placing my command on the hill, the scattered portions of the regiment could get together.
- Q. That was your motive?
- A. Yes, sir; and it continued so all the time. It was my opinion that was the only means of getting anybody away alive.
- Q. Do you remember about a guidon being placed at a point termed Capt. Weir's Hill?
- A. It was done.
- Q. For what purpose and when?
- A. It was thought it might be discovered by the scattered men and detachments. It was done at the suggestion of Capt. Benteen. I think he did it.
- Q. What time was that?
- A. I can't state the hour; it was after the command started down the river on the 25th of June 1876.
- Q. State with respect to the amount of firing you heard, and the impression it made on your mind at the time.
- A. I heard no firing till after we moved down some distance. Then I heard a few scattering shots. I could not locate them. I would not swear whether they were from the direction in which General Custer's body was afterwards discovered or from the village. I thought it was from the village.
- Q. Was it so severe as to give you the impression of a general engagement?
- A. No, sir.

- Q. Did the firing, or any other circumstance on the day or night of the 25th or the 26th, or that night, make you believe that General Custer and his command had been destroyed?
- A. No, sir.
- Q. Did any person intimate to you any belief of that kind during the 25th or 26th, as far as you recollect?
- A. No, sir.
- Q. How did you make up your official report? From evidence?
- A. From the best information I could obtain in the manner official reports are generally made. There must have been matters in it of which I had no personal knowledge, though I considered my information perfectly reliable.
- Q. Some of the statements were not made on your personal knowledge?
- A. Yes, sir; and especially in regard to time; except the 9 o'clock and the 2:30 o'clock on the 26th. Those I think are nearly accurate.
- Q. In regard to the question of your sobriety, I wish you to speak fully now with regard to the amount of liquor you had, and the amount you took.
- A. I had some whiskey which I obtained at the mouth of the Rosebud.
- Q. How did you carry it?
- A. It was carried in a flask.
- Q. Where did you carry the flask?
- A. In the inner breast pocket of my coat.
- Q. What kind of coat did you have on?
- A. I had on an ordinary uniform sacque as prescribed for officers.
- Q. How much do you suppose the flask could possibly have contained?
- A. I think between a pint and a quart. Probably nearer a pint than a quart - I don't know.
- Q. State what amount of liquor you drank on the hill on the 25th, if any, and at what time you drank it.
- A. I did not drink a drop of whiskey until the firing had ceased -- about 12 o'clock at night.
- Q. State whether you were sober or not on the afternoon and night of the 25th.
- A. I was; strictly sober.
- Q. Entirely so?
- A. Entirely so.
- Q. When was that flask emptied?
- A. On the morning of the 28th, when we were on the battlefield of Gen. Custer. It was a very disagreeable sight, and officers and men were a good deal affected. The stench was sickening. Capt. French came to me and said, "Have you got any whiskey?" I answered that I had a little, and he said, "Give me a drink, for I am sick at the stomach," and I did so.

- Q. Then that flask was still unemptied on the morning of the 28th?
- A. It was; I think it was the only whiskey in the command, except what the doctor had.
- Q. How did you come to take this drink on the night of the 25th and with whom did you take it?
- A. I cannot recall whether I took a drink with Capt. Weir or not. I sent for him, however, and told him I was tired and that I wanted him to keep up; and he said he would do it. It is barely possible that I asked him to drink. I know I took one myself about that time.
- Q. Was it a large or small drink?
- A. I don't know -- a drink.
- Q. Did it affect you in any way?
- A. No, sir. I was in such circumstances that a drink would not make any impression on me. I wanted to get a few minutes' sleep if I could, but I did not get it.
- Q. How were the pack animals ranged?
- A. They were put in a depression. During the afternoon, when the Indians first came upon us, I had no time to fasten them. They were put in the position I have stated, which was the best I could see.
- Q. Did you visit the pack animals during the afternoon or night of the 25th; and if so, how often and for what purpose?
- A. I remained on the line with Company D the first hour, because the attack then was very severe--very hot; and I did not feel justified in leaving there. I then went round the line and came into the pack train, and I found a good many men and packers who were skulking; and I drove them out. I did this several times. I thought the mules and horses were safe, and that those men had no business there. The last time I went there, the packs had been taken off. That was the time I saw those men. I had been there several times to drive out men, and I felt annoyed; and so I asked one of the men what he was doing there. I cannot recall the words of his reply, but I know they angered me more; and as I thought that was not exactly the time for moral suasion, I hit him; and I may have told him that if I found him there again I would shoot him.
- Q. What hour of the evening was this?
- A. It might have been 10 o'clock or it might have been between 9 and 10 o'clock.
- Q. It was not later than 10 o'clock?
- A. No.
- Q. Where had you the flask of whiskey at that time?
- A. I had it with me.
- Q. Where?
- A. In the inner pocket of my coat.
- Q. Could there have been any escape of whiskey?
- A. If it escaped at all, it seems to me that the coat must have got it.
- Q. State whether at any time you received any intimation that Capt. Benteen would support you in your attack in the bottom?

- A. No, sir; I did not know where Capt. Benteen was.
- Q. I wish you would commence now and state as accurately as you can recollect your action on the 26th--how the men and officers were placed, and just what you said and did.
- A. Well, sir, the line was completed by myself during the night. I moved some of the companies, and I told all the company commanders to shelter themselves as well as they could--that we would have to stay there, as it would be impossible for us to leave. I went round the line several times. The Indians that were firing into the herd were enabled to reach the animals best through the depression, and I tried to fill that up with everything belonging to the packs - hard-tack, boxes, blankets, and everything that goes to make up the loading of a pack train. I had ammunition boxes taken and opened and put along the lines of the different companies, so that the men would have all they wanted. I think those were about all the orders I gave. I went round afterwards to see that they had been complied with. On the 26th I moved about, but most of the time I was with D company, near to Lieut. Wallace. I crossed the ridge behind our position several times. I remember being out in front of Capt. Benteen's line - I remember being in Capt. Moylan's line - in fact, I was around all. After the severest portion of the firing - I had better say the heaviest firing - was over, I was outside the lines in front of Capt. Benteen's position with Sergt. Delacy. We each had our carbines, and we saw some Indians sneaking round there in small parties. There were two knolls, as near as I could see, and every now and then four or five Indians would gallop round there. This valley was in range from my position, but not from the line. I had gone further down the line to look down the knoll. I told Delacy that there was a chance for a good shot, and as I thought I could shoot very well, I went down there to shoot at those Indians.
- Q. State whether you took every means to inform yourself that the officers and troops were behaving as well as possible under the circumstances?
- A. I did.
- Q. Was the position of the command such that frequent orders were necessary?
- A. Not at all. After the morning of the 26th, I did not think an order was necessary. Most of the officers were lying in the pits; and I think Capt. Godfrey had additionally covered himself with his bedding. It was only when I went there that they could see me. But I do not want to reflect on them at all. It was their proper position, and they could not see me.
- Q. Did they behave well or bravely?
- A. Well, I saw no occasion for encouraging either officers or men.
- Q. State whether you remained in command after Gen. Terry came up.
- A. I did.
- Q. State whether Gen. Terry sent you to discharge any duty.
- A. He sent me to bury the dead. I thought that was a proper duty for the 7th - that we should take care of the wounded and go and bury our comrades, because we would be best able to recognize them.
- Q. State whether at the crossing "A" you received any communication through a man named Girard?
- A. Never; he had no right to make any communication to me - officially, I mean.

- Q. What effort, if any, did you make to communicate with Gen. Custer's command on the night of the 25th?
- A. It was as much to let him know where we were -- as much for the welfare of the men under my own command, as for Gen. Custer and those under him.
- Q. Did you have any more concern about him than you had for your own men?
- A. No, sir; not so much, really.
- Q. What effort did you make to communicate with him?
- A. There were some Indians in the command, Yellow Face and another Crow that was wounded; and I thought that they, knowing the country, might be able to get there. I would not order a soldier to go there.
- Q. Why not?
- A. Well, I would not send him to what I knew would be death.
- Q. Were the Indian scouts willing to take any message?
- A. They talked about it, but they would not go.
- Q. What effort, if any, did you make on the 26th to communicate with Gen. Terry?
- A. I made another effort by means of a Crow scout. He went out of the lines, but he did not stay very long. He came back again and brought the note, which I afterward saw in the hands of Lieut. Varnum.
- Q. What became of it afterward?
- A. That I do not know.
- Q. You have not got it?
- A. I have not got it.
- Q. Did you succeed afterward in sending a message to Gen. Terry?
- A. I did on the morning of the 27th, after the Indians had certainly left us.
- Q. Is that the communication - showing witness a document?
- A. It seems to be; it states the sentiments I had at the time.
- Q. I wish you to read this communication and say whether it corresponds in substance with the communication you attempted to send to Gen. Terry on the 26th.
- A. Yes, that is about the substance of the communication that I sent on the 26th, and which was returned. I was anxious about the wounded, and wanted medical aid. The doctor's supplies were very limited.
- Q. State whether the communication of the 26th, which you have not got, contained any statement that you could hold your position.
- A. Yes, sir; it must have done so. I know that I felt that I could.
- Q. State whether you have any knowledge as to the rations the men had on their persons on the night of the 25th.
- A. The men were ordered to carry their own rations for three or four days, I think. I am not positive about that, because, as I say, I was not consulted. It was in order that the pack train, which was limited as to its capacity of transportation, should be relieved as much as possible. For that reason

the rations were taken, and were in the hands of the men and on the horses. The rations in the pack train were under the charge of the company commanders.

- Q. What expectation of support had you at the time you entered the timber, and from what direction did you expect that support to come?
- A. From the manner I received the order, I could not conceive of any other manner of being supported except from the rear.
- Q. I wish you to state whether, under all the circumstances, you felt that you failed in any manner in the discharge of the duty that was expected of you on the day and night of the 25th or the 26th?
- A. I did not fail. I think the results of those two days ought to justify what I did.
- Q. Was there ever any difficulty between you and Mr. Girard?
- A. Well; I thought he was stealing from the government and I discharged him.
- Q. When was it you discharged him?
- A. I think the reports of the quartermaster will show that I discharged him in the fall of 1875 - perhaps in the last month of that year.

QUESTIONS BY THE RECORDER

Recorder Lee - You spoke in regard to the dust on the Indian trail. Where was that?

Witness - Well, sire, we had passed Indian camps and big trails from the time we left the mouth of the Rosebud. In one vacated camp we counted four hundred fires - that was perhaps two weeks old. As we passed up the Rosebud, those trails enlarged for miles before we got to the Little Big Horn.

- Q. This dust was in the vicinity where the camps had been?
- A. Yes, and where the trails were.
- Q. Did you notice the dust two and a half inches thick on the trail you were on, on the 25th?
- A. Yes, sir; I remember that, because Adj. Cook came and put a portion of the command off the trail because we were making so much dust. I did not see that done - he did not tell me about it.
- Q. What portion of the command did he put off the trail?
- A. He did not tell me; I was afterward informed about it.
- Q. Would not any column marching in that country raise considerable dust?
- A. Not off the trail.
- Q. You were in advance when you saw the dust you speak of?
- A. I was in different parts of the column. I was second field officer. I remember leaving the column and going with Lieuts. Wallace and Hodgson to a spring to get a drink of water.
- Q. In regard to the ammunition that the men were required to carry, I wish you to state whether or not it is a general order always, when troops are on an expedition of this kind, to take one hundred rounds of ammunition?

- A. Yes, if they expect to meet anything.
- Q. Do you know whether the men had that quantity that day?
- A. I stated yesterday that I did not know - that I had no time to inspect.
- Q. Believing that to be the amount, was it necessary you should inspect?
- A. I heard that was Gen. Custer's order, and I thought it would be complied with.
- Q. As far as you know, the entire command must have had about the same quantity of ammunition?
- A. I do not know it, sir.
- Q. Would you presume that the three companies that fell to your lot would have a less amount of ammunition than the five companies which fell to Gen. Custer?
- A. No, sir; I should think they had the same amount.
- Q. You stated in your testimony that no plan was "communicated to us". Please explain what you mean by "us" - yourself or others?
- A. I mean the whole regiment. I might say here that I do not think there was any plan.
- Q. You received an order from Gen. Custer through his Adjutant?
- A. Yes.
- Q. I would like you to repeat that order again.
- A. "Gen. Custer directs you to move forward at as rapid a gait as you think prudent, and to charge afterward, and you will be supported by the whole outfit." I think these were the exact words.
- Q. You were, of course, expected to charge the Indians?
- A. Yes; certainly.
- Q. Then that part of the plan was communicated to you by his Adjutant?
- A. I don't know that that was any part of it.
- Q. It was part of the attack, was it not?
- A. It was the opening of the fight.
- Q. You refer to those Indians being accustomed to timber and woods. I would like you to state whether they are regarded as what are called the Indians of the plains or as Indians of the forests?
- A. That is a closer distinction of Indians than I have been able to draw after twenty years' service. After you go a few miles on the Little Big Horn, you find plenty of timber and it is a part of their country.
- Q. Do you consider the country as timbered, or is it only a plain where there is no timber, except on the stream?
- A. In the mountains there is timber. It is a very mountainous country.
- Q. Do those Indians habitually remain in the mountains?
- A. I have never lived among them.

- Q. I merely ask for information.
- Q. Well, my opinion is that they do. I don't know anything about it. I never lived with them.
- Q. You state that you had gone to the hill and found that Gen. Custer's trail passed near there. Explain when you found that trail.
- A. After coming up from the bottom, my attention was called to it.
- Q. Who called your attention to it?
- A. That I cannot say. It was after returning from Lieut. Hodgson's body that it was reported, and I went to see it.
- Q. Did you recognize it to be his trail?
- A. Not at all; I recognized it to be the trail of shod horses.
- Q. Capt. Benteen had arrived before that time?
- A. Yes, sir.
- Q. Then in all probability, it could not have been that of any other column but Custer's?
- A. I think so.
- Q. You read the order that Capt. Benteen received from Gen. Custer?
- A. Yes.
- Q. You omitted two words in repeating it. I would like you to state the exact words.
- A. I do not remember the exact phraseology. As near as I can remember it was. "Benteen: Come on; big village; big thing; bring packs. P. S. Bring packs."
- Q. Do you remember the words "be quick?"
- A. Yes, I do, now that you call my attention to it.
- Q. Would you, as an officer, regard that as a direction that he would bring the packs on into the fight, or bring them within easier reach to put them in a defensible position?
- A. I think the latter supposition would be correct.
- Q. Then how did that portion strike you, if you reflected upon it?
- A. It did not make any great impression on me at the time, because I was absorbed in getting those packs together; and did not intend to move until I had done so.
- Q. From the number of Indians you saw around you and your estimate of the number that were there, did it occur to you at the time that with only 225 men he might need some one to "be quick?"
- A. It never occurred to me at all. Two hundred and twenty-five could hold off quite a number of Indians if they are properly disposed.
- Q. What number of Indians do you refer to?
- A. The number that I saw.

- Q. Did you examine the country on the right bank of the river?
- A. I did afterward.
- Q. Was there any timber on that side, down as far as Custer's battlefield?
- A. No, sir; there was no timber where I was.
- Q. You stated that Capt. Weir went down without any order - went "on his own hook", I believe was the expression?
- A. Yes, sir.
- Q. How far did he advance without orders?
- A. Capt. Benteen told me he went off on his own hook. I cannot locate the distance. I suppose it was a mile and a half or two miles.
- Q. When was it that you sent the order to him to communicate with Gen. Custer?
- A. Immediately after I got hold of the pack train and the wounded had been cared for.
- Q. Where was the command then?
- A. All there on the hill.
- Q. Who took that order to Weir to communicate with Custer?
- A. Lieut. Hare. I held my command as a nucleus that these people could get around to come to.
- Q. Where were the hostile Indians at the time?
- A. More or less in the bottom; but I did not see as many as in the former part of the day. I do not know where they had gone.
- Q. Please state in what way you expected him to communicate with Gen. Custer?
- A. He would have his company to overcome any opposition that might be between the two commands. I did not think that any one man could go through; but I thought he could cut through with his command;
- Q. Did you receive - either through your adjutant or any other proper channel - any word from Capt. Weir at the time as to this order?
- A. Lieut. Hare, who was acting as my Adjutant, came back to me and said Weir had taken him out to show the impracticability of going any further; and that was the time that he (Hare) used my name and told them to come back.
- Q. Was any support sent to Capt. Weir at the time this order was sent?
- A. At that time the whole column started toward him. He was regarded as the advance guard.
- Q. Was not your official report made when everything was fresh, and more liable to be correct than statements made two years afterwards?
- A. The date shows when it was made.
- Q. Were not the details more liable to be correct than to depend on recollection for two years?

- A. As I stated, there was embodied in that report many things of which I had no personal knowledge. I think official reports are always reliable as far as reliable information will make them so; but there must of necessity be many things of which the author has no personal knowledge.
- Q. Would it not be more reasonable to expect a report made at that time would be more correct than a report based upon recollection two years after?
- A. No, sir.
- Q. The twenty-five Indians nearest your command - how far away were they?
- A. About five or six hundred yards.
- Q. State how you determined the number to be twenty-five.
- A. I said "about". It was from the number of shots they seemed to fire together.
- Q. The Indians, as far as you observed, were armed with Winchester rifles?
- A. Yes, sir.
- Q. Do you know that they had had any other arms?
- A. No, sir.
- Q. Could you tell by an examination of the animals, to see what kind of bullets they were killed with?
- A. No, sir.
- Q. After the fight was over, and knowing that Gen. Custer had been killed and that the Indians had the guns of his command, was any examination made into that matter?
- A. No, sir; we got out as soon as he would - in fact we moved away from the dead horses.
- Q. State what was the effective range of a Winchester rifle at that time. I don't mean the improved Winchester arm made since that time.
- A. Their range was from 800 to 1000 yards.
- Q. Did you ever experiment in regard to that?
- A. No, sir; but I have seen an antelope killed at a distance which measured about 900 yards.
- Q. Was it before or since that fight you saw that experiment?
- A. It was before - I think it was in 1873.
- Q. Did you ever notice any further experiments?
- A. Yes, sir; I saw the Winchester rifle tested at the Springfield Armory and it was about the same there. That is the extreme range.
- Q. Is it your opinion that the Winchester rifle had a greater range than the carbine with which your command was armed?
- A. No, sir.
- Q. You stated that all the Indians engaged you on the hill. Do you mean they engaged you simultaneously, or what was the greatest number that engaged you at any one time?

- A. I don't think there was room enough for all; they completely surrounded us. There were anywhere from 1800 to 2500 I think, engaging us at one time. I think they all came there. I have no means of judging. They fired from all around the command.
- Q. Can you give about the length of the line or circle the Indians covered?
- A. I don't know. I suppose you would have to take a diameter of 1000 to 1200 yards, and multiply that by three to get the circumference.
- Q. About what was the circumference?
- A. About 4000 yards - perhaps more.
- Q. The Indians were along that circle?
- A. Yes, sir; and were all the way from ten yards to 1200 yards from my position.
- Q. State at the time you received the order from Gen. Custer through Lieut. Cooke, what your reply was to that order, if you made any?
- A. I made no reply whatever; I proceeded to carry it out.
- Q. Did you ask any question of Lieut. Cook as to whether you would be supported or not?
- A. No, sir; I had official information that I would be supported by the whole outfit.
- Q. Had you any reason for believing General Custer would not support you in any other way than by following in your rear?
- A. None, sir; in my opinion there was no other way to support me.
- Q. An attack on the flank would not be a support?
- A. No, sir; not under the circumstances.
- Q. Did you not state in your report that he intended to support you by an attack on the flank?
- A. I may have said that.
- Q. Did you not know at the time you crossed the river that Capt. Benteen was on your left?
- A. I did not know where he was. I never saw him after he left the column. He might have gone to the mouth of the Rosebud for all I knew.
- Q. Had you any reason to believe that Capt. Benteen might have gone to the mouth of the Rosebud?
- A. No, sir; I knew nothing about it.
- Q. You saw his column after it started to the left?
- A. Yes, sir; it disappeared in a few minutes.
- Q. Had you any reasons for believing that Capt. Benteen had been sent so far away that he would not be up and join in the fight?
- A. I never gave the subject a thought. I knew whatever orders he got he was capable of executing.

- Q. Did you go into that fight with feelings of confidence or distrust in your commanding officer, Gen. Custer?
- A. No, sir; our relations were friendly enough, and if my own brothers had been in that column I could not have done any more than I did.
- Q. The question is, whether you went into that fight with feelings of confidence or distrust.
- A. My feelings towards Gen. Custer were friendly.
- Q. I insist that the question shall be answered.
- A. Well, sir; I had known Gen. Custer a long time, and I had no confidence in his ability as a soldier. I had known him all through the war.
- Q. In your official report, if I remember correctly - and if I do not, please correct me - I believe it is stated that you drove the Indians down the bottom. Describe what force you drove down the bottom?
- A. I suppose they were some forty or fifty - perhaps less. They were decoys sent out there.
- Q. Did those forty or fifty fire upon you soon after crossing the river?
- A. No, sir.
- Q. Was your command firing at all, on the advance down there to where it was halted?
- A. Not by any order.
- Q. Were not Indians driving ponies around at the time you got in sight of the bottom?
- A. No, sir, they were not; every pony I saw had an Indian on him.
- Q. Was it reported to you by some one in your command, that the Indians were driving the ponies in the bottom, about the time you crossed the river?
- A. No, sir.
- Q. I wish you would state how many Indians were to your left and rear when you started from the timber on your retreat to the hill.
- A. I suppose there were from six hundred to nine hundred.
- Q. About what number were in front, between you and the village, at that time - can you give an estimate?
- A. No, I cannot. There were plenty of them.
- Q. Were they in any force on the other side of the river at that time?
- A. They were.
- Q. In about what numbers?
- A. They had good shelter over there, and I could not tell how many there were. They were within close range of us - less than one hundred yards.
- Q. State what had been the casualties in your command when you decided to get out of that place?
- A. I do not remember exactly.

- Q. Do you remember that there were any at that time?
- A. I know a scout was killed. Sergt. Hynes, of A company, was hit; and two or three men in company M were hit.
- Q. Was that before or after you had mounted?
- A. That was before I had mounted.
- Q. What was the name of the scout that was killed?
- A. Isaiah, a negro, who had lived among the Sioux for a while. He had a Sioux wife, I think.
- Q. Did you make any observation of that place in the woods with a view to holding it or determining its defensibility?
- A. I did.
- Q. Please state what it was.
- A. I found myself in that clearing which was surrounded by a fringe of timber; and to have held that position would have necessitated six hundred or seven hundred men, because of its extent. You would have had to hold the outer edge of the timber; otherwise they would have crept up and sheltered themselves behind the timber and come right up to us.
- Q. What is the least number of troops that could have been put round that position?
- A. I think the regiment could have done it.
- Q. You think one hundred and twenty men could not do it?
- A. I did not have one hundred and twenty men; but I think one hundred and twenty men could not do it.
- Q. At what intervals would you have had to deploy your command to surround that position with a view of holding it? I do not mean the entire stretch of timber up to the bank of the river where you crossed, but that position there?
- A. Well, sir, I could not cover it at all without putting the men so far apart from one another, that their shooting would not be any support. In fact, they could hardly be within speaking distance and make a circle. I mean the timber it would be necessary to cover.
- Q. State what became of the wounded men that were left in the timber.
- A. I suppose the Indians killed them.
- Q. What steps were taken to bring them out of there?
- A. I could not make any efforts; none were made.
- Q. What became of the wounded men who were left in the bottom on crossing?
- A. I do not know. The Indians would not permit me to take care of them.
- Q. I have this understanding of your testimony---I may be wrong---that when Bloody Knife was killed you halted ten minutes and formed the command.
- A. I think I said I was in the edge of the timber about ten minutes.
- Q. Did you remain in the timber ten minutes after Bloody Knife was killed?

- A. When he was killed we rode out. I was opposite to Capt. Moylan when he was killed. The orders had been given for the movement before Bloody Knife was killed.
- Q. Did not the movement begin just at that time?
- A. No, sir.
- Q. How soon after did it begin?
- A. When I got the report that the column was ready.
- Q. Who reported the column ready?
- A. Capt. Moylan. He came up from the rear where he had been, up to his own company.
- Q. Were there not a number of recruits in the command who were not good horsemen?
- A. Yes, sir.
- Q. Please state what precautions were taken to enable them to get on their horses in the woods, and to keep up with the command.
- A. A good many did not get on their horses.
- Q. State what precautions were taken to enable them to do so.
- A. I do not know what precautions the company commander took; He was responsible. He was ordered to form his company in columns of fours and lead it out of the timber.
- Q. Did not Sergt. Davern report to you on the top of the hill that he had lost his carbine, and that his horse had fallen in trying to get out of the timber?
- A. I do not remember.
- Q. Can you say that he did not report this?
- A. I can say that he did not.
- Q. At no time on the hill that day?
- A. Not that I remember. He was holding my horse, and I did not go to the horses again until I started to move down.
- Q. Do you know that he did not make any report to you about his carbine?
- A. Yes, sir. It was not a time I could be bothered with or listen to such reports as that.
- Q. The man might have said something about it?
- A. Well, do you think it is a thing that would remain in your mind?
- Q. With regard to firing your pistol on the hill, are you positive you did not fire one about the time that Capt. Benteen's column came up?
- A. I am, sir.
- Q. This guidon you speak of being planted as a rallying point for someone - where was it planted?

- A. On the top of the highest hill. It was thought its fluttering might attract attention sooner than a horse.
- Q. How long did it remain there?
- A. I don't know. I cannot be accurate as to time. I do not think anyone can.
- Q. Didn't your orderly, Davern, have habitual charge of your flask or bottle?
- A. He had not on that day.
- Q. Had he the previous day?
- A. Yes, sir.
- Q. Did he not on the morning of the 25th give it to you?
- A. No, sir.
- Q. Previous to that where had it been carried, say on the 24th?
- A. I think he carried it.
- Q. On the 25th you had it yourself, I understand?
- A. Yes, sir.
- Q. Didn't he have charge of that bottle on the night of the 25th?
- A. No, sir; I had it in my own pocket.
- Q. Is it not customary to refill a flask when it is empty, on an expedition of that kind?
- A. It is, if you have anything to fill it with.
- Q. You say you received no communication from Girard down at the crossing - that you would not permit him to communicate with you. Was he not there in the capacity of interpreter?
- A. From the manner in which you ask the question, it would seem to indicate that he came to me in an official capacity, which I would not recognize. Of course if he had any information to convey to me, I should have listened to him, but I would not have believed it.
- Q. How else could he communicate with you under such circumstances? He could not communicate with you socially.
- A. We were not in the fight, and I would not let Gen. Custer send an order to me through such a channel.
- Q. Any information that Girard may have had about the Indians or what some scout may have told him - would you have considered it improper for him to report to you?
- A. As I say, I should have listened to it; and as I say again, I should not have believed it.
- Q. State whether or not you named Girard as a witness in this case.
- A. I don't remember - I sent a list of the witnesses to you. I understood that he was the basis of the information against me, and I wanted him to be seen, so that people might know what kind of a man he was.
- Q. There was no communication sent out from your command to Gen. Terry or anyone else, till the Indians had left?

- A. It was sent out on the morning of the 27th. An attempt was made on the night of the 25th and also on the 26th. I was quite as anxious to get General Custer to aid me as I was to aid him.
- Q. Was there any attempt made under the cover of darkness on the night of the 25th to get any communication out?
- A. Yes, sir.
- Q. Were any volunteers called for to go on an undertaking of that kind?
- A. No, sir; I said in my testimony I would not order anything of that kind. I believed that sending a man out on a mission of that kind would be sending him to his death. I would have sent an Indian out, because of his peculiar abilities in that direction, you know, which enable him to skulk along and get through the country without being seen, where a white man would be seen.
- Q. How many days' rations had the men carried on their persons and horses?
- A. We started from the mouth of the Rosebud with fifteen days' rations; and I understood that there were four carried on the men's persons, and the remaining eleven on the pack train.
- Q. How much rations had the men when they went into that fight in the bottom under your command?
- A. They must have had two days' rations when we went into the fight on the morning of the 25th. Their rations were not used up until the morning of the 27th.
- Q. You have stated that you would consider that the results of that battle have justified your every act?
- A. Yes, sir.
- Q. Is it justified to the extent that you have made no mistake there whatever?
- A. Well, sir; I should do the same thing over again under the same circumstances, and with the same knowledge I had then.
- Q. State whether or not some part of that result may have been brought about by your act, intentional or otherwise?
- A. No, sir; I am convinced now that there was no command down there when I got out of the woods, that they were all dead.
- Q. What command do you refer to?
- A. The remaining five companies of the regiment.
- Q. When you left the woods, that command had been annihilated at that time?
- A. Yes, sir; that is my belief from after information; I did not know at the time, of course.
- Q. Please state what officer reported to you on the hill, after the pack train came up, that he had heard firing to his right?
- A. I don't remember such a report being made to me.
- Q. If such a report had been made to you at that time, would you then have believed that Gen. Custer's command had been annihilated, or that it was engaged?

- A. If I had heard the firing, as they represent the firing - volley firing - I should have known he was engaged while I was on the hill; but I heard no such firing.
- Q. Were you in a position, down at the river for half an hour, to have heard that firing?
- A. Possibly not, although I was nearer to what is termed the battlefield than the command.
- Q. You received an order in your subordinate capacity - in the sense of there being a commanding officer of the regiment - from Gen. Custer, to take three companies and charge the enemy?
- A. Yes, sir.
- Q. Did you obey that order?
- A. Yes, sir.
- Q. Describe just how.
- A. Well, sir, ten men can be ordered to charge a million. There is some discretion left in the hands of the commanding officer. I can give you a very brilliant illustration of that in the Battle of Balaklava.
- Q. Had there been any casualties in your command at the time you halted and deployed it as skirmishers?
- A. Just one man had been hit. That made no difference, however, in regard to my action. I should have done the same thing.
- Q. Then you consider that you charged the enemy there?
- A. I don't consider that I charged the enemy, but I went near enough to discover that it was impossible to do it. I knew nothing about the topography of the country. It was afterward developed that if I had gone two or three hundred yards further, I should have thrown my command into a ditch ten yards wide and three or four deep.
- Q. The Indians were in that ravine?
- A. Yes, sir; I saw them coming out of it.
- Q. Did you make any examination of that ravine afterward?
- A. Yes, sir. I crossed it in two or three places afterward, I think.
- Q. Was it a possible thing for a dash made by cavalry to have gone through that?
- A. I suppose you might get horses now and then that would jump that ditch.
- Q. The Indians being in it and coming out of it, it was not possible for troops to have gone in there?
- A. The troops would not have got that far. By the time they would have got within a few yards of it, most of the men would have been dismounted; most of the saddles would have been emptied; and most of the horses killed.
- Q. After leaving the timber and going on the hill, you did expect to reunite with the scattered portions of the regiment?
- A. Yes, sir.

- Q. Did you think at that time you were in any sense responsible for the scattering of the command?
- A. I was responsible for the union of my own battalion with the rest of the regiment, and I could not think they would come to me, because I was not in command.
- Q. Then you had no expectation of finding the command on that side of the river?
- A. I put my command on a higher plain where they could be more easily seen; and before going there I convinced myself that they were not on my side of the river.
- Q. Then you thought you might find some portion of the command there?
- A. I didn't know where else they could be than on that side of the river, because I couldn't see them on my side of the river. M, A and G companies were the only companies that got on that side of the river.
- Q. Were you in a position to have seen troops on your side of the river while you were in the bottom?
- A. Yes, sir; to the rear or on the left.
- Q. Could you have seen down in front, along about the centre of the village?
- A. I could not; it would have been impossible.

QUESTIONS BY MAJOR RENO'S COUNSEL

- Q. How many men did you have under your command when you crossed the river on your advance to attack at the timber?
- A. I had one hundred and twelve soldiers and officers. I speak of it positively because I sent to the company commanders to send me a report of the number of men they had in the saddle, I think some little distance before we got to the ford where we crossed. Then as soon as we could get any report from the scouts - I thought there were about twenty-four or twenty-seven of them - but they didn't remain with me any length of time. As soon as the Indians commenced firing they cleared out, and I didn't see them any more except when we went to the mouth of the Powder River, about ninety miles away.
- Q. You said you entered that fight with friendly relations to Gen. Custer?
- A. I certainly did.
- Q. You said you did everything to assist and cooperate with Gen. Custer as fully as if your brother had been in his place?
- A. Exactly.
- Q. Didn't you cross to make your charge with as much earnestness as you were capable of?
- A. Never in my life did I feel more interest in the success of an engagement than I did in that because it was essentially my own regiment.
- Q. Were not your prospects of promotion bound up in the success of the fight by your regiment?
- A. I don't know that I could say that. It might have given me some reputation, of course, as being a member of a regiment that had been successful in a contest with a large body of Indians.

- Q. Didn't every motive that was of value to a soldier make you desire success instead of defeat?
- A. Certainly, beyond a question.
- Q. Do you not feel now that you did everything to support Gen. Custer short of sacrificing your command?
- A. Yes, sir.
- Q. When you returned to the hill, was it not with a view of reuniting with Gen. Custer instead of leaving him unsupported?
- A. That was the action - that was the principle that actuated me entirely. I went out of there as much to aid him as to secure aid myself.
- Q. In your report, to which reference has been made, you said words to the effect that you were convinced that Gen. Custer intended to support you by an attack in flank?
- A. Yes, sir.
- Q. Wasn't that a conviction after the fight was over?
- A. Yes, sir.
- Q. That was not your belief at the time that you crossed to attack?
- A. No, sir.
- Q. You say that you were without support on the left bank of the river. You say you could see there was no support, because you could look to your rear and to your left?
- A. To my left and to my rear.
- Q. You expected the support to come from the direction that you had crossed?
- A. Yes, sir; I did not see at the time how any other support could have been rendered me.
- Q. Did you observe the character of the high land on the opposite side of the river?
- A. I did.
- Q. And how far down that extended?
- A. Yes, sir; I did. A rapid glance, of course.
- Q. And you felt that support, to be effective, could not come from that direction?
- A. I did not think they could get down there. I didn't think it was practicable to get down below me.
- Q. And, therefore, when you took that look from the timber, when you found you needed support, you had not only your rear and your left in view, but you also had the character of the country on the right side of the river?
- A. Yes, sir.
- Q. Was your stoppage at the timber, or failing to continue the charge, due to the number of dead or wounded men in the command?

- A. That had no influence on my actions at all. I should have done the same thing if a man had not been hit.
- Q. Then it was due to other things than the actual loss the command had then sustained?
- A. Yes, sir.
- Q. Was there any communication on the part of anyone to you that Gen. Custer's column had been seen while you were in the timber?
- A. No, sir; never.

QUESTIONS BY THE COURT

- Q. In approaching that river, how was it you took that route you did?
- A. Because I followed the main trail to the village.
- Q. Did you see any practicable route to your right?
- A. No, sir.
- Q. At the time you commenced your retreat from the bottom, did you have any idea as to where Gen. Custer's command probably was?
- A. I had not. I knew he was not on the bank of the river where the village was, and if there was any chance for him to see me, it was on this hill where he could see me.
- Q. Did you have any doubts of your ability to explain to your commanding officer your retreat from your position afterward?
- A. I knew I could explain it.
- Q. You thought you would have to?
- A. I didn't know I would have to. I can't say. I thought I knew I could explain it; but I know now I could explain it, and that I knew it at the time, but I never gave it a thought. I never thought it would be questioned.

The witness then retired.

MAJOR RENO THEN OFFERED AND READ IN EVIDENCE THAT PART OF THE REPORT OF GENERAL SHERMAN, WHICH READS AS FOLLOWS:

"In this engagement the five companies of the 7th Cavalry led by Lieut. Col. Custer in person, viz? 'C', 'E', 'F', 'I' and 'L' were literally obliterated, and the remaining seven companies were saved by the brave and prudent conduct of Major Reno, and the timely arrival of General Terry."

MAJOR RENO THEN OFFERED AND READ IN EVIDENCE CERTAIN PAPERS, copies of which are hereto appended and marked respectively EXHIBITS No. "9", No. "10", and No. "11".

Major Reno then announced that he had no further testimony to offer before the Court and asked until Monday morning next at 11 o'clock, in which to prepare his written statement, which request was granted.

And thereupon the Court adjourned to meet at 11 o'clock A. M., Monday, February 10, 1879.

TWENTY-FIFTH DAY

Chicago, Illinois, Monday February 10, 1879 - 11 A. M.

The Court met pursuant to adjournment. Present - All members of the Court and the Recorder; Major Reno and his counsel were also present.

The proceedings of the last session were read and approved.

Major Reno then presented, through his counsel, his written address which was read to the Court and is as follows: to wit: -

MAY IT PLEASE THE COURT:

Almost my first utterance in your presence was one of distrust of myself, and of request for your indulgence, and in this my last utterance, I acknowledge with gratitude the patient courtesy and delicate consideration you have shown me during this tedious trial.

During its proceedings, I have several times spoken with pleasure of the honorable manner in which the Recorder has discharged his official duties. Like myself, he has, I know, felt that an inquiry where the conduct of an officer was in question could not be a personal contest for victory, but that our mutual efforts should be to have it end in the establishment of truth.

The case has been wider than I anticipated. It commenced as an examination of the courage shown by Major Reno, during a time when General Custer and his column could be affected by his conduct.

It extended itself until it included his behavior long after General Custer and those under him had ended with honor their lives as soldiers, and it ended with a question into the sobriety of Major Reno, at a time when the Indians were with savage joy holding their scalp dance over their defeat of Custer and his command.

These charges so varied and unlike, so distant and remote from the real charge which provoked this Court of Inquiry, have been the subject of testimony from many witnesses. These represent different degrees of character and will I am sure be properly discriminated between by the Court. It is not so much of them as of the principle which underlies testimony applicable to all cases of a military character that I wish to speak. A military Court is always, so far as I am informed, composed of officers higher, or at least equal, in grade to the one who is interested in its proceedings. The reason for the rule is I think plain. It is found not merely on the greater impartiality which higher rank confers, not merely in the greater knowledge and ampler experience which attends it, but also in the fact that the independence of every officer requires that those who live in the suburbs of the Army to whom he must give peremptory orders to which the only answer is unquestioning obedience shall not be his judge in matters which concern his life, or his honor.

Apply the reason which governs the selection of military Courts to the kind of testimony by which you, as members of this Court, would be governed, and you will see that some of the testimony requires a rule of rigid construction.

Let it once be understood that an orderly - a private soldier of limited intelligence, who follows at the heels of his commanding officer is evidence to establish an important order, as much as the officer who rides by his side; that an Indian Interpreter on his first expedition can give reliable testimony upon military matters, or after being dismissed for stealing can sit in judgment on the courage of his superior; or that a mule-packer struck in the face by an officer for being where it was thought he had no duty to be, can originate a charge of drunkenness against that officer, and unsupported by any other witness, save that of another mule-

packer, can insist on this story in a Court of Inquiry - let it once be understood that name and character and fame lie in the keeping of these followers of an army, and the sense of subordination is gone - and the desire to conciliate becomes stronger than the desire to command. The character of an officer will then depend on the favor of the camp followers and they will profit by that knowledge.

The charges against Major Reno rest largely on the testimony of two mule packers, a doctor, an Indian Scout, a sergeant, and an Indian Interpreter. When we remember that about three hundred men saw his behavior at the times when these witnesses have objected to it, we are appalled by this number.

The Indian Interpreter, like the mule-packer, exhibits a forgiving disposition under injuries beneath which most men would rankle, which is rare in more civilized surroundings than his own. He represents a class familiar to the Army, but a word about the figure he presents in this case may illustrate the value of his testimony.

He informs General Custer that the Indians are running like devils, and then counsels Major Reno that they are not running away but advancing upon him. He is surprised at Major Reno stopping in his advance at the timber, and yet censures as an excess of bravery the attempt to leave it. He observes - this searcher of Indian trails - nobody but Major Reno, and is unable to remember who rode by his side. He - who has told this story so often - makes a mistake of an hour, not only in one but in a number of places, and corrects them when the cross examination is about to begin. He does not see the column leave the woods, and fails to find or to join the soldiers who left the timber with Herendeen. He fixed no time for many things connected with the firing, its beginning and end, notwithstanding his accurate watch, which he told Sergt. Culbertson he lost in the water on the afternoon of the first day. His place he said at the beginning of the testimony was with the Indian Scouts, but when left in the timber he bewails to Lieut. DeRudio that he is a non-combatant, and that he regretted he was not with the pack-train where he belonged. This character he sustains with fidelity when he leaves DeRudio in the plain, when surrounded by Indians, and tells Culbertson that he had thrown away his rifle on the afternoon of 25th June. He was a non-combatant, as he shows when on the 27th day of June he scalps the dead Indians he did not shoot, and his place was really with the Scouts, those at least who fled to Powder River. But his testimony is valuable in some points when it corresponds with his fears.

Herendeen - a Scout, who was "as one", as John Randolph would say - "as the center seed of a cucumber" tries to draw an opinion unfavorable to Reno's courage without seeing his countenance, after having him in view for but a moment. It was a noble ambition to try to draw character from that fleeting glimpse. Even the photographer at Central Park, who tried to photograph an elephant complained that the animal was expressionless when he turned his back to the instrument. He states that Reno darted from the glade, when Bloody Knife was killed at his side, and without hesitating at the timber's edge, galloped at once to the river. In this he is flatly contradicted by Capt. Moylan, who testified to Reno stopping at the edge and assisting in getting the column in order.

There is an old saying "What will extinguish the fire, when the extinguisher itself takes fire"? Possibly Herendeen might have been excited, and unable to judge Reno with coolness.

Dr. Porter, within the limits of his duty I greatly respect. But if he has the gift of courage, he did not have it with him at all times on the 25th day of June. He lingers by the side of the wounded man, when Capt. Moylan says he was in his company, and sees no halt made to organize the column, when Moylan distinctly remembers that he was near him. The men whom Falstaff saw in Kentish Green never multiplied themselves so rapidly to his vision as did the Indian lodges to the Doctor's eyes when he saw 1000 lodges from the timber.

His judgment of the military movement differs from that of many of the officers and perhaps its value would have been understood by John Randolph who, when Chairman of the Military Committee in Congress said, in answer to a member, formerly a watch-maker, who criticised the bill, that the gentleman might understand tick-tacs, but certainly did not understand tactics.

Of the two mule-packers who try to establish the drunkenness of Reno on the night of the 25th of June, 1876, but little shall be said. The one who confirms the story had need on cross-examination to alter the time he fixes for the arrival on the hill, the time when the firing begun and ended. He whose duty it was to be with the packs says the ammunition boxes were not opened when other witnesses testify to the opposite being the fact, and Lt. Wallace gives the circumstances of their being opened with an axe, on account of the haste needed at that time.

The other one, the one struck by Reno, has never heard of any stealing from the packs, and yet has lost his own things by theft. Having lost his blanket he goes, as he testifies, without any orders from any officer, to get one belonging to someone, - rather, to any one else.

Mark their story - Reno is drunk, is staggering, is stammering; and yet beside Girard - the non-combatant - no one of all that command on the hilltop even imagines him to be in that condition until they reach Chicago more than two years and a half after the time they fix. They made a mistake in making him too drunk. Drunkenness has a beginning, an existence, and an end, and with the frequent contact Reno had with officers and men he must, if in any of the stages of it, have been detected and exposed. He staggers, and yet hit the man without being disturbed in his position. He has to brace himself against the packs, and yet without difficulty stoops and picks up the carbine. And with a whiskey-bottle in one hand, and a carbine in the other one he stands an object of dread to Frett, who so safely affects courage in the court-room.

It was hardly necessary to summon Edgerly, and Benteen, and Wallace, and Mathey and McDougall to contradict them and to propose to have Hare and Varnum and Moylan telegraph their knowledge upon this subject. It was only dignifying falsehood and putting honesty to unnecessary labor.

The question of time and distance about which such differing evidence has been given is not to my mind of great importance except as it determines the relation of one command to another. And this relation and position can, as the court has no doubt already observed, be fixed independently of watches. Where Custer's column was with reference to that of Reno can be definitely placed without regard to the time of day. There will be I think but little difficulty upon that point.

The Court will also, I am sure, remember that Reno's duty was made difficult by the fact that surrender was impossible, and therefore the whole course of his conduct was different from what it would have been against a civilized foe.

The history of this case presents some difficulty with regard to distance and to time, but none so serious but that a very little consideration will remove them all. As far as the testimony exhibits the Seventh regiment of Cavalry was on the 25th day of June 1876 moved from the divide between the Rosebud and the Little Big Horn rivers in the direction of the latter stream. With several halts it reached a point at about 12 o'clock upon that day where a division of the command was made into battalions. One battalion, consisting of three companies was placed under the command of Col. Benteen, A second battalion of the same number of companies was placed under the order of Major Reno, and five companies remained under the command of Gen. Custer. If we rely, as I think we can, with the greatest safety, upon the testimony of Lieut. Wallace who kept the itinerary, this point of division was about fifteen miles distant from the Little Big Horn river, and the point where Maj. Reno afterward crossed it. Immediately after the division was made, Col. Benteen

diverged to the left, and after going a distance which no one states to be greater than two miles, was lost to the view of the rest of the column. The command thus diminished in number by the separation of Col. Benteen continued in the direction in which it had been marching until it reached a point about ten or twelve miles lower down, where there was a burning tepee containing the body of a dead Indian. At this point Reno received an order from Gen. Custer as commanding officer which governed his future action. It has been stated in several ways, but all of them unite in declaring that he was to charge the Indians, who had already been discovered in the bottom on the left side of the Little Big Horn, under a promise of support from Gen. Custer's command. At the time that Reno received this order, he was accompanied by Lieut. Wallace, whose testimony the court has heard, and by Lieut. Hodgson who so bravely died in the charge. An orderly by the name of Davern, at that time a private soldier who was in the rear of Major Reno, has testified to a recollection that is different from that of either Maj. Reno or of Lieut. Wallace, and which is also different from the recollection of Capt. Benteen; he has sought to convey the impression that at the time this order was communicated a statement was made, that Col. Benteen would be on Maj. Reno's left and would have the same instructions that he had. It is hardly necessary for us to linger to see how impossible this statement must be, for when he was asked where Benteen was at that time in order to receive instructions, Davern could not place him, and the whole testimony shows that Benteen had long before this been sent to the left and was already far out of sight. Besides Capt. Benteen himself says that no such word was given him after he left the main column and none such ever reached at any later time.

For the purposes of this case I think we can assume that the orderly either misunderstood what the adjutant of Gen. Custer had stated to Major Reno or else he wilfully stated what is not the fact.

After the command was received Reno gave the order to trot and his battalion moved down to the crossing of the river. The Indians had already been seen on the river bottom. Lieut. Varnum had had a glimpse of them from the top of the knoll near the tepee; and Girard, the Indian interpreter, had also seen them and had told Gen. Custer in a loud voice that there were the Indians and they were running like devils. The trail that Reno followed led straight to a crossing which from the nature of the country and from the character of the troops, who were mounted, the Indians would expect the command to use. When the crossing was reached without any delay whatever the battalion went to the other side of the river, and passing through a fringe of timber such as follows the water courses on the Western prairies, halted to reform. Before them lay an open stretch of prairie covered slightly with sage brush, with grass eaten by Indian ponies and the ground cut up by their hoofs. Before advancing from this point Maj. Reno saw enough of the Indians who were approaching him, to judge of their numbers and their disposition. He knew as Benteen knew, as Girard says he knew, that Gen. Custer believed that the Indians were retreating, and he could fairly presume that the order he had received from Gen. Custer had predicated on wrong information. He sent back word by a private soldier who served him in the capacity of a body-servant, whom Sergt. Culbertson saw on his way back over the river, that the Indians were all before him and that they were very strong. Not receiving an answer as he had expected he again sent back word by a man named Mitchell, and as neither of them ever returned or were ever again seen alive it is fair to infer that they succeeded in reaching the main column. Girard himself testified that he saw Indians advancing up the valley in such large numbers that he called Maj. Reno's attention to the fact; and not satisfied with that, that he turned back from the river's edge and met Adjt. Cook and told him of that fact, and that the Adjutant promised to inform Gen. Custer of it. Adjt. Cook died on the lower hills with Gen. Custer and it is safe to say that he performed his promise.

Major Reno was justified in sending back this word to his commander, because he believed that he was being followed by him; and Lieut. Wallace testified that Gen. Custer's Adjutant and Capt. Keogh, who also fell with Custer, accompanied Reno's command until within a very short distance of the river. Without any further delay, Maj. Reno formed two companies into line

and throwing the third company in their rear in line, moved down the valley. On his right was the river with its growth of trees, on his left was a line of foot-hills that stretched and lost itself far to the southwest. There was a large column of dust before him and there were Indians coming out of the dust to meet him. He skirted the timber and went a distance that, according to the statements of witnesses, varies from a mile and a quarter to about two miles. He was then satisfied that the Indians were not only not fleeing but that they were preparing an ambush to receive him, and therefore he ceased his charge, and ordered the men to dismount and deploy as skirmishers.

Was he justified in doing so? He was already at a considerable distance from the point from which he expected to receive his support. The Indians instead of continuing on his front had commenced to separate and were already circling along the hills on his left in order to cut him off from the crossing. This circumstance in itself, I submit to the court, justified an officer who was responsible for the lives of his command in believing that the enemy, so far from fleeing from him, were in such force that they invited an attack, for Reno was then between the village and the river, and the love of the hearthstone, though different in degree, is the same in principle in civilized and uncivilized men; and the Indians if they had felt distrustful of their strength would undoubtedly have presented a united resistance to any approach toward the village, but when they gave way and invited an attack, that if successful would have destroyed their homes, they declare to the commanding officer that they were not only able to protect themselves but were able to destroy his command. In this act of judgment Maj. Reno is confirmed by the opinions of the officers who accompanied him. Lieut. Hare says, "I knew that before we got to the village there were lots of Indians there. If Maj. Reno had continued to march in the direction of the village I do not think he would have got a man out of there and I do not think the column would have lasted five minutes." Lieut. DeRudio said: "When he halted I said 'Good for you' because I was sure we would be butchered if we had gone five hundred yards further." Capt. Moylan stated "I think there was a sufficient number of Indians at the time - they were within five hundred yards of him - to warrant him in halting and dismounting."

The wisdom of Reno's action is still further seen in the fact that as soon as he did dismount, Indians to the number of four or five hundred, as testified to by several officers, appeared in his front from out a ravine into which his command must certainly have plunged if he had continued charging. Not only does the result which we now see would have followed prove that he acted rightly in dismounting where he did, but it was his duty as an officer who expected not merely to be supported by another portion of the command, but to support it by making a diversion, not to throw away the lives of his battalion until the supporting column was near enough to him to receive the benefit of the attack that he would make. If he had continued on at this point his entire command would have been destroyed without any benefit being received by any supporting command. He deployed the men on skirmish line, and if we can believe the officers whose duty called them to that part of the field, the command continued to advance on foot and fired as they advanced.

What now was Reno's position? The Indians were close to him and increasing in number. They were on his front and were circling to his rear between him and that point from which the expected support must come. The river was close to the edge of the timber. On its other side rose high bluffs which stretched a number of miles to such a height that from them no assistance could come. Between the hills on the opposite side and the river, there was some low land covered with timber and brush into which the Indians had already commenced to come, and from which they were sending a fire into the timber. He had one hundred and twelve men under his control not counting the Indian scouts and the noncombatants. The force was too small to occupy the timber with any hope of resisting the number of Indians that he saw attacking and preparing to attack him. At this point his attention was called to a fire that was being received on the side of the timber next to the river, and with part of his force he enters the timber with a view to dislodging the Indians. While there word is brought to him that the Indians have turned his flank, and he goes out

with Capt. Moylan to see the situation for himself. He becomes convinced that it is his duty to retire the men from the skirmish line and bring them into the timber, and in that act he is abundantly confirmed by the judgment of those who were with him. All testify that the number of Indians was constantly increasing and Sergt. Culbertson has given it, as his opinion, that if the skirmish line had not been retired, within three minutes of the time it was, he did not think any man would have gotten off the line. Reno, unsupported as he was, was then forced to decide what duty he owed his command and his commanding officer, and he decided to leave the timber.

Was he justified in this act? Lieut. Wallace says: "We were surrounded and in a bad position to defend ourselves", and he approved the going to higher ground. He said that it was about the only thing that could have been done under the circumstances. Lieut. Varnum testifies that "at the time of the retreat, a good many bullets had begun to drop from the woods from our rear. Whether the bullets came from the bluffs above or from the bottom I do not know, but I know that quite a lively shower came in from our rear toward the river." He further says: "The position we held in the timber - I do not know exactly its size, but it was large enough so that, with the number of men we actually had in the timber, those three companies that were under Col. Reno - it does not seem to me they could cover the entire position which they must necessarily hold in order to keep the Indians out of the timber. We could not let them come in there with us. We had to occupy the position as the ground lays in order to hold it at all. It does not seem to me that we had men enough to hold the entire circle of the timber".

He testifies again in another part of the proceeding to the same effect. Capt. Moylan, in answer to whether a formation could not have been made in the timber to have held it, says - "With a formation of that kind with the number of men at Maj. Reno's disposal the line would be necessarily so short that it would not extend to the bank at the outer edge of the timber. In my opinion had such a formation as that been made the Indians could have possessed themselves of this bank at the edge of the timber and been on such higher ground than Maj. Reno's men could have been on the bottom. Therefore it would have made the position there perfectly indefensible." He says in another place "I think the most judicious course was to leave the timber if possible. Had the command staid there thirty minutes longer, I doubt if it would have gotten out with as many men as it did". Again he says "The command was virtually driven but not exactly driven. It would have been driven from the timber in a very short time". Lieut. Hare testifies that Maj. Reno's command remained in the timber until all hope of support from Gen. Custer had vanished. Again he says - "The impression produced upon my mind by the movement from the timber was that Maj. Reno thought that we would be shut up in there and the best way out would be to charge. The whole business impressed me that if he was going to get out of there, that was the best way to do it.

A number of questions were asked the witnesses with regard to Maj. Reno's ability to continue in the timber if he had been joined by Col. Benteen. A sufficient answer to this is that Maj. Reno knew that Benteen had been ordered away from the column before he (Reno) had been directed to make his charge - that he was in entire ignorance of the orders given to Benteen and therefore had no reason to expect him to support him; and Benteen further says, that Reno was not justified at all in expecting that he (Benteen) under orders given him by Gen. Custer, could render him any support whatever.

In addition to the increasing number of Indians and the threatening positions that they occupied on his rear and flank, Maj. Reno found another difficulty. And that was the want of ammunition. It is in evidence that Lieut. DeRudio heard him tell the men while on skirmish line to use their ammunition with care, but it is also true as Capt. Moylan states, that some of the men had already expended half the number of cartridges that they had brought across the river, and therefore that if there was to be a prolonged resistance, that long before it could be successful the troops would be left with empty carbines.

Up to this point let us inquire what had been Maj. Reno's conduct. He had certainly led the charge up to the point where the men were dismounted. Capt. Moylan testifies that he heard Reno caution the men about overriding, for he would soon give them work enough. It is in evidence that it was by his order that the skirmish line was thrown out, and Lieut. DeRudio states that not only was Reno on the line, but that he admired his conduct as a brave and skillful officer. Lieut. Wallace gives as his opinion that Reno's conduct as an officer in the timber with respect to judgment and courage was all that could be expected of any one. Capt. Moylan testifies that the skirmish line was deployed by Maj. Reno's order. He was there on the line and he occasionally heard his voice. Lieut. DeRudio testifies that he saw Maj. Reno encouraging his men and standing in a position where he ought to be as commanding Officer.

In the face of this testimony the opinions of George Herendeen, the Indian scout who saw Reno's back but for a moment and from that fact endeavors to draw an opinion unfavorable to his courage, and Dr. Porter, who afterward confessed to being so scared in the timber, and who in point of fact, forgot that he had halted at the edge of the timber with Capt. Moylan before he went back to the river with the column, are hardly entitled to a passing respect. The mere act of leaving the timber was in itself an evidence of courage. A timid man would have remained there. Even Girard testified that with the number of Indians in the bottom he thought it was an excess of bravery to leave the timber, and he stayed behind because he expected the command would return.

Now if there was nothing more in this case than this we would claim that Maj. Reno was certainly open in no way to censure as an officer and a soldier. But it is claimed that he showed cowardice in the way in which his command started from the timber to go to the hilltop. It is said that no bugle calls were given and that was an evidence of fear. It will be observed that no officer was left unless, like DeRudio, he had retired from the skirmish line without orders, or unless like several others, he was unattached, and they were using their discretion in seeking different places and discharging different duties in the timber. Unless Capt. Moylan is virtually incorrect Maj. Reno came to the edge of the timber and there consulted with him before any movement of the troops was made, and that it was their joint judgment that a higher point should be sought on the other side of the river at which the force under Maj. Reno could contend on more nearly equal terms with the force that was brought against him. It is in evidence through a number of witnesses that the command was passed down along the line for the men to mount and to make a charge. It is in evidence by Capt. Moylan that the column was undoubtedly formed before the men left the timber, and that if they all had been in their places, as it was the expectation of the commander that they should be, they all would have returned in as good order as his company did.

Maj. Reno led the charge to the river. He was justified in thinking that after the company officers had received the word to mount and charge the men in their companies would be properly informed and fully obey him. He was seeking to cross an unknown river, and over country to which he was a stranger, to find a place where he might ascend the high land on the other side of the river. It is a matter of dispute where his place should be; but Capt. Moylan says, it was as proper for him to be at the front as at the rear, and in this opinion he is confirmed by that of other officers. To me it seems plain that where a ford is to be selected and a crossing is unknown, it is the duty of the commander to be there to use his discretion and his judgment with regard to the manner in which the troops shall pass from one side of the river to the other, and rise to the new place that they shall occupy for defense. It is a strange thing in this case that those eyes which saw the most demoralization in the column as it moved to the river, were not those of military men, and it is undoubtedly true that the column may not have been in perfect order, but the circumstances forbade it being so. It was not a triumphant march. It was the departure of a command from a place in which destruction was believed to be sure to a spot in which it was hoped the danger would be less great. If Reno was doing his duty at the head of

the column, I submit that he should not be charged with want of duty at its rear.

At this point it may perhaps be well to pause and to meet another charge that Reno in some way failed of his duty because of the untimely fate which befell Gen. Custer and his command, and which it is claimed would have been averted if Reno had continued in the timber. I think there is no truth in this belief. The Indians were certainly there in number that in the minds of military men justifies the belief that they were able to overcome at one and the same time each portion of the command that then engaged them. Lieut. Wallace says, "I do not think that the entire force of the village was attacking us while we were in the woods. When we were on the hill the entire force of the Indians was never engaged against us, because I could see crowds a long way off". He again says "I would not like to take half the warriors they had and take the command we had with us and fight them." Col. Benteen said, in answer to a question whether Reno's withdrawal did not leave many Indians at liberty to go down and attack Custer, "Doubtless it did; but I do not think that they had any use for them down there". In answer to a question whether if he had succeeded in joining Maj. Reno in the timber and held a force of Indians there it would have contributed to the safety of Gen. Custer, Benteen replied "It would not have made a particle of difference. Those seven companies would have been completely hived there, and Gen. Custer would have had to look out for himself just the same." The fact that Reno's withdrawal from the timber had no influence whatever upon the fate of Gen. Custer is seen by two considerations. It is plain from the testimony that Reno was at least forty five minutes in the timber. During that time Gen. Custer with his command was thrice seen. Lieut. Varnum saw the Gray Horse Company on the bluffs above the right bank of the river about thirty minutes before Reno left the timber. He believed that Custer had certainly time to reach the point on the map known as ford B before Reno reached the top of the hill. DeRudio, who saw with straining eyes Custer with Cook standing on the high land overlooking Reno in the timber, states that the firing he heard down the river was almost simultaneous with Reno's reaching the top of the hill. If that proves anything it proves that the diversion that Reno made lasted until Custer had reached within striking distance. Martin, the trumpeter, testified that he left Custer at a considerable distance lower down the river than the point where Reno made his stand - that he had time to go a number of miles to Benteen, to return with the column, and on his return to see Reno and his command reach the top of the bluff. Custer having promised to support Reno and having had a view of him attacking the Indians under his order would undoubtedly in turn have charged the Indians at the first point where he could have reached them. That point was the ford B.

It cannot be doubted by this court that the testimony that they have heard, not merely from officers of Reno's command, but also from the evidence given by Lieut. Col. Sheridan, who made a careful examination of that point and found a gravel bottom at the river there over which he several times sent a wagon, that there was a proper point for Gen. Custer to give his promised support to Reno, if it was in the power of his command to support him at all. If the mind can believe testimony and draw any inferences from it, it is overwhelmingly clear that Custer had reached the ford B where he could have crossed to the Indian village before the Indians whom Reno was diverting by his attack in the timber could have reached that point; and from the known character of Custer for valor and for bravery, it was equally plain that notwithstanding the thousand Indians whom Reno detained at the upper end of the village, there were Indians at the ford B in such overwhelming number as to make it a matter of madness for Custer and his command to engage them there. That explains the fact of the sleeping village which Martin says that Custer saw.

So far then as Reno's retreat from the timber was concerned it had no effect whatever on the fate of Gen. Custer, for not a man nor a horse were found dead at the ford B, and the first indications that Custer had found his enemy was at least eight hundred yards below the ford on the right bank of the river.

Another consideration proves this. Custer and his men were found in such position, with such separation and with such disorder that it proves that whatever resistance they made, brave and heroic as it was, was in the nature of a defense and not of an attack. Competent judges have shown, not merely that the struggle could not have lasted more than an hour, but that from its very beginning it was hopeless. So far, then, as Reno is concerned, we hold that he was justified by the appearances as they presented themselves to him at the time he halted in doing what he did; that he was further justified in this conduct by the result as it afterward declared itself; that he showed no cowardice whatever in the timber, that his retirement from it was not only within his discretion as a commanding officer but was the result of consultation with one of his tried and approved officers and endorsed by many of the officers of his command; but that both on account of the number of the Indians and the manner in which Custer and his command were destroyed it had no effect whatever upon any other command than his own.

It has not escaped the attention of the Court that when Benteen came up to the point where he afterwards joined Reno he saw the Indians still in the bottom and that he thought that they were at least eight hundred or nine hundred in number. Sergt. Culbertson, a most careful witness fixed their number at about a thousand; Lieut. Varnum said that a great many Indians remained in the bottom, when he came up with Benteen; and it is the statement of Lieut. DeFudio, who watched them from the timber in which he had remained, that they did not retire because Reno left the timber but because Benteen was seen to approach on the other side of the river. And it is the belief of Benteen that, although a considerable number left when he approached they were not only unneeded to destroy Custer and his command, but that they promptly went and hid themselves on the right bank of the river in order to await Reno if he should march down in the direction of Custer. Benteen, a soldier in whose judgment this Court can place, I think, as much confidence as in his courage, declares it to be his belief that Custer and his command were destroyed before the order that Martin carried had reached him.

When Reno reached the river he decided, and told one of the witnesses that this was no place to halt and reform the men. It was his duty as a commanding officer to select the new position from which the new struggle should be made, and he accordingly went to the top of the hill.

Much has been said of the manner in which the men followed him. It is needless for me to say to this court that in no other way than a straggled way, even under circumstances of perfect peace, can a battalion of Cavalry climb a steep bank. And yet, it was not demoralized. Capt. Moylan says his skirmish line was thrown out a few minutes after the command reached the top of the hill. Lieut. Hare says the men were scattered on the top of the hill but were not demoralized, and again he testified to that same effect. And even Davern said they seemed to be retreating in as good order as could be expected. It is true that Reno had lost a large straw hat which he wore in the timber, but he had not forgotten to tie a handkerchief around his head for protection. Benteen testified that the command was quiet when he came up a little time afterward, and Capt. McDougall did not know they had been engaged until he talked with the officers after he had deployed his men as skirmishers.

What was Maj. Reno's conduct? Certainly not that of a coward or he would not have been in command of his troops; he would not have ridden to meet Benteen and have returned to go at the head of a body of men to see if Lieut. Hodgson was living whose body he found at the river's edge. Even if he had been excited he could hardly have been sufficiently so after having been joined by Benteen, to have fired his pistol as Edgerly thinks he did when he came up sometime after he had been joined by Benteen.

What now was the duty of Reno? He had had three companies engaged in the timber whose ammunition had been largely expended and needed to be replaced. He had wounded men whom he could not then leave at the mercy of the Indians. He certainly ordered Hare back to the pack train to hurry the

ammunition, and after receiving his report and making direction with regard to the care of the wounded, he sends an order to Wier, who had already moved out with his company, that he should endeavor to communicate with Custer. If, as we believe, Custer and his men had by this time been destroyed anything else that was done thereafter could have no possible effect upon that command.

But it is urged that the message carried to Benteen by Martin exacted of him a duty. If it did, it was the duty of assistance and that he prepared to render it in the most effective way. He did this by replenishing his ammunition and by bringing up the pack train which the order to Benteen twice commanded him to do. The fire that had been heard in the direction of Custer's battlefield was not such, as was proven by every witness who gave testimony upon the subject, as to excite any grave distrust of Custer's condition. The volleys were few and faint and retreating in sound, and the scattering fire was such as Indians usually indulge in, even when not actively engaged in fight; and the dust that was seen in the village and the Indians circling in the bottom below did not attest to anyone any severe struggle down the river.

I have not time to analyze the testimony on this point, but I am sure that the Court will find that I have fairly stated in the few words into which I have compressed it.

After the pack train came up, after the wasted ammunition was replaced and the wounded - seven or eight in number - were properly cared for each with six attendants, the main column by Reno's order and with him at the head moved down the right bank of the stream to follow the advance guard of Capt. Wier. It reached a point where it was met by Lieut. Hare, Reno's acting Adjutant, who returned from giving the order to Wier to say that the Indians were so many in Wier's front that he had used Reno's name to order a return.

Of the ability of this command to force its way further down the river, there is but one opinion, all unite in saying that a forward movement would have been its destruction.

There was no firing to indicate an engagement below. That which had already been heard and ceased, and it had not awakened any belief whatever that Custer's command was any less able to take care of itself or had met with any greater opposition than the command under Reno. And yet, at the last moment at the furthest point in the advance, Benteen placed the guidon of the 7th Cavalry. It was at a place where, as he afterward said he was so far from Custer's battlefield that the point could not from there be seen. But even if visible it would have carried no message to those who had fought on the hills and valleys below because they had passed away from the region of human sense.

Slowly, and compelled by overwhelming numbers, the command moved back to a point which Reno selected and made its final stand. The disposition of the troops was made under the Indian fire and by Reno and Benteen, and then commenced a struggle which for tenacity and bitterness has never I believe been surpassed in the history of Indian warfare. The depression in which the troops fought, the manner in which they were arranged and the success that attended them, are familiar to this Court. All save Gen. Gibbon unite in declaring that it was the best position that could have been selected for the purpose of this fight; and to his objection there is the overwhelming answer that a resistance was made from the afternoon of the 25th day of June until the evening of the 26th, and that when Gen. Terry came up with Gen. Gibbon and his force on the 27th they found that portion of the 7th regiment in position on the unsundered heights.

I shall not linger to describe that height. The character of the place, the arrangement of the troops, were such that no man could have a full view of the acts and conduct of the commanding officer. His duty was of a simple kind. The commands that he gave were abiding ones, and after their places had been taken the duties of the soldiers and of their officers were of a simple and an elementary kind. They were those of self-defense. Every

witness who has been called has stated only a fractional part of what was done by other officers, and if the testimony of some was alone to be considered you would have thought that not only was Reno absent but that very many officers and men had no part whatever in this engagement. And yet Lieut. Hare testified that he heard Reno select the position where the stand was made. Sergt. Culbertson testified that Reno was exercising control over his men on the afternoon of the 25th. He saw him also near the pack horses that afternoon - in a position of very great danger. He saw him the same evening on the left where the line of breastworks was built - also a dangerous place. He saw him in the morning of the 26th about 8 o'clock coming from the direction of D company's line down to the breastworks where Capt. Moylan was. He saw him moving around at times during that day back of A Company and passing from one line of the command to the other. He heard him speak with regard to sending for water. Capt. Godfrey testified that when the officers and men were in their places of protection that he and Reno walked over the knoll exposed to the Indian fire, and although Reno in a laughing way dodged a bullet, he continued on to the place where Benteen's company was - a position of great danger. Capt. McDougall speaks of walking along the line with Reno when he considered it an act of danger. Martin testified that Reno about 12 o'clock on the night of the 25th, sent him orders to have reveille sounded in the morning. It is unmistakable that he was with Company D at that part of the line where it was expected that the severest attack would be made. It is undoubtedly true that when Benteen, because he saw the Indians which Reno could not, gave the order to charge them Reno went with the charge. It is the testimony of Varnum that on the 26th of June, Reno attempted to send a letter which he afterward succeeded in sending to Gen. Terry stating his ability to hold his position but asking for aid and stores for the wounded.

And on the score of courage there is but one voice. Lieut. Wallace, in answer to a request to search his memory and recall the events of the two days and state in what point, if any, Maj. Reno exhibited any lack of courage as an officer and a soldier said "None that I can recall or find fault with": Lieut. Varnum says "Certainly there was no sign of cowardice or any thing of that sort in his conduct and nothing special the other way." Capt. Moylan in reply to a question whether during any period of time he saw Reno in the timber he betrayed any evidences of cowardice, said "No, sir; there was a certain amount of excitement I suppose, visible on his face as well as that of anybody else, but any trace of cowardice I failed to discover." Lieut. Hare testified, "I think Col. Reno's actions and his dispositions there saved what was left of the regiment. I saw no evidences of cowardice in Major Reno." DeRudio said he saw no evidences of cowardice at all. Benteen said that "Reno's conduct was about right, sir;" and a man who can afford to forget to mention the charge he made to the river's edge for water for the wounded can afford to speak with quietness of the bravery of a brother soldier. Benteen said again in answer to another question that he saw no evidences whatever of cowardice on the part of Reno. Edgerly said "When I first came up, Reno was excited but he did everything that was necessary to be done", and further said that Reno was fully exercising the functions of a commanding officer. Capt. Mathey in answer to the question "From all you saw and all that came under your knowledge had you any charge of cowardice to prefer against Maj. Reno?" answered "No, sir". Capt. McDougall testified that there was "No evidences of cowardice or weakness on the part of Maj. Reno."

Testimony like that no award can obtain. It is a record of duty done with quietness, but with effect, without display, but with success. His command needed no inspiriting. The promptings of their own high natures sufficiently told them their duty. Think who gathered around him on the hilltop. Men who had the endorsement which one great Military University gives only to soldiers. Others were there, graduates of that trying school, the Civil War, to whom death was a familiar thing and bravery an instinct. Moylan was there who on the charge from the timber, dropped back in the Indian fire to strengthen his line; McDougall, who, with Mathey, had guarded the pack train with such determined courage; French, who lost on the hilltop none of the credit he had gained in the timber; Weir, fresh from his march down the river; and Godfrey, who has since so greatly enlarged his fame;

Wallace, whose soldierly knowledge is as impressive as his courage, was with them; and Hare, whose conduct on the bottom and judgment on the advance on the right bank of the stream so greatly approved (commended?) themselves to his commander. Edgerly was there, who rode with such hot haste to enter the battle; and Varnum - who has forgotten the brave acts that are told of him? And, Benteen was there - that soldier of soldiers, clear cut as a cameo, with face kindled with smiles as he stood amid the rain of Indian bullets. And with these, I gather up and bring to remembrance those who lowlier in place fought with such prodigious constancy, men like Culbertson whose type is found in the two sergeants who gathered about the wounded Keogh and died with him. And with them all and over them all was Reno; not surpassing them in bravery, but in that not unequal to them, and better record than that need no man make.

Many times I have wondered as I sat before you whether if Custer could come back he would own those who standing in his shadow claim to represent him; whether to the survivors of the 7th Cavalry he would not say, as they would say to him, "our efforts failed to be mutual supports because of the overwhelming force that confronted each of us, and your honor takes no stain". Of the report made a few days after the battle and now submitted in evidence I need say nothing to a court familiar from long personal experience, with the manner in which such reports are written. They give a general statement of many matters of which the Commanding Officer cannot have a personal knowledge, and which may prove under the minute examination of a court of inquiry to rest on the recollection of others than himself, and for which he is not entirely responsible.

Thus at greater length, because of sickness, I have tried to put before you some of the facts bearing upon the conduct of Maj. Reno during the period of time to which you have directed your attention.

The statement of Gen. Custer made to his officers before Benteen diverged from the column, showed that after fullest care he disbelieved in the presence of the Indians. The announcement made by Girard just before Reno left the tepee, a short distance from the river, disclosed the belief that the Indians were running away. The sleeping Indian village seen by Martin, and, as he testifies also, by Gen. Custer, when the command of the latter was so close to the place of its heroic but final struggle further attests the ignorance of the number and plans of the Indians, and of the preparations they were making for resistance.

The large number of Indians, about 1500, seen by Girard to be advancing up the valley to meet Reno while at the ford; their sudden disappearance; the small number that appeared then in his front; the dust behind them indicating a still larger number in their rear; the circling of the Indians away from the village which they would not have left if in feeble strength, and their effort to reach Reno's rear, and to intercept his crossing, and the support he expected to reach him, told to the practised eye of an Indian fighter the story of an Indian ambush. The halt before the ravine which was then seen four hundred yards away in the front, the skirmish line deployed after the firing begun, were overwhelmingly justified even before the Indians in number about three or five hundred commenced to emerge from the ravine into which they had hoped the command would plunge in its continued charge.

The withdrawal of the skirmish line, when its continuing on the plain would have been its quick destruction, the charge through the timber by Reno himself to see the position of the Indians on his flank, attest the excellence of his wisdom and judgment. The retreat from the bottom, not made because of loss of life, but to save life, when its destruction was without value to any command; made not merely according to the discretion which belongs to a commanding officer, but after consultation, as Capt. Moylan knows, with him, and with his fullest approbation, is unmarked, as every reliable witness knows, by any act of cowardice. The support expected as Wallace and Moylan testify from the rear had not come, and could not come from the other side of the river except after a delay on account of the character of the country, which would have rendered it worthless.

The diversion made by Reno lasted until the brief battle which Custer and his men heroically fought against such prodigious odds had begun, and the Indians, he had detained so much longer than if in one brief mad rush he had sacrificed his command, were unneeded to complete it, and too far away to effectively take part in it. The well chosen place on the hilltop; the attempted march to Custer, whose fate appalled by its surprise, the whole Army as well as the country; the sustained valor with which the position was defended, until it was delivered unsundered to Gen. Terry, the second day thereafter, are part of Reno's history. And through it all, differing as were the demands made upon his character and capacity as a soldier, no man entitled to credit in any human Court seeks to say ought against his courage. Aye, even the privates and non-commissioned officers, on what was almost the field of battle, with one voice commend him and his brother officers for promotion for soldierly bearing - And the General of the Army receives with approbation their high praise of his conduct.

This, may it please the Court, is an imperfect sketch of the case as it has appeared in the testimony to which you have listened. And, we now submit it to your consideration and decision with an abiding confidence in your wisdom and sense of justice.

The Recorder then asked the Court to adjourn until 3 o'clock P.M. today for time in which to prepare his statement in reply to the one presented by Maj. Reno which was granted and the Court adjourned until 3 o'clock P.M. today.

MONDAY - Feb. 10, 1879 - 3 P. M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The Court then adjourned to meet at 10:30 o'clock A. M., Tomorrow, Tuesday, February 11, 1879.

TWENTY-SIXTH DAY

Chicago, Illinois, Tuesday, Feb. 11, 1879 - 10:30 A.M.

The Court met pursuant to adjournment. Present - All members of the Court, the Recorder, and Major Reno and his Counsel.

The proceedings of the last session were read and approved.

The Recorder then presented and read to the Court his written reply to the statement of Major Reno, which is as follows, to wit:

MAY IT PLEASE THE COURT: The evidence adduced in this case is doubtless so fresh in the minds of the members of the Court that it scarcely seems necessary that I should attempt to give an exhaustive summary of all that has been presented; but at the same time there are some points in connection with this inquiry to which it may not be amiss for me as recorder to invite the attention of the Court.

It would be useless of one unaccustomed as I am to that which pertains to the legal profession to attempt to rival the eloquence and learning displayed so brilliantly by the gifted counsel of Maj. Reno. I make no pretensions in that direction, and it were useless for me to have any ambition of that character; but I shall be content to present my views to the court in as clear and plain a manner as possible.

First; permit me to say that in any comments I may make in regard to any persons who have been connected with this case either as witnesses or otherwise, I trust that nothing may be misconstrued, for most certainly I have no

personal interest in this case, and whatever I may say will be from a sense of duty, and if I err, I hope it will not be attributed to any bias or prejudice. As far as I am able to discover this investigation has brought out all the material facts - if any remain undeveloped it is certainly no fault of mine, for I have endeavored to elicit everything that might have a bearing on this matter. There are doubtless a great many persons who could give testimony in this case who have not come before the court, but enough witnesses have been called to cover all the ground, and the summoning of other witnesses would only be to give a repetition of facts and details which have been fully laid before the court.

The testimony of twenty-three witnesses has been taken. Of these, fifteen were subpoenaed at the request of Major Reno as follows:

Lieut. Col. M. V. Sheridan	Mily. Secy.
Capt. F. W. Benteen	7th Cavalry
" Miles Moylan	7th Cavalry
" Thos. McDougall	7th Cavalry
" J. Scott Payne	5th Cavalry
Lieut. W. S. Edgerly	7th Cavalry
Lieut. C. A. Varnum	7th Cavalry
Lieut. L. R. Hare	7th Cavalry
Lieut. George D. Wallace	7th Cavalry
Lieut. Edward Maguire	Eng. Corps
Citizen F. F. Girard	
Dr. Porter, late A. A. Surgeon	
Sergeant Culbertson	Co. "I", 7th Cavalry
Trumpeter Martin	Co. "H", 7th Cavalry
and	
Major M. A. Reno	7th Cavalry

who testified in his own behalf. Of the foregoing names the majority were also furnished me on my application from Headquarters Department of Dakota, and from the Headquarters of the Seventh Cavalry.

In my capacity as recorder I subpoenaed the following additional witnesses:

Capt. E. S. Godfrey	7th Cavalry
Capt. E. G. Mathey	7th Cavalry
Lieut. C. C. DeKudio	7th Cavalry
Sergt. Edward Davern	Co. "F", 7th Cavalry
Citizen B. F. Churchill	
Citizen John Frett	
Citizen George W. Herendeen	
Col. John Gibbon	7th Infantry
Citizen Frederick Whittaker	

Of this number all have testified before the Court except Mr. Whittaker. Of all the witnesses who have testified eleven were officers who were participants in the events of the 25th and 26th days of June, 1876. Four were officers who visited the field of battle afterward. Three were enlisted men who were actually present, and five were citizens who were also present at the time. I mention these matters to show that as wide a scope as possible has been taken in regard to the number of witnesses and their sources of information bearing upon the subjects of enquiry.

The order convening this court issued from the War Department at the request of Maj. M. A. Reno to investigate his conduct at the battle of the Little Big Horn River on the 25th and 26th of June, 1876, and the court is ordered to "Report the facts and its opinion as to whether from all the circumstances in the case any further proceedings are necessary". Major Reno's request is accompanied by a copy of a letter emanating from Mr. Frederick Whittaker, of Mount Vernon, N. Y., and addressed to the Hon. Mr. Corlette, of Wyoming Territory urging a similar request to the House of

Representatives. Major Reno in his application refers to that letter, and asks an investigation thereon; thus making it the very basis of his application. That letter charges Maj. Reno with various military offences, all of which are within the scope of this inquiry as ordered by the War Department, and that letter has been taken as the basis in part of this investigation, which however, under the order constituting the court extends to the whole of Major Reno's conduct as an officer on the days mentioned.

Before going into the merits of this case it becomes necessary to notice briefly the attack made by Maj. Reno on the credibility of certain witnesses who are not officers of the Army, and especially that directed against Girard. I conceive it to be my duty to respectfully invite the attention of the court to the fact that the testimony of no witness can be impeached under the law, save for certain specified causes. Not one of the witnesses who has appeared before this court has been so impeached, and even in the case of Girard, no evidence whatever has been introduced showing that he is not to be believed. The only imputation against him is one made by Maj. Reno himself, who states that he discharged Girard because he, Maj. Reno, "believed he was stealing from the government", and nothing is submitted in evidence substantiating that belief. It is in evidence, however, that Gen. Custer restored Girard to the place from which he had been dismissed by Maj. Reno. The well-known incorruptibility of Gen. Custer's character forbids the supposition that he would have restored Girard to duty without satisfactory proof of his honesty, and the fact that Girard now occupies a position of trust and confidence under the government, exhibits the weakness of Maj. Reno's imputation against his character.

I have no attacks to make on any witness before this court, and my honest conviction is, that every witness examined has told the truth as to the facts within his knowledge as he saw them, and his opinions are more or less correct in proportion to his means of information, and perhaps his prejudices too, and I do not think the opinions in any case will weigh with the court beyond their actual value.

I believe it to be my duty, however, to represent to the Court, and counsel for Major Reno as well, that prejudice either for or against a witness on account of his relations to the Army, whether officer, enlisted man or citizen, cannot for an instant be allowed to influence this enquiry in any manner whatever. To believe or disbelieve a man on account of his position solely would pervert the ends of justice and render a trial or an inquiry a farce. I imagine that this Court will divest its mind of all such distinction and will decide this case on its merits as disclosed by the testimony.

The bias, interest, or prejudice of witnesses as far as they appear in the testimony are proper subjects of consideration in weighing the evidence, but I believe that no extraneous matters can sway this Court in giving its opinion as to Major Reno's conduct. The evidence of even mule-packers as to matters of fact, such as words, blows, threats to kill, and the presence of whiskey, is as good as that of anyone, however exalted, until it is contradicted. There is no material contradiction in this case, even by the testimony of Maj. Reno who gives evidence in his own behalf.

The opinions of the packers as to sobriety have nothing to do with this case, except as they are founded on facts.

With these prefatory remarks I now proceed to the subject matter of this inquiry.

The question before the Court reduced to the simplest form is as follows:

Was the conduct of Major Reno at the battle of the Little Big Horn, that of a brave, efficient, prudent, and obedient officer?

This question involves:

- First - The orders under which he was acting, and his obedience to those orders.
- Second - His responsibility in any manner for the defeat of the 7th Cavalry in that battle and the massacre of Gen. Custer and his troops.
- Third - Whether he manifested cowardice, timidity, or misbehavior in the face of the enemy in that battle, or any portion of it.
- Fourth - Whether he knowingly or through negligence, abandoned Gen. Custer to his fate?
- Fifth - Had he any means of informing himself as to the danger in which Gen. Custer's command was placed, and did he take all measures and make proper efforts to obtain information and act upon it?
- Sixth - Were his relations or feelings toward Gen. Custer, his commanding officer, such as would lead him to obey the orders he received from that officer in a hearty spirit of vigorous and unhesitating support, or - were they those of distrust and suspicion, leading him to criticise and evade those orders, or neglect his duty; and
- Lastly- Was Major Reno's conduct during those two days in any other respect unofficer-like and contrary to what should be expected or required of an officer occupying such a responsible position and at such a time?

To settle these points a large mass of testimony has been taken, consisting to a very considerable extent of opinions pro and con to which the Court will of course give only the weight which properly belongs to the facts upon which such opinions are based. I therefore think it unnecessary to occupy the time of the Court in recounting these opinions at length, but will proceed to state mainly the facts themselves as brought out by the testimony.

Where the facts are uncontradicted they will be stated first, and in their proper order as nearly as possible, and followed by such other facts, or matter as may be subject to conflicting testimony. First. The question as to the orders under which Maj. Reno was acting is settled by the concurrent testimony of a number of witnesses all of whom swear to having heard the words. These witnesses mainly agree as to the terms of the order, though there is some variance as to the exact phraseology. These witnesses are Lieut. Wallace, Dr. Porter, Interpreter Girard, Herendeen, the scout, and Maj. Reno himself confirming them as to the main facts, while his orderly, Davern, swears to substantially the same thing but with an additional statement.

Lieut. Wallace, Dr. Porter, Maj. Reno, and his orderly, agree that this order came from Adjutant Cook. Girard and Herendeen, who perhaps were not so near as the others, give their impression that the order came from Gen. Custer in person. Two facts may account for this discrepancy. Girard and Herendeen may have heard Gen. Custer himself give the order in the first instance to Adjutant Cook, or the similarity in the dress of Gen. Custer and his Adjutant (to which I believe Lieut. DeRudio testified) may have caused them to mistake the identity of the person giving the order.

The terms of this order as heard by Lieut. Wallace and repeated from memory are as follows: "The Indians are two miles and a half ahead; move forward as fast as you can and charge as soon as you find them and we will support". Davern, the orderly who at the time had nothing to say and everything to hear, gives nearly the same words with the prefix: "Mr. Girard comes back and reports 'the Indians' etc.; and the addition, "Col. Benteen is on your left and will have similar instructions". Dr. Porter thinks that the words about supporting were in answer to Maj. Reno's question, "Will the General support me?" and Maj. Reno says that he heard that he was to be supported "with the whole outfit".

Both Herendeen and Girard state that the addition - "Take the Scouts with you" was made to the order, and as a matter of fact it appears that the scouts did go with Maj. Reno on his advance toward the Indian village.

When we take into consideration the lapse of time - over two years - since these events occurred, it is reasonable to believe that the witnesses who heard this order, have stated its purport as correctly as it is possible to state it in the nature of human recollection; and it is undisputed that the tenor of the order was a clear and explicit direction to Maj. Reno to attack the Indians, with no provision expressed in words for a retreat at the discretion of that officer. The only allowance for discretion as stated by Maj. Reno himself, was with reference to the rapidity of the advance - "at as fast a gait as you think prudent". In all other respects the order was positive and peremptory.

Was not Maj. Reno as a subordinate commander bound by all the obligations imposed on an officer to obey that order? Did he hesitate to obey that order? DeHart says that "Hesitancy in the execution of a military order is clearly, under most circumstances, a serious offense, and would subject one to severe penalties; but actual disobedience is a crime which the law stigmatizes as of the highest degree" and Benet says substantially the same thing.

I think it is O'Brien, a military authority, who says: "A subordinate on receiving an order must obey promptly and implicitly. No time is left him to reflect or deliberate. He must at once comply with the commands he has received; and perhaps a moment's hesitation or faltering may destroy plans of much importance and extent. In presence of the enemy more particularly is this mechanical obedience due." I might quote still further but I think these citations will suffice.

We need go back no further than our late war to illustrate the vital necessity of full and complete obedience to orders. The failure of one subordinate commander has not infrequently brought disaster and defeat to an army. Boldness, vigor and confidence have, times without number, won victory over an overwhelming foe, and seldom can it be shown that these essential qualities of a soldier have brought defeat.

But it is urged that there was no plan; that Maj. Reno was not consulted; that he did not know the ground. Now a plan to attack an Indian village must of necessity be quick of conception and rapid in execution. Gen. Custer's plan seems to have been to strike his enemy wherever he found him. The plan of attack was communicated to Maj. Reno as soon as matured by his Commanding Officer and the part assigned him was definitely stated in the order to "move forward as fast as you can and charge them as soon as you find them, and we will support." Did Maj. Reno obey that order as fully as he could, taking into consideration the means at his disposal and the resistance opposing him? Here also the testimony is comprehensive and the uncontradicted facts are as follows:

The military witnesses are Maj. Reno, Capt. Moylan, Lieuts. Wallace, Varnum, and Hare, with Sergts. Culbertson and Davern. The other witnesses are Dr. Porter, Girard, and Herendeen. All agree that the advance to the ford was made rapidly, that a short halt was made at the river, some of the horses were watered there. After crossing, the companies were soon formed in line, and ultimately galloped toward the village in line of battle, three companies abreast. This advance does not seem to have met with any serious opposition, though three witnesses, Capt. Moylan, Herendeen and Culbertson, agree that the Indians fired a few shots at the line, but without effect. Maj. Reno in his official report says - "I deployed and with the Ree scouts on my left charged down the valley driving the Indians with great ease for about 2½ miles."

Dr. Porter says that he saw some Indians driving their ponies down the valley, but Maj. Reno says every pony he saw had an Indian on it. After advancing down the valley Maj. Reno halted near a point of timber and deployed a dismounted skirmish line in the open within long range of part of the Indian

village. This line had a support for its right flank, in the timber, which bordered the stream, but its left was in air and liable to be turned. Meantime the enemy seems, from all the testimony to have been hovering on his front, and the only positive testimony given - that of Lieut. Varnum and orderly Davern as to the moment when the Indians began to advance - fixes it at the time the line of skirmishers was deployed and halted.

There is some conflict in testimony as to whether the skirmish line advanced after it deployed, but as there are positive statements that a part of it did advance, it seems that at least the right company moved forward for a short distance, but very soon after this the left of the line swung back and the weight of the testimony seems to show that this was done without orders, though I believe it is not claimed by any witness that the enemy actually drove it back. The concurrent testimony of several witnesses shows that straggling parties or squads of Indians were passing to the left through the bluffs.

During the swinging back of the line Maj. Reno seems to have been on the right in the timber with a carbine and among the men on foot. It further appears that after the withdrawal of the line from the open or the plain, the Indians who had been circling at long range became emboldened and closed in nearer the timber, passing the command and crossing its line of retreat. A party of Indians seems to have circled entirely around the command, concealing themselves in some timber very near the bank of the river in rear of this second position of the command. A very short contest then ensued at the edge of the timber after the left of the line fell back, and then Maj. Reno ordered the company commanders to withdraw their men to their horses in a small opening in the midst of the timber and to mount in column of fours, the column headed up stream and away from the Indian village. During the execution of this movement the fire of the command seems to have entirely ceased and no definite means appear by the testimony of any witnesses, to have been taken to cover the movement or keep back the Indians. No examination of the timber, by any person, appears to have been made by Maj. Reno's order; and he himself by his own testimony visited only that portion facing the Indian village. He states that he had made up his mind to leave the timber and get back to the right bank of the river to a high position from whence he might see the rest of the regiment or be seen by them. This he says was his determination before the men mounted, and Dr. Porter testifies that he heard him say to Capt. Moylan "We've got to get out of this--to charge the Indians", or words of like import.

At or about the moment of starting, the party of Indians who had concealed themselves in the timber near the river, fired into the column, killing Bloody Knife and wounding a soldier. The uncontradicted testimony of Herendeen is that Maj. Reno then shouted, "Dismount!" and immediately after "Mount!" when the whole command, or what was there, left the timber without further orders, Major Reno taking the lead. Herendeen's statement that Maj. Reno stuck spurs to his horse and led a wild stampede of the entire command is denied by Maj. Reno.

The manner of leaving the timber and reaching the hill is a matter of dispute among the witnesses. The companies of Capts. French and Moylan seem to have left in column of fours, headed by Maj. Reno, but "G" Company, which was originally on the right bank of the skirmish line appears to have received no definite orders to mount, beyond a rumor that the balance were leaving the timber. Maj. Reno states that he gave the order for "G" Company to Lieut. McIntosh, but there is no evidence to show that it was properly communicated to the company, except by rumor, the result being that many of the men of that company did not succeed in mounting and joining the column.

Lieut. Varnum testifies that he heard some men say "They are going to charge! They are going to charge!" and that is the way he got the information the troops were going to leave the timber! The horses were reported to

be in danger but Lieut. Varnum found them all right. It is an undisputed fact that one officer (Lieut. DeKudio) at least fourteen soldiers and two citizens (Herendeen and Girard) - were left in the timber or ran back to it from the plain upon finding they had no chance of escape, and another officer - Lieut. Hare - would have been left but for the merest chance or accident of having a faithful orderly. Some who attempted to escape and overtake the rapidly receding column were ridden down and butchered by a savage foe.

It is also a fact not controverted that no Indians barred or met the front of that column on its way to the river, but they harassed its right flank and rear - killing 27 men and wounding seven or eight more who succeeded in clinging to their horses until they reached the top of the hill. Maj. Reno in his official report says; "I succeeded in reaching the top of the bluff with a loss of three officers, 29 enlisted men killed and seven men wounded." Maj. Reno says nothing in his report of the wounded men left in the timber nor of the 14 soldiers who also remained there for some time. It is quite clear that every wounded man who could not cling to his horse and every man who was dismounted by having his horse killed under him, fell an easy prey to the Indians and are doubtless accounted for under the heading "killed". Upon reaching the river at an unknown ford, considerable confusion ensued - says Maj. Reno - Indians circled above stream within easy range and deliberately shot the men in the river and on the banks. No formation is made on the opposite bank to protect the men whose horses are plunging and rearing to get out. Even a sergeant asks why somebody don't form and keep those Indians back.

The movement to the river is described by Dr. Porter and Herendeen as a disorderly rout; by Lieut. Varnum as orderly at the head but a rout in the rear - Capt. Moylan calls it a "fast gallop" and Lieut. Hare a "fast retreat". Maj. Reno did not consider it a retreat. Lieut. Wallace does not designate its character. All the witnesses agree that there was confusion at some part of the column, that it suffered heavily in the rear, that all the killed and wounded on the left bank of the river were abandoned to the enemy, that nothing was done to cover the crossing, and that the movement ceased on the hill when the Indians no longer pursued. It is also not disputed that Maj. Reno headed the movement as far as the river and that he was among the first to reach the top of the hill.

Was this movement a charge, a retreat, or a stampede? Major Reno ordered it and it was executed under his direction. He alone is responsible for that movement and no officer nor man under his command can be held accountable in the slightest degree for any result of that move from the timber. There is no stigma or discredit that can be placed upon any officer or man - the officer who ordered the move is alone responsible. The plan was Maj. Reno's and he should have all the credit or discredit which attaches to it. It is but natural however that almost every officer and soldier who survived that disastrous move from the timber to the hill would in his own mind by imperceptible degrees, ultimately arrive at a conclusion that after all it was the best thing to do - and results which could not be foreseen at the time may have been taken into consideration to excuse or palliate. Esprit de corps is a strong inducement to participants to do this, notwithstanding they may have no responsibility in the matter. There is necessarily in the minds of the participants a sort of community of interest and most certainly their judgment and opinions cannot remain absolutely impartial. Especially is this liable to be the case after a long lapse of time when many things are forgotten - and opinions become insensibly modified or changed.

It is for the Court to weigh all this evidence and to determine whether the testimony, after fair consideration, shows that Maj. Reno obeyed the peremptory order that he had received from Gen. Custer to the full extent of his ability. Maj. Reno took the responsibility of disobeying Gen. Custer's order. He left the timber not on account of the losses that had occurred, but of what might occur. The ammunition was not half gone, though there had been a free use of it at long range. Lieut. Wallace says had the Indians in the bottom closed in on the retreating column, they would have made short

work of it - Lieut. Varnum said it would never have reached the top of the hill. Lieut. Hare says "had the Indians pursued us to the top of the hill, the command would have lasted about ten minutes." Fourteen men remained in the timber and though the Indians saw some of them run back from the plain and take refuge in the timber, they were afraid to follow them in there, and that is characteristic of Indian warfare.

Capt. Moylan said he thought Capt. Benteen might come in on the left - in the sandhills - and he supposed Gen. Custer would come to their support from the rear. Maj. Reno must have known as much as his officers about the support - in fact he knew that Gen. Custer said he would be supported - but Maj. Reno could look to the rear and seeing no support, he made up his mind "to get out of that". He did not wait - he stood not upon his order of going, but went at once. His casualties did not occur in charging toward the village but in going away from it! His position in the timber threatened the village and held the bulk of the warriors, perhaps nearly all - in the vicinity of his command. He had but few casualties while there, and with a judicious use of ammunition might have remained there for several hours.

Second, the question whether or not Maj. Reno is responsible for the defeat of the 7th Cavalry and the annihilation of Gen. Custer and his five companies can only be determined by such facts or indications as appear in the testimony, as to the plans and movements of Gen. Custer.

From the testimony of Maj. Reno, Capt. Benteen, and Girard, it appears that Gen. Custer was informed of the presence of Indians in the valley before he entered the battle, and the only positive testimony (Girard's) showing the nature of the information is that he was told there were at least 2500 Indians in the valley.

It is settled indisputably that Gen. Custer ordered the witness, Capt. Benteen, to scour the country to the left of the main trail and that he sent him three successive orders prescribing or limiting his movements in that direction. It is also undisputed that after Gen. Custer had given Maj. Reno his orders to attack the Indians he continued his course down the river on the right bank. The last words from Gen. Custer to Maj. Reno were, "we will support you". From the time Maj. Reno started to obey the order, Gen. Custer must have been possessed of that idea, that intention; not for one moment did he forget it. His route down stream lay behind the bluffs or ridge next the river, mainly unexposed to the view of the hostile Indians. He was hurrying on at a rapid gait to strike the foe. Maj. Reno's support might not come from the rear, but he would be supported still with the sound of Custer's guns and the cheers of Custer's men in front. Maj. Reno himself says that he had no reason to believe that Gen. Custer would remain out of the fight with his five companies. Had he reflected for a moment he must have been satisfied that Gen. Custer was near the foe and had Maj. Reno waited twenty or thirty minutes before giving the fatal order to put the river between himself and the enemy, he would have seen Capt. Benteen with his column coming from the rear - and might have heard Custer's men in front. With Reno holding the Indians near him - Benteen coming up with 250 men and Custer striking in front, there was a glorious chance for a thrice glorious victory. Maj. Reno slipped his hold and all was lost!

But Maj. Reno says he had no confidence in Gen. Custer. With that feeling could he have gone into the battle stronghearted? It scarcely seems possible that one could do so.

It is only occasionally that we see men under such circumstances rising high above all danger and by a heroic example infusing confidence and courage and thus grasping the laurel of victory from the very midst of defeat. When Gen. Custer waved his hat from the bluff, he had confidence that Maj. Reno would hold on, and down the bluffs rode Custer's column to support Maj. Reno by a strong attack in flank - or rear of the village. Ancient proverbs tell us that "Obedience is not truly performed by the body of him whose heart is dissatisfied". True obedience neither procrastinates nor questions, but it is the "mother of success wedded to safety."

The testimony of three witnesses, Lieuts. Varnum and DeRudio, and Mr. Girard, establishes the fact that Gen. Custer passed within sight and hearing of Maj. Reno's command while that command was engaged with the Indians, and I believe the further testimony of all witnesses who afterward followed Gen. Custer's trail, is that it continued down the right bank of the stream toward the lower end of the village, till Gen. Custer attacked the Indians by going down a ravine, near the spot where his body was found.

These facts taken, in connection with the order which Gen. Custer's Adjutant sent back to Capt. Benteen, indicate the conclusion at which Maj. Reno himself arrives in his official report made only a few days after the battle, that Gen. Custer intended to support him by attacking the enemy in flank; and, the urgent summons to Capt. Benteen to "be quick" shows that he expected that officer to cooperate with him in his attack; and the further summons "bring packs", reveals with equal clearness Gen. Custer's desire to secure the cooperation of all the forces of his command. The place for concentration was on the field of battle against the enemy and nowhere else.

The unimpeached testimony of all the witnesses who were left in the timber by Maj. Reno is in effect that Gen. Custer went into action near the place where his body was found as indicated by the direction from whence the sound of firing came and at a period of time distinctly after Maj. Reno had left the timber. The nature of the country as described by all the witnesses prevented Gen. Custer from seeing Maj. Reno's command after the time at which Lieut. DeRudio saw the General and his Adjutant on the bluff.

The inference from the testimony is therefore perfect that the last view had by Gen. Custer of Maj. Reno's command was when the latter was engaged; that he waved his hat signalling to Maj. Reno's command, his own cheering words to his brave men "Courage boys". He did this doubtless with the hope of being seen by someone and then went back to his own column to make a flank attack in support of Major Reno. It is undisputed save by opinion that Gen. Custer's engagement did not commence till after Maj. Reno had left the timber to retreat to the hill.

It is an undisputed fact that Gen. Custer received no support whatever from the seven companies of his regiment which remained on the hill under Maj. Reno's command. It seems that there was indecision and tardiness, and that the move that was made down stream was not begun by Maj. Reno's orders until after the pack train had arrived. Two pack mules were sent for, each carrying 2000 rounds of ammunition, the packer (Churchill) testified that he unpacked and packed the two boxes in his charge and that none was issued at that time on the hill from what he had brought up. Lieut. Wallace testifies that he saw one box opened and men helping themselves. So it appears that Maj. Reno's command was not so badly in need of ammunition after all. In fact, Maj. Reno does not allege that as his reason for leaving the timber. Maj. Reno says he did not intend moving down towards where Gen. Custer was supposed to be until after the arrival of the pack train. It was then too late; the field was lost, and Gen. Custer and the last of his men were weltering in their gore.

The true character of the struggle on Gen. Custer's field can only be definitely ascertained from Indians and their statements are generally unreliable in such matters. Leaving out mere matters of opinion it appears to me from all the testimony that Gen. Custer's column never attempted a crossing at the Ford "B". He must have gone around the head of that ravine and evidently sought to cross and attack the village lower down. The route to Ford B was inaccessible from the bluffs except for about fifty yards at the mouth of the ravine. It seems conclusive that his struggle began soon after Maj. Reno reached the hill.

The well-known capacity, tenacity and bravery of Gen. Custer and the officers and men who died with him forbid the supposition of a panic and a rout. There was a desperate and sanguinary struggle in which the Indians must have

suffered heavily. From the evidence that has been spread before this Court it is manifest that Gen. Custer and his comrades died a death so heroic that it has but few parallels in history. Fighting to the last and against overwhelming odds, they fell on the field of glory. Let no stigma of rout and panic tarnish their blood-bought fame. Their deeds of heroism will ever live in the hearts of the American people and the painter and the poet will vie with each other in commemorating the world-wide fame of Custer and his men.

It is for the Court to decide on all the facts whether Maj. Reno is in any way responsible for the defeat of the 7th Cavalry and the massacre of Gen. Custer and his command.

Third. Whether or not Maj. Reno exhibited cowardice in the battle at any time is a matter which must be more in the nature of presumptive evidence than of direct or positive proof. Though the majority of witnesses have testified that they themselves saw no direct indication of cowardice yet it must be remembered that these statements are very much in the nature of opinions. Three uncontradicted witnesses, Dr. Porter, Herendeen, and Capt. Godfrey, swear to actions manifesting confusion, fear, and nervous timidity. Lieut. Edgerly testifies as to the aimless firing of a pistol by Maj. Reno, at a thousand yards from the enemy, which he construed as an act of defiance - defiance at three-quarters of a mile with a pistol is neither evidence of coolness nor courage. The direct evidence of Churchill and Frett as to the nature of Maj. Reno's conduct on the night of June 25th may be taken as an illustration of Maj. Reno's character. The testimony of all three is substantially denied by Maj. Reno, and the Court must decide as to credibility. Dr. Porter testifies that Maj. Reno offered him his carbine when going into the fight; when reaching the hill Dr. Porter refers to the demoralization, to which Maj. Reno replies "that's a charge". Lieut. Varnum rushes to the head of the flying column to take charge of it, sees Maj. Reno there and says nothing more.

Upon reaching the hill, or soon after, Maj. Reno orders Lieut. Varnum to go and bury Lieut. Hodgson's body, but there are neither picks nor spades, as the pack train had not arrived. He orders Capt. French to go, and in ten minutes he orders him back. Maj. Reno goes down himself and remains away half an hour and it turns out that after all, Lieut. Hodgson's body is not buried until the 27th and then by Capt. McDougall. Sergt. Davern reports the loss of his carbine and he swears that Maj. Reno said he had lost both his carbine and pistol. Maj. Reno denies this. When advancing down the bottom Maj. Reno tells some of his men that he will give them hot work enough. Is this any evidence of courage and coolness? Was such a remark to a recruit calculated to inspire confidence and fearlessness? Lieut. Hare I believe it was who testified that a bugle was sounded on the advance - but no signal note warned the command that it was to leave the timber.

When Maj. Reno arrived on the hill and saw Capt. Benteen's column approaching he says - according to Lieut. Hare's testimony - "We have assistance now and we will avenge our dead comrades". No attempt was made until the pack train came up which was nearly an hour afterwards.

In considering the opinions advanced by officers and men two things must necessarily be taken into consideration: Esprit de corps, and the personal interest which witnesses feel - these may unconsciously shape their opinions or bias their judgment and the testimony of impartial witnesses unbiased by either must always weigh heavily against such opinions.

Fourth. Were Gen. Custer and his command through the cowardice or negligence of Maj. Reno abandoned to their fate? The uncontradicted evidence shows that Gen. Custer did in point of fact receive no assistance from Maj. Reno who was in command of fresh troops on the hill. The question as to culpable negligence is a matter of opinion and will be referred to in the next heading.

Fifth. Could Maj. Reno have known Gen. Custer's danger? The means of information at command of Maj. Reno as to the danger of his commanding officer

are settled by the testimony of every witness save himself and Capt. Benteen.

Maj. Reno stands alone in denying in 1879 that he was informed that there was fighting down the river after he arrived on the hill, June 25, 1876. He now states that he neither heard firing nor was it reported to him at that time. In his official report he states "We had heard firing in that direction and knew it could only be Custer". Capt. Benteen heard disputes about firing though he heard none himself from the Custer field. Even Capt. Godfrey, who admits to be somewhat deaf, swears that he heard more or less firing from that direction. The Indians had nearly all left Maj. Reno's front and great dust and smoke were seen by several witnesses in the direction of the hostile village.

It thus seems clear from the evidence and from the fact that Maj. Reno, by his own admission, already knew the presence of a heavy force of the enemy between himself and Gen. Custer that he had every reasonable means of knowing that his Commanding Officer was in great danger.

Sixth. The question as to the spirit in which Maj. Reno entered the battle is settled by himself in his own testimony; he says: "I had known Gen. Custer as a soldier for a long time, and I had no confidence in his ability as a soldier; I had known him all through the war". It is for the Court to determine from his own open statement and from the facts developed from the evidence whether he heartily supported his commander. Obedience is born of confidence and respect and for some reason Maj. Reno seems to have entertained toward Gen. Custer neither of these generous sentiments. When we remember the brilliant record of the gallant Custer; the continued confidence reposed in him during an eventful war; his rapid ascension in rank and esteem in the hearts of the American people we naturally pause with astonishment that any of his subordinate commanders should despise his ability as a soldier.

The final question, as to other matters affecting Maj. Reno's conduct during the battle of June 25, and 26, is plain and clear as to facts, while opinions are as various as it is possible for them to be. The bravery of the officers and men under Maj. Reno's command during the fighting on these two days is without question. The gallant charges made by Capts. Benteen, Weir, McDougall, and others, merit the highest praise; but whether the conduct of Maj. Reno was all that could be expected or required of a Commanding Officer is for the Court to determine from the evidence adduced.

I desire to especially invite the attention of the Court to the great diversity of opinions as to the number of hostile Indians - the estimates vary all the way from 1500 to 9000 warriors, one witness thinks there were from three to six warriors to a lodge. The moving village is described as $2\frac{1}{2}$ miles long and about $\frac{1}{2}$ mile wide - a dense mass as closely packed as could be to move along. Now allowing 54 square feet for each pony, that area would contain 1,134,220 ponies; but allowing 216 square feet for each pony would give 283,555. If there were 28,000 ponies each one would have a space of 2160 square feet which would make them appear somewhat scattered. Major Reno in his official report says: "I think we were fighting all the Sioux Nation and also all the desperadoes, renegades, half-breeds and squaw men between the Missouri and the Arkansas and east of the Rocky Mountains, and they must have numbered at least 2500 warriors". It will thus be seen that there are no means of arriving at anything like a reasonably correct estimate of the number of warriors in that hostile village. Judging from the variety of opinions that matter can never be settled. I fear it will forever remain involved in doubt and obscurity.

In conclusion I wish to invite the attention of the Court to a few brief extracts from the official report of Maj. Reno. In speaking of the division of the regiment into battalions he says: "I assumed command of the companies assigned to me and without any definite orders moved forward with the rest of the column and well to its left". "I saw Benteen moving farther to the left and as they passed he told me he had orders to move well to the left and

sweep everything before him." After describing the moving off of the Indian village on the 26th, Maj. Reno says "We now thought of Custer, of whom nothing had been heard and nothing seen since the firing in his direction about 6 p. m. on the evening of the 25th and we concluded that the Indians had gotten between him and us and driven him toward the boat at the mouth of the Little Big Horn River". Capt. Benteen, in reference to his move to the left states in his report which accompanies that of Maj. Reno that "I had then gone about fully ten miles, the ground was terribly hard on horses so I determined to carry out the other instructions, which were that if, in my judgment, there was nothing to be seen of Indians, valleys, etc., in the direction I was going to return with the battalion to the trail the command was following."

The Court has patiently investigated all matters coming within the scope of this inquiry, and is now in possession of a number of established facts upon which its opinion is to be based.

I believe that my duty is done and I wish to express to the Court my thanks for its patience and forbearance and to the talented and accomplished counsel who has so ably represented Maj. Reno in this inquiry, I wish to say that his connection with this case has been to me most pleasant and instructive.

The Court was then cleared and closed for deliberation, and after maturely considering the evidence adduced, reports the following facts and its opinion in this case.

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THE COURT'S FINDINGS

The Court of Inquiry assembled by Special Orders No. 255, dated Headquarters of the Army, A.G.O. Washington, November 25th, 1878, reports in obedience to that order the following facts involving the conduct of Major Marcus A. Reno, 7th Cavalry, in regard to the Battle of the Little Big Horn fought June 25 and 26", 1876:

1st. On the morning of the 25th of June 1876 the 7th Cavalry, Lieutenant Colonel G.A. Custer commanding, operating against the hostile Indians in Montana Territory, near the Little Big Horn River, was divided into four battalions, two of which were commanded by Colonel Custer in person, with the exception of one company in charge of the pack train, - one by Major Reno and one by Captain F.W. Benteen.

This division took place from about twelve (12) to fifteen (15) miles from the scene of the battle or battles afterwards fought.

The column under Captain Benteen received orders to move to the left for an indefinite distance (to the first and second valleys) hunting Indians with orders to charge any it might meet with.

The battalion under Major Reno received orders to draw out of the column, and doing so marched parallel and only a short distance from the column commanded by Colonel Custer.

2nd. About three or four miles from what afterwards was found to be the Little Big Horn River where the fighting took place, Major Reno received orders to move forward as rapidly as he thought prudent until coming up with

the Indians who were reported fleeing, he would charge them and drive everything before him, and would receive the support of the column under Colonel Custer.

3rd. In obedience to the orders (given by Colonel Custer) Captain Benteen marched to the left (south) at an angle of about forty-five degrees, but meeting an impracticable country, was forced by it to march more to his right than the angle above indicated, and nearer approaching a parallel route to that trail followed by the rest of the command.

4th. Major Reno, in obedience to the orders given him moved on at a fast trot on the main Indian trail until reaching the Little Big Horn River, which he forded, and halted for a few moments to reform his battalion.

After reforming he marched the battalion forward towards the Indian village, down stream or in a northerly direction, two companies in line of battle and one in support, until about half way to the point where he finally halted, when he brought the company in reserve, forward to the line of battle, continuing the movement at a fast trot or gallop until after passing over a distance of about two miles, when he halted and dismounted to fight on foot, at a point of timber upon which the right flank of his battalion rested.

After fighting in this formation for less than half an hour, the Indians passing to his left rear, and appearing in his front, the skirmish line was withdrawn to the timber and the fight continued for a short time, half an hour or forty-five minutes in all, when the command, or nearly all of it, was mounted, formed and at a rapid gait was withdrawn to a hill on the opposite side of the river.

In this movement one officer and about sixteen soldiers and citizens were left in the woods besides one wounded man or more, two citizens and thirteen soldiers rejoining the command afterwards.

In this retreat Major Reno's battalion lost some twenty-nine men in killed and wounded, and three officers, including Doctor DeWolf, killed.

5th. In the meantime Captain Benteen having carried out as far as was practicable the spirit of his orders, turned in the direction of the route taken by the remainder of the regiment and reaching the trail followed it to near the crossing of the Little Big Horn, reaching there about the same time Reno's command was crossing the river in retreat lower down, and finally joined his battalion with that of Reno on the hill.

Forty minutes or an hour later the pack train which had been left behind, on the trail, by the rapid movement of the command, and the delays incident to its march, joined the united command, which then consisted of seven companies, together with about thirty (30) or thirty-five (35) men belonging to the companies under Colonel Custer.

6th. After detaching Benteen's and Reno's columns, Colonel Custer moved with his immediate command on the trail followed by Reno to a point within about one mile of the river, where he diverged to the right (or northward) following the general direction of the river to a point about four miles below that afterwards taken by Major Reno, where he and his command were destroyed by the hostiles. The last living witness of this march, Trumpeter Martin, left Colonel Custer's command when it was about two miles distant from the field where it afterwards met its fate. There is nothing more in evidence as to this command, save that firing was heard proceeding from its direction, from about the time Reno retreated from the bottom up to the time the pack train was approaching the position on the hill.

All firing which indicated fighting was concluded before the final preparations in Major Reno's command for the movement which was afterwards attempted.

7th. After the distribution of ammunition and a proper provision for the wounded men, Major Reno's entire command moved down the river in the direction it was thought Custer's column had taken, and in which it was known General Terry's command was to be found.

This movement was carried sufficiently far to discover that its continuance would imperil the entire command, upon which it returned to the position formerly occupied, and made a successful resistance, 'till succor reached it.

The defense of the position on the hill was a heroic one against fearful odds.

The conduct of the officers throughout was excellent and while subordinates in some instances did more for the safety of the command by brilliant displays of courage than did Major Reno there was nothing in his conduct which requires animadversion from this Court.

OPINION

It is the conclusion of this Court in view of all the facts in evidence, that no further proceedings are necessary in this case, and it expresses this opinion in compliance with the concluding clause of the order convening the Court.

Jno. H. King,
Colonel 9" Infantry
President

J. M. Lee
1" Lieutenant & Adjutant 9" Infantry
Recorder

There being no further business before it, the Court at 5 o'clock P. M. adjourned sine die.

Jno. H. King,
Colonel 9" Infantry
President

J. M. Lee
1" Lieutenant & Adjutant 9" Infantry
Recorder

THE JUDGE ADVOCATE GENERAL'S OPINION & RECOMMENDATION

War Department,
Bureau of Military Justice,
February 21, 1879

Hon. Geo. W. McCrary,
Secretary of War.

Sir.

I have the honor to submit the record of the proceedings of a Court of Inquiry convened by order of the General of the Army at the request of Major Marcus A. Reno, 7th Cavalry, "for the purpose of inquiring into that officer's conduct at the battle of Little Big Horn river on the 25th and 26th days of June, 1876."

After daily sessions with scarcely an omission for twenty six days, and the taking of much testimony, the Court arrived at conclusions which are set forth at length in the second volume of the record. The testimony taken by the Court has been examined with sufficient minuteness to justify, it is believed, an entire concurrence in the results so reached.

The statement of facts with which the Court introduces its opinion of the inexpediency of further proceedings in the case, is regarded as a very

accurate summary of the testimony which describes the movements of Major Reno's command from the time it was detached from the main column by Gen. Custer's orders, until its relief by the arrival of Gen. Terry in person, after the two days engagement with the Indians under Sitting Bull. I concur with the Court in its exoneration of Major Reno from the charges of cowardice which have been brought against him, and in its conclusion that no further action is required.

The object of Gen. Custer in detaching Major Reno is shown to have been to attack the Indians simultaneously on opposite sides of their encampment or village. Their number appears to have been far greater than Gen. Custer imagined, and very far in excess of the force under his command. On Major Reno arriving within striking distance, he appears to have attacked at once, but being met by overwhelming numbers, was compelled to fall rapidly back and intrench himself on the summit of a hill a short distance from the battle field. This hill was four and a half miles by measurement from the point at which Gen. Custer lost his life. Faint firing from the direction of Custer's command was heard by some, but not by all, of Major Reno's detachment. But the testimony makes it quite clear that no one belonging to that detachment imagined the possibility of the destruction of Genl. Custer's troops; nor, had this idea suggested itself, does it seem to have been at any time within their power, fighting as they were for life under the attack of a body of Indians vastly outnumbering them, to go to his assistance. The common feeling was at the time one of anger with Gen. Custer for sending them into so dangerous a position and apparently abandoning them to their fate. The suspicion or accusation that Gen. Custer owed his death and the destruction of his command to the failure of Major Reno, through incompetency or cowardice, to go to his relief, is considered as set at rest by the testimony taken before the present Court.

It is respectfully recommended that the conclusions of the Court be approved.

(Signed) W. M. Dunn
Judge Advocate General

ACTION OF THE GENERAL OF THE ARMY

Headquarters of the Army Washington, D.C., March 5th, 1879. The findings of the Court of Inquiry in the case of Major Reno are approved and the proceedings are respectfully forwarded to the Hon. Secretary of War.

W. T. Sherman,
General.

FINAL APPROVAL

The proceedings and findings are approved by order of the President.

Geo. W. McCrary,
Secy. of War

March 5, 1879.

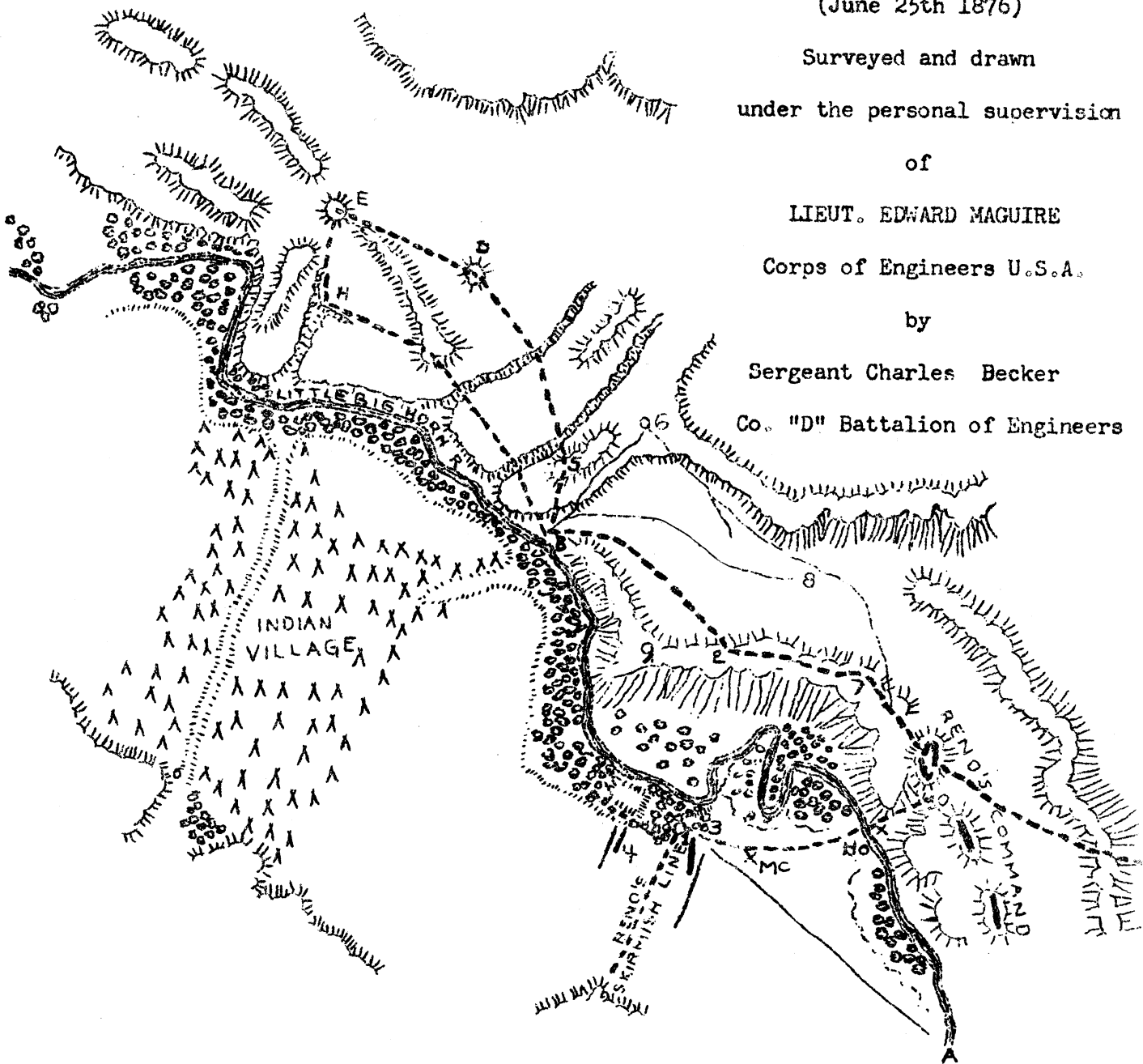
EXHIBIT NO. 1

Consists of Major Reno's letter to the President in which he requests a Court of Inquiry, and encloses the news release containing Frederick Whittaker's letter to Hon. W. W. Corlett, Delegate to Congress from Wyoming, in which letter Whittaker demands Congressional Investigation of Reno's conduct at the Little Big Horn. As both these documents appear in extenso at pages III, IV and V of the Introductory Chapter, they are not repeated here.

Surveyed and drawn
under the personal supervision
of

LIEUT. EDWARD MAGUIRE
Corps of Engineers U.S.A.

by
Sergeant Charles Becker
Co. "D" Battalion of Engineers



EXPLANATION

- A. Reno's crossing and advance down valley.
- B. The ford Custer was believed to have tried.
- D. Calhoun's stand.
- E. Custer Hill, scene of the last stand.
- H. Many bodies found here.
- Mc. Lt. McIntosh killed here. Marked with X.
- Ho. Lt. Hodgson killed here. Marked with X.
- 1. Girard marks point where he encouraged Reynolds, the Scout.
- 2. Girard estimates Custer's position when Reno reached hill in retreat.
- 3. Girard marks point where Reynolds was killed.
- 4. Herendeen marks point where he dismounted.
- 5. Hare's estimate of Reno's position, in his advance toward Custer.
- 6. Hare's estimate of Weir's advance point.
- 7. DeRudio's estimate of where he saw Custer, during the valley fight.
- 8. Martin marks point from which he was sent back with message to Benteen to "Come on and be quick".
- 9. Edgerly's estimate of point of Reno's advance.

Note: The four lines to front and rear of the dotted line on the original map marked "Reno's Skirmish Line", were marked in pencil by witnesses who thought the map incorrectly placed the skirmish line.

ENLARGED SKETCH OF
Northeast Section of
MAGUIRE'S MAP.

Note: The figures on the map are
those of the stakes driven into the
ground to mark the graves.

- D. Calhoun Hill
E. Custer Hill
1. Capt. M. W. Keogh,
7th Cav.
2. ---
3. Lt. J. Calhoun,
7th Cav.
4. Lt. J. J. Crittenden,
20th Inf.
5. Lt. Col. G. A. Custer,
7th Cav.
6. Capt. T. W. Custer, 7th
Cav.
7. Capt. G. W. Yates, 7th Cav.
8. Lt. W. Van W. Reilly, 7th Cav.
9. Lt. A. E. Smith, 7th Cav.
10. Lt. W. W. Cooke, 7th Cav.
11. Mr. W. B. Custer.
12. Mr. Reed.

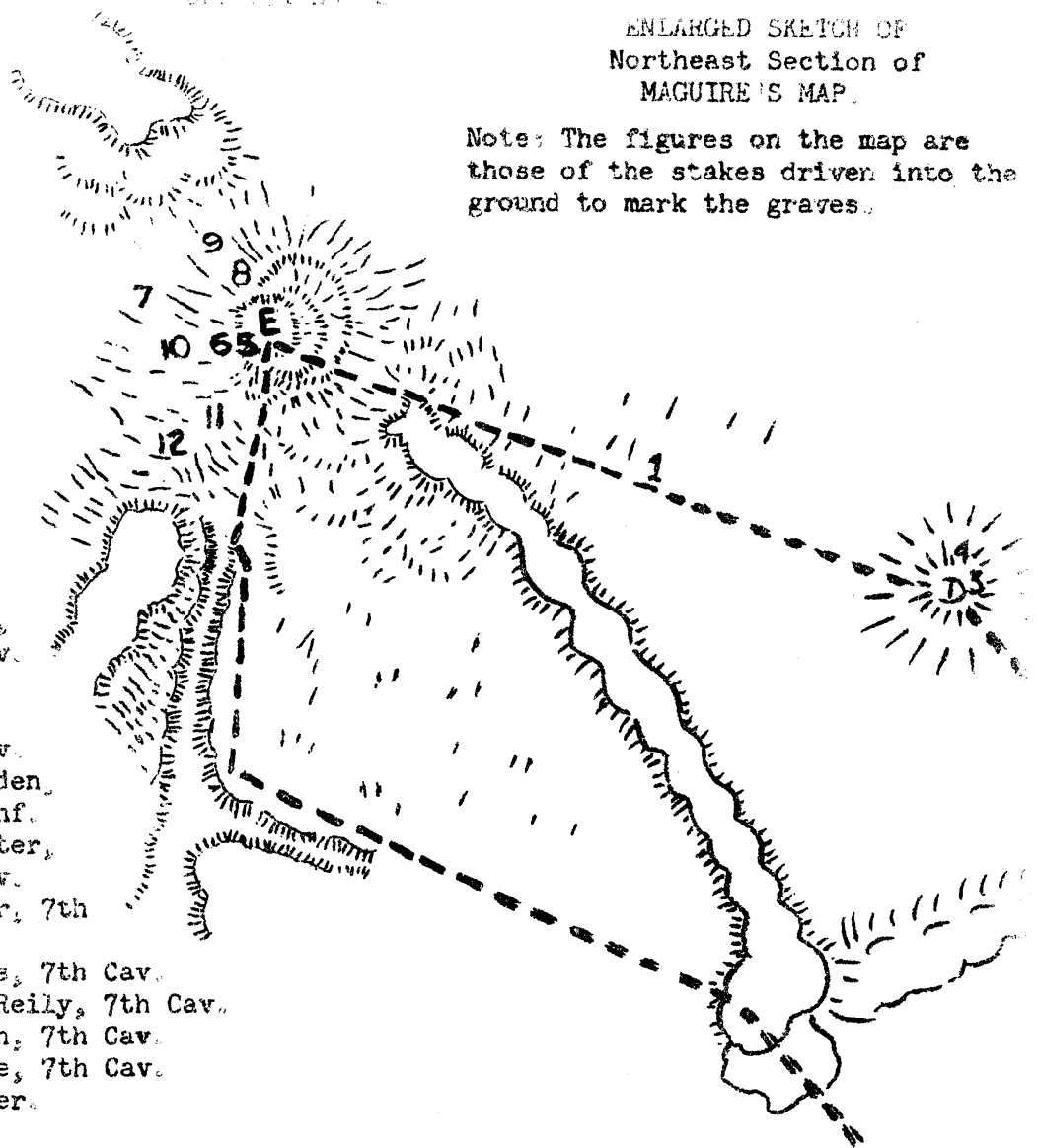
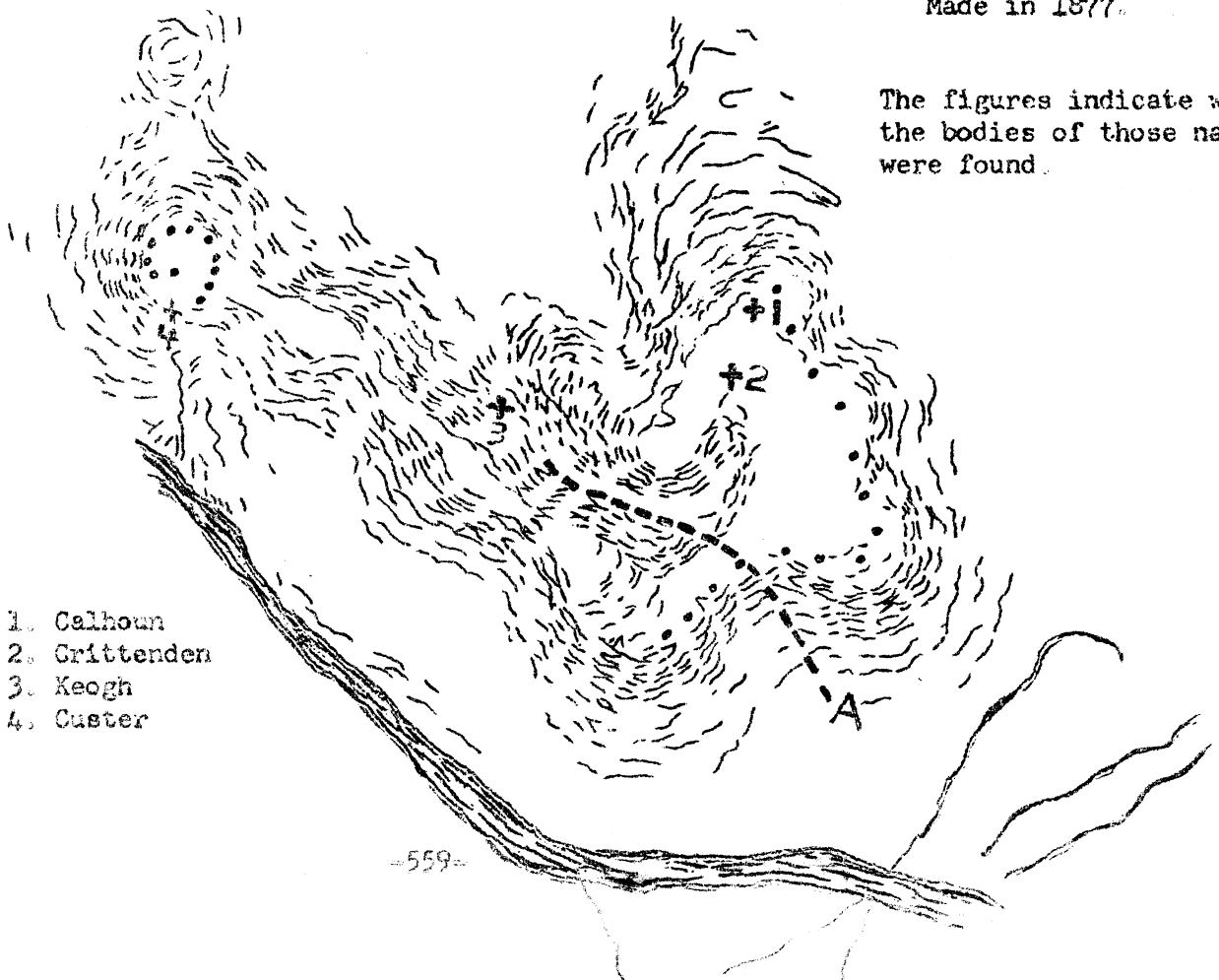


EXHIBIT NO. 2

CAPT. NOWLAN'S SKETCH MAP
of
Custer's battlefield
Made in 1877.

The figures indicate where
the bodies of those named
were found.



1. Calhoun
2. Crittenden
3. Keogh
4. Custer

EXHIBIT NO. 3

Questions to be asked the witness HERENDEEN respectfully submitted to the Court by FREDERICK WHITTAKER, accuser of MAJOR RENO.

Submitted January 28, 1879.

1. Did you or did you not observe any evidences of fear on the part of Major Reno on the 25th or 26th June 1876? State the grounds of your opinion.
2. When Bloody Knife was killed by Major Reno's side in the glade or park of which you have spoken, what effect did it have on Major Reno, and how do you know, if you know?
3. Did you ever converse with Major Reno on the subject of the death of Bloody Knife, and what was the conversation, if any?
4. What words were uttered by the cavalry soldier who was shot at the same time as Bloody Knife, if you heard them?
5. Did Major Reno give any other orders than "Dismount" and "Mount" before he started to leave the timber?
6. Did he start before or with the men, and did he exhibit coolness and courage in so doing, or did you then think that he started under the influence of fear for his own personal safety?
7. Have you had cause to change your opinion since that time as to Major Reno's conduct whether cowardly or the reverse?

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I further desire leave respectfully to submit to the court that in case these questions should lead to fresh ones by Major Reno's counsel I should be permitted to ask questions if necessary in my own person of this or any other witness, subject to the discretion of the court in the same manner as Major Reno and his counsel.

Respectfully submitted
Frederick Whittaker
Accuser of Major Reno.

EXHIBIT NO. 4.

Headquarters 7th U. S. Cavalry,
Camp on Yellowstone River,
July 5, 1876.

Captain E. W. Smith,
A. D. C. and A. A. A. G.

The command of the regiment having devolved upon me as the senior surviving officer from the battle of the 25th and 26th of June between the 7th Cavalry and Sitting Bull's band of hostile Sioux on the Little Big Horn River, I have the honor to submit the following report of its operations from the time of leaving the main column until the command was united in the vicinity of the Indian village.

The regiment left the camp at the mouth of the Rosebud river after passing in review before the Department Commander under command of Brevet Major General G. A. Custer, Lieutenant Colonel, on the afternoon of the 22nd of June and marched up the Rosebud twelve miles and encamped:-- 23d marched up the Rosebud passing many old Indian camps and following a very large lodge-pole trail, but not fresh, making thirty-three (33) miles; 24th the march was continued up the Rosebud, the trail and signs freshening with every mile until we had made twenty-eight (28) miles, and we then encamped and waited for information from the scouts: at 9-25 p.m. Custer called the officers together and informed us that beyond a doubt the village was in the valley of the Little Big Horn, and in order to reach it, it was necessary to cross the divide between the Rosebud and the Little Big Horn, and it would be impossible to do so in the day time without discovering our march to the Indians; that we would prepare to march at 11 p.m.; this was done, the line of march turning from the Rosebud to the right up one of its branches which headed near the summit of the divide. About 2 a.m. of the 25th the scouts told him that he could not cross the divide before daylight. We then made coffee and rested for three hours, at the expiration of which time the march was resumed, the divide crossed and about 8 a.m. the command was in the valley of one of the branches of the Little Big Horn; by this time Indians had been seen and it was certain that we could not surprise them and it was determined to move at once to the attack. Previous to this no division of the regiment had been made since the order had been issued on the Yellowstone annulling wing and battalion organizations, but Custer informed me that he would assign commands on the march.

I was ordered by Lieutenant W. W. Cook, Adjutant, to assume command of companies M. A. and G; Captain Benteen of companies H. D. and K, Custer retained C. E. F. I. and L. under his immediate command and company B, Captain McDougall, in rear of the pack train.

I assumed command of the companies assigned to me and without any definite orders moved forward with the rest of the column and well to its left. I saw Benteen moving farther to the left and as they passed he told me he had orders to move well to the left and sweep everything before him. I did not see him again until about 2-30 p.m. The command moved down the creek towards the Little Big Horn valley, Custer with five companies on the right bank, myself and three companies on the left bank and Benteen farther to the left and out of sight. As we approached a deserted village, and in which was standing one tepee, about 11 a.m. Custer motioned me to cross to him, which I did, and moved nearer to his column until about 12-30 a.m. (p.m.) when Lieutenant Cook, Adjutant, came to me and said the village was only two miles ahead and running away; to move forward at as rapid a gait as prudent and to charge afterwards, and that the whole outfit would support me. I think those were his exact words. I at once took a fast trot and moved down about two miles where I came to a ford of the river. I crossed immediately and halted about ten minutes or less to gather the battalion, sending word to

Custer that I had everything in front of me and that they were strong. I deployed and with the Ree scouts on my left charged down the valley driving the Indians with great ease for about $2\frac{1}{2}$ miles. I however soon saw that I was being drawn into some trap as they would certainly fight harder and especially as we were nearing their village, which was still standing, besides I could not see Custer or any other support and at the same time the very earth seemed to grow Indians and they were running towards me in swarms and from all directions. I saw I must defend myself and give up the attack mounted, this I did. Taking possession of a front of woods, and which furnished (near its edge) a shelter for the horses, dismounted and fought them on foot, making headway through---the woods. I soon found myself in the near vicinity of the village, saw that I was fighting odds of at least five to one and that my only hope was to get out of the woods where I would soon have been surrounded and gain some high ground. I accomplished this by mounting and charging the Indians between me and the bluffs on the opposite side of the river. In this charge 1st Lieutenant Donald McIntosh, 2nd Lieutenant Benj. H. Hodgson, 7th Cavalry and A. A. Surgeon J. M. DeWolf were killed. I succeeded in reaching the top of the Bluff with a loss of three officers and twenty-nine enlisted men killed, and seven men wounded. Almost at the same time I reached the top mounted men were seen to be coming towards us and it proved to be Colonel Benteen's battalion, companies H. D. and K. We joined forces and in a short time the pack train came up. As senior my command was then A. B. D. G. H. K. M., about 380 men and the following officers, Captains Benteen, Weir, French and McDougall, 1st Lieutenants Godfrey, Mathey and Gibson, and 2d Lieutenants Edgerly, Wallace, Varnum and Hare and A. A. Surgeon Porter. 1st Lieutenant DeRudio was in the dismounted fight in the woods but having some trouble with his horse did not join the command in the charge out and hiding himself in the woods joined the command after night-fall of the 26th. Still hearing nothing of Custer and with this reinforcement, I moved down the river in the direction of the village, keeping on the bluffs. We had heard firing in that direction and knew it could only be Custer. I moved to the summit of the highest bluff but seeing and hearing nothing sent Capt. Weir with his company to open communication with him. He soon sent back word by Lieut. Hare that he could go no further and that the Indians were getting around him. At this time he was keeping up a heavy fire from his skirmish line. I at once turned everything back to the first position I had taken on the bluff and which seemed to me the best. I dismounted the men and had the horses and mules of the pack train driven together in a depression, put the men on the crests of the hills making the depression and had hardly done so when I was furiously attacked, - this was about six p.m. We held our ground with a loss of eighteen enlisted men killed and forty-six wounded until the attack ceased about 9 p.m. As I knew by this time their overwhelming numbers and had given up any hope of support from that portion of the regiment with Custer, I had the men dig rifle pits; barricaded with dead horses and mules and boxes of hard bread the opening of the depression towards the Indians in which the animals were herded, and made every exertion to be ready for what I saw would be a terrific assault the next day. All this night the men were busy, and the Indians holding a scalp dance underneath us in the bottom and in our hearing. On the morning of the 26th I felt confident that I could hold my own and was ready as far as I could be when at daylight about 2-30 a.m. I heard the crack of two rifles. This was the signal for the beginning of a fire that I have never seen equalled. Every rifle was handled by an expert and skilled marksman and with a range that exceeded our carbine, and it was simply impossible to show any part of the body before it was struck. We could see as the day brightened countless hordes of them pouring up the valley from out the village, and scampering over the high points towards the places designated for them by their chiefs and which entirely surrounded our position. They had sufficient numbers to completely encircle us, and men were struck from opposite sides of the lines and where the shots were fired. I think we were fighting all the Sioux nation and also all the desperadoes, renegades, half-breeds and squawmen between the Missouri and the Arkansas and east of the Rocky mountains, and they must have numbered at least twenty-five hundred warriors. The fire did

not slacken until about 9-30 a.m. and then we found they were making a last desperate effort and which was directed against the lines held by companies H and M. In this charge they came close enough to use their bows and arrows, and one man lying dead within our lines was touched with the coup stick of one of the foremost Indians. When I say the stick was only ten or twelve feet long some idea of the desperate and reckless fighting of these people may be understood. This charge of theirs was gallantly repulsed by the men on that line led by Colonel Benteen. They also came close enough to send their arrows into the line held by Co's. D and K, but were driven away by a like charge of the line which I accompanied. We now had many wounded and the question of water was vital as from 6 p.m. of the previous evening until near 10 a.m., about 16 hours, we had been without.

A skirmish line was formed under Colonel Benteen to protect the descent of volunteers down the hill in front of his position to reach the water. We succeeded in getting some canteens although many of the men were hit in doing so. The fury of the attack was now over and to our astonishment the Indians were seen going in parties toward the village. But two solutions occurred to us for this movement, that they were going for something to eat, more ammunition (as they had been throwing arrows) or that Custer was coming. We took advantage of this lull to fill all vessels with water and soon had it by camp kettles full. But they continued to withdraw and all firing ceased soon; (except) occasional shots from sharp-shooters sent to annoy us about the water. About 2 p.m. the grass in the bottom was set on fire and followed up by Indians who encouraged its burning, and it was evident to me it was done for a purpose, and which purpose I discovered later on to be the creation of a dense cloud of smoke behind which they were packing and preparing to move their village. It was between six and seven p.m. that the village came out from behind the dense clouds of smoke and dust. We had a close and good view of them as they filed away in the direction of Big Horn Mountains moving in almost perfect military order. The length of the column was fully equal to that of a large division of the Cavalry Corps of the Army of the Potomac as I have seen it in its march.

We now thought of Custer, of whom nothing had been seen and nothing heard since the firing in his direction about six p.m. on the eve of the 25th, and we concluded that the Indians had gotten between him and us and driven him towards the boat at the mouth of the Little Big Horn River. The awful fate that did befall him never occurred to any of us as within the limits of possibility.

During the night I changed my position in order to secure an unlimited supply of water and was prepared for their return, feeling sure they would do so as they were in such numbers; but early in the morning of the 27th and while we were on the qui vive for Indians, I saw with my glass a dust some distance down the valley. There was no certainty for some time what they were but finally I satisfied myself they were cavalry, and if so could only be Custer, as it was ahead of the time that I understood that General Terry could be expected. Before this time however, I had written a communication to General Terry and three volunteers were to try and reach him. I had no confidence in the Indians with me and could not get them to do anything. If this dust were Indians, it was possible they would not expect anyone to leave. The men started and were told to go as near as it was safe to determine whether the approaching column was white men, and to return at once in case they found it so; but if they were Indians to push on to General Terry. In a short time we saw them returning over the high bluffs already alluded to. They were accompanied by a scout who had a note from Terry to Custer saying Crow scouts had come to camp saying he had been whipped but that it was not believed. I think it was about 10-30 a.m. that General Terry rode into my lines; and the fate of Custer and his brave men was soon determined by Captain Benteen proceeding with his company to his battle ground, and where was recognized the following officers who were surrounded by the dead bodies of many of their men:

General G. A. Custer; Col. W. W. Cook, Adjutant; Captains M. W. Keogh, G. W. Yates, and T. W. Custer; 1st Lieuts. A. E. Smith, James Calhoun;

2nd Lieutenants W. V. Reilly of the 7th Cavalry, and J. J. Crittenden of the 20th Infantry, temporarily attached to this regiment. The bodies of Lieutenant J. E. Porter and 2nd Lieutenant H. M. Harrington and J. G. Sturgis, 7th Cavalry and Assistant Surgeon G. W. Lord, U.S.A., were not recognized, but there is every reasonable probability they were killed. It was now certain that the column of five companies with Custer had been killed.

The wounded in my lines were during the afternoon and eve of the 27th moved to the camp of Gen'l. Terry and at 5 a.m. of the 28th I proceeded with the regiment to the battle ground of Custer and buried 204 bodies, including the following named citizens: Mr. Boston Custer, Mr. Reed (a young nephew of General Custer) and Mr. Kellogg, a correspondent for the New York Herald. The following named citizens and Indians who were with my command were also killed: Charles Reynolds (guide and hunter); Isaiah Dorman (colored) interpreter; Bloody Knife who fell from immediately by my side; Bobtail Bull and Stab of the Indian scouts.

After traveling over his trail it is evident to me that Custer intended to support me by moving further down the stream and attacking the village in flank. That he found the distance greater to the ford than he anticipated; that he did charge, but his march had taken so long, altho' his trail shows he had moved rapidly, that they were ready for him. That Co's. C. and I and perhaps part of E crossed to the village or attempted it, at the charge; were met by a staggering fire and that they fell back to find a position from which to defend themselves, but they were followed too closely by the Indians to permit time to form any kind of line. I think had the regiment gone in as a body and from the woods from which I fought advanced upon the village, its destruction was certain. But he was fully confident they were running away or he would not have turned from me. I think (after the great number of Indians there were in the village) that the following reasons obtain for the misfortune. His rapid marching for two days and one night before the fight; attacking in the daytime at 12 M and when they were on the qui vive instead of early in the morning, and lastly his unfortunate division of the regiment into three commands.

During my fight with the Indians I had the heartiest support from officers and men, but the conspicuous service of Bvt. Col. F. W. Benteen, I desire to call attention to especially; for if ever a soldier deserved recognition by his government for distinguished services, he certainly does. I enclose herewith his report of the operations of his battalion from the time of leaving the regiment until we joined commands on the hill. I also enclose an accurate list of casualties as far as it can be made at the present time, separating them into two lists: "A", those killed in General Custer's command; "B", those killed and wounded in the command I had. The number of Indians killed can only be approximated until we hear through the Agencies. I saw the bodies of 18 and Captain Ball, 2d Cavalry, who made a scout of thirteen miles over their trail says that their graves were many along their line of march. It is simply impossible that numbers of them should not be hit in the several charges they made so close to my lines. They made their approaches through the deep gulches that led from the hill top to the river, and when the jealous care with which the Indian guards the bodies of killed and wounded is considered, it is not astonishing that their bodies were not found. It is probable that the stores left by them and destroyed the next two days was to make room for many of them on their travois. The harrowing sight of the dead bodies crowning the height on which Custer fell and which will remain vividly in my memory until death, is too recent for me not to ask the good people of this country whether a policy that sets opposing parties in the field armed, clothed and equipped by one and the same government should not be abolished.

All of which is respectfully submitted.

Official
(S'G'D) R. P. Hughes,
Captain 3d Inf't'y. A.D.C.

(Signed) M. A. Reno,
Major, 7th Cavalry,
Com'd'g Regiment.

Headquarters Department of Dakota,
Saint Paul, Minn., January 9", 1879.

A true copy:
Geo. D. Ruggles,
Assistant Adjutant General.

EXHIBIT NO. 5.

Camp on Little Big Horn,
20 miles from its mouth.

June 27".

General Terry:

I have had a most terrific engagement with the hostile Indians. They left their camp last evening at sundown moving due south in the direction of Big Horn Mountains. I am very much crippled and cannot possibly pursue. Lieutenants McIntosh and Hodgson and Dr. DeWolf are among the killed. I have many wounded and many horses and mules shot. I have lost both my own horses. I have not seen or heard from Custer since he ordered me to charge with my battalion (3 companies) promising to support me.

I charged about 2 p.m. but meeting no support was forced back to the hills. At this point I was joined by Benteen with 3 companies and the pack train rear guard (one Co.). I have fought thousands and can still hold my own, but cannot leave here on account of the wounded. Send me medical aid at once and rations.

(signed) M. A. Reno,
Maj. 7th Cavalry.

As near as I can say now I have over 100 men killed and wounded.

Headquarters Dept. of Dakota.
Saint Paul, Minn., January 9", 1879.

A true copy:

Geo. D. Ruggles,
Assistant Adjutant General.

EXHIBIT NO. 6.

List of Casualties in 7th Regiment of U. S. Cavalry
during the battles on Little Big Horn River with
Sitting Bull's band of Hostile Sioux on the 25th and
26th of June, 1876

KILLED

Co.	Name	Rank
Field & Staff	George A. Custer	Bvt. Maj. Genl. U. S. A.
" "	W. W. Cook	Bvt. Lt. Col. U. S. A.
" "	Lord	Asst. Surg. U. S. A.
" "	J. M. DeWolf	Act'g. Asst. Surg. U. S. A.
N. C. Staff	W. W. Sharrow	Sergt. Maj.
" "	Henry Voss	Chief Trpdr.
A. Co.	Henry Daliou	Corpl.
"	George H. King	"
"	John E. Armstrong	Pvt.
"	James Drinan	"
"	William Moody	"
"	James McDonald	"
"	Richard Rawlins	"
"	John Sullivan	"
"	Thomas P. Switzer	"
B. Co.	Benj. Hodgson	2nd Lt.
"	Richard Doran	Pvt.
"	George Mack	"
C. Co.	Thos. W. Custer	Bvt. Lt. Col. U. S. A.
"	H. M. Harrington *	2nd Lt.
"	Edwin Bobo	1st Sergt.
"	Finley	Sergt.
"	Finkle	
"	French	Corpl.
"	Foley	"
"	Ryan	"
"	Allen	Pvt.
"	Criddle	"
"	King	"
"	Bucknell	"
"	Eisman	"
"	Engle	"
"	Brightfield	"
"	Farrand	"
"	Griffin	"
"	Hawel	"
"	Hattisoll	"
"	Kingsoutz	"
"	Lewis	"
"	Mayer	"
"	Mayer	"
"	Phillips	"
"	Russell	"
"	Rix	"
"	Rauter	"
"	Short	"
"	Shea	"
"	Shade	"
"	Stuart	"

Co.	Name	Rank
C. Co.	St. John	Pvt.
"	Thadius	"
"	Van Allen	"
"	Warren	"
"	Wyndham	"
"	Wright	"
D. Co.	Vincent Charlie	Farrier
"	Patrick Golden	Pvt.
"	Edward Hansen	Pvt.
E. Co.	A. E. Smith	Bvt. Capt. U.S.A.
"	J. Sturgis *	2nd Lt.
"	Fred. Hohmeyer	1st Sergt.
"	Ogden	Sergt.
"	James	"
"	Hagan	Corpl.
"	Mason	"
"	Blorn (Brown?)	"
"	Meyer	"
"	McElroy	Trpt.
"	Mooney	"
"	Baker	Pvt.
"	Boyle	"
"	Bauth	"
"	Connor	"
"	Darring	"
"	Davis	"
"	Farrell	"
"	Hiley	"
"	Huber	"
"	Hime	"
"	Henderson	"
"	Henderson	"
"	Leddison	"
"	O'Connor	"
"	Rood	"
"	Reese	"
"	Smith 1st	"
"	Smith 2nd	"
"	Smith 3rd	"
"	Stella	"
"	Stafford	"
"	Schoole	"
"	Smallwood	"
"	Tarr	"
"	VanSant	"
"	Walker	"
"	Brogen	"
"	Knicht	"
F. Co.	G. W. Yates	Captain
"	W. Van Reilly	2nd Lt.
"	Kenney	1st Sgt.
"	Nursey	Sgt.
"	Vickory	"
"	Wilkinson	"
"	Colman	Corpl.
"	Teeman	"
"	Briody	"

Co.	Names	Rank
F. Co.	Brandon	Farrier
"	Manning	Blk. Smith
"	Atchison	Private
"	Brown 1st	"
"	Brown 2nd	"
"	Bruce	"
"	Brady	"
"	Burnham	"
"	Cather	"
"	Carney	"
"	Dohman	"
"	Donnelly	"
"	Gardiner	"
"	Hammon	"
"	Kline	"
"	Knauth	"
"	Luman	"
"	Losse	"
"	Milton Jos	"
"	Madson	"
"	Monroe	"
"	Audden	"
"	Omeling	"
"	Sicfous	"
"	Sanders	"
"	Warren	"
"	Way	"
"	Lerock	"
"	Kelley	"
G. Co.	Donald McIntosh	1st Lt.
"	Edward Botzer	Sgt.
"	M. Considine	"
"	Jas. Martin	Corpl.
"	Otto Hageman	"
"	Benj. Wells	Farrier
"	Henry Dose	Trptr.
"	Crawford Selby	Saddler
"	Benj. E. Rogers	Pvt.
"	Andrew J. Moore	"
"	John J. McGinniss	"
"	Edward Stanley	"
"	Henry Seafferman	"
"	John Rapp	"
H. Co.	Geo. Lell	Corpl.
"	Julian D. Jones	"
"	Thos. E. Meador	"
I. Co.	H.W. Keogh	Bvt. Lt. Col.
"	J. E. Porter *	1st Lieut.
"	F. E. Varden	1st Sgt.
"	J. Bustard	Sergt.
"	John Wild	Corpl.
"	G. C. Morris	"
"	S. F. Staples	"
"	J. McGucker	Trptr.
"	J. Patton	"
"	H. A. Bailey	Blksmith
"	J. F. Broadhurst	Pvt.
"	J. Barry	"
"	J. Connors	"

Co.	Names	Rank
I. Co.	T. P. Downing	Pvt.
"	E. C. Driscoll	"
"	D. C. Gillette	"
"	G. H. Gross	"
"	E. P. Holcomb	"
"	M. E. Horn	"
"	Adam Hetismer	"
"	P. Kelley	"
"	Fred. Lehman	"
"	Henry Lehman	"
"	E. P. Lloyd	"
"	A. McIlhargey	"
"	J. Mitchell	"
"	J. Noshang	"
"	J. O'Bryan	"
"	J. Parker	"
"	F. J. Pitter	"
"	Geo. Post	"
"	Jas. Quinn	"
"	William Reed	"
"	J. W. Rosbury	"
"	D. L. Symms	"
"	J. E. Troy	"
"	Chas. VonBramer	"
"	W. B. Whaley	"
K. Co.	D. Winney	1st Sgt.
"	R. Hughes	Sgt.
"	J. J. Callahan	Corpl.
"	Julius Helmer	Trumpeter
"	Eli U. T. Clair	Pvt.
L. Co.	James Calhoun	1st Lt.
"	J. J. Crittenden	lt. 20 Inftry.
"	Butler	1st Sgt.
"	Warren	Sgt.
"	Harrison	Corpl.
"	Gilbert	"
"	Seiller	"
"	Walsh	Trumpeter
"	Adams	Pvt.
"	Assdely	"
"	Burke	"
"	Cheever	"
"	McGill	"
"	McCarthy	"
"	Dugan	"
"	Maxwell	"
"	Scott	"
"	Babcock	"
"	Perkins	"
"	Tarbox	"
"	Dye	"
"	Tessier	"
"	Galvin	"
"	Graham	"
"	Hamilton	"
"	Rodgers	"
"	Snow	"
"	Hughes	"
"	Miller	"

Co.	Names	Rank
L. Co.	Tweed	Pvt.
"	Vetter	"
"	Cashan	"
"	Keefe	"
"	Andrews	"
"	Crisfield	"
"	Harrington	"
"	Haugge	"
"	Kavanaugh	"
"	Lobering	"
"	Mahoney	"
"	Schmidt	"
"	Simon	"
"	Semenson	"
"	Riebold	"
"	O'Connell	"
M. Co.	Miles F. O'Hara	Sergt.
"	Henry M. Scollin	Corpl.
"	Fred. Stringer	"
"	Henry Gordon	Pvt.
"	H. Klotzbrusher	"
"	G. Lawrence	"
"	W. D. Meyer	"
"	G. E. Smith	"
"	D. Somers	"
"	J. Tanner	"
"	H. Turley	"
"	H. C. Vogt.	"
	Boston Custer	Civilian
	Arthur Reed	"
	Mark Kellog	"
	Chas. Reynolds	"
	Frank C. Mann	"
	Indian Scouts	
	Bloody Knife	
	Bobtailed Bull	
	Stab	

Total number of commissioned officers killed - - -	14
Act'g. Asst. Surg.	1
Enlisted men	247
Civilians	5
Indian Scouts	3

* The bodies of Lts. Harrington, Sturgis and Porter were not found, but it is reasonably certain that they were killed.

List of wounded in 7th Regiment U. S. Cavalry
during the Battles on Little Big Horn River
with Sitting Bull's band of Hostile Sioux
on the 25th and 26th of June 1876

Co.	Names	Rank
A	William Heyn	1st Sergt.
"	Jacob Deal	Pvt.
"	Samuel Foster	"
"	Frederick Homestead	"
"	Francis M. Reeves	"
"	Elijah T. Stroud	"
B	William M. Smith	Corpl.
"	Chas. Cunningham	Pvt.
C	Chas. Bennett	Pvt.
"	Maguire	"
"	Thompson	"
"	Whittaker	"
D	Patrick McDonald	"
E	Jas. T. Reilly	Sergt.
G	Jas. P. Boyle	Pvt.
"	Chas. Camell	"
"	John McVey	"
"	John Morrison	"
H	Joseph McCurry	1st Sergt.
"	Patrick Connelly	Sergt.
"	Thos. McLaughlin	"
"	John Pahl	"
"	William Ramel	Trmptr.
"	Otto Voit	Saddler
"	Henry Bishley	Pvt.
"	Chas. H. Bishop	"
"	Alex B. Bishop	"
"	John Cooper	"
"	Henry Black	"
"	Wm. Farley	"
"	Wm. George	"
"	Thos. Hughes	"
"	John Muller	"
"	John Phillips	"
"	Samuel Severes	"
"	William C. Williams	"
"	Charles Windolph	"
I	David Cooney	"
K	Patrick Corcoran	"
"	Michael Madden	"
"	Max Milke	"
L	Thos Marshall	"
M	Patrick Carey	"
"	Charles White	"
"	Daniel Newall	Blksmith
"	Frank Braun	Pvt.

Co.	Names	Rank
M	John H. Meyer	Pvt.
"	William E. Morris	"
"	Roman Rutten	"
"	Thos. P. Warner	"
"	Jas. Wilbur	"
"	Chas. Wiedman	"

The above is approximate. The absence of all company records and the loss of 7 1st Sergts. has rendered it almost impossible to account for all the men at the present time.

M. A. Reno
Major. 7th Cavalry.
Commanding Regiment.

1st Endorsement

Headquarters Department of Dakota - Saint Paul, Minn. July 10th 1876.

Respectfully forwarded to Headquarters Military Division of the Missouri - 269 bodies have heretofore been reported buried. This report accounts for 260 only. I have understood unofficially that there are 23 men missing. Some of these 23 were undoubtedly buried but were not recognized.

Signed Geo. D. Ruggles,
Asst. Adjt. General.

For and in the absence of the Brig. Genl. Commandg

2nd Endorsement

Headquarters Mil. Div. Mo.
Chicago, July 13, 1876.

Respectfully forwarded to the Adjutant General of the Army.

(Signed) P. H. Sheridan
Lieutenant General.
Commanding.

Official copy

E. D. Townsend.
Adjutant General.

A. G. Office,
Jan. 9, 1879

Note by Compiler:

It is obvious that these lists were made up in the field, without records, as some of the names listed do not appear at all in subsequent lists, and many of the names correctly included are incorrectly spelled. Corrected lists were made on muster rolls ante-dated to June 30, 1876.

EXHIBIT No. 8

To the Honorable,
the Court of Inquiry.

In accordance with the Act of Congress approved 16 March 1873 I have the honor to request that I be allowed to testify before your honorable Court of Inquiry which has been convened upon my application.

M.A. Reno,
Maj. 7th Cav.

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EXHIBIT NO. 9

Headquarters of the Army,
Adjutant General's Office,
Washington, August 10, 1876.

Major M. A. Reno

7th Cavalry

(Through Headquarters Military Division of the Missouri)

Sir:

Referring to the petition of the enlisted men of the 7th Cavalry (forwarded by you the 15th ultimo) for the promotion of yourself and other officers of the regiment who participated in the engagement of June 25, 1876, I have the honor to enclose herewith, for the information of the officers and enlisted men concerned, a copy of the remarks of the General of the Army with reference to the request contained in the petition.

Very respectfully,

Your obedient Servant

(signed) E. D. Townsend.
Adjutant General.

A true copy:

J. M. Lee
1st Lieut. and Adj't. 9th Infantry.
Recorder

EXHIBIT NO. 10

Camp near Big Horn on Yellowstone River,
July 4th, 1876.

To his
Excellency the President
and the Honorable Representatives
of the United States.

Gentlemen:

We the enlisted men the survivors of the battle on the Heights of Little Horn River, on the 25th and 26th of June 1876, of the 7th Regiment of Cavalry who subscribe our names to this petition, most earnestly solicit the President and Representatives of our Country, that the vacancies among the Commissioned Officers of our Regiment, made by the slaughter of our brave, heroic, now lamented Lieutenant Colonel George A. Custer, and the other noble dead Commissioned Officers of our Regiment who fell close by him on the bloody field, daring the savage demons to the last, be filled by the Officers of the Regiment only. That Major M. A. Reno, be our Lieutenant Colonel vice Custer, killed; Captain F. W. Benteen our Major vice Reno, promoted. The other vacancies to be filled by officers of the Regiment by seniority. Your petitioners know this to be contrary to the established rule of promotion, but prayerfully solicit a deviation from the usual rule in this case, as it will be conferring a bravely fought for and a justly merited promotion on officers who by their bravery, coolness and decision on the 25th and 26th of June 1876, saved the lives of every man now living of the 7th Cavalry who participated in the battle, one of the most bloody on record and one that would have ended with the loss of life of every officer and enlisted man on the field only for the position taken by Major Reno, which we held with bitter tenacity against fearful odds to the last.

To support this assertion - had our position been taken 100 yards back from the brink of the heights overlooking the river we would have been entirely cut off from water; and from behind those heights the Indian demons would have swarmed in hundreds picking off our men by detail, and before midday June 26th not an officer or enlisted man of our Regiment would have been left to tell of our dreadful fate as we then would have been completely surrounded.

With prayerful hope that our petitions be granted, we have the honor to forward it through our Commanding Officer.

Very Respectfully,

Note by Compiler:

The above petition was signed by 236 enlisted survivors. The original record does not indicate that the signatures were introduced in evidence. They are, therefore, not reproduced here. Photostatic copies of these signatures were made during 1922, but many were even then illegible, most of them having been signed with pencil. Neither the original petition nor any copy thereof was attached to the original record as an exhibit.

Headquarters Army of the
United States, Washington,
D. C., August 5, 1876.

The judicious and skilful conduct of Major Reno and Captain Benteen is appreciated, but the promotions caused by General Custer's death have been made by the President and confirmed by the Senate; therefore this petition cannot be granted. When the Sioux campaign is over I shall be most happy to recognize the valuable services of both officers and men by granting favors or recommending actual promotion.

Promotion on the field of battle was Napoleon's favorite method of stimulating his officers and soldiers to deeds of heroism, but it is impossible in our service because commissions can only be granted by the President on the advice and consent of the Senate, and except in original vacancies, promotion in a regiment is generally if not always made on the rule of seniority.

(signed) W. T. SHERMAN,

General.

Official

(sgd) E. D. Townsend.
Adjutant General.

A true copy

J. M. Lee
1st Lieut. and Adj. 9th Infantry.
Recorder.

THE OFFICIAL RECORD OF A COURT OF INQUIRY CONVENED

AT CHICAGO, ILLINOIS, JANUARY 13, 1879 By The
PRESIDENT OF THE UNITED STATES Upon The Request
of Major Marcus A. Reno, 7th U.S. Cavalry To
Investigate His Conduct At The Battle Of The
Little Big Horn, June 25-26, 1876. Published by
Col. William Alexander Graham, U.S.A., Retired.
(Col. W.A. Graham, Pacific Palisades, California,
1951, ⁵⁹⁰~~575~~pp. incl. appendices, folio, one and two
volumes, \$35.00 and \$40.00 x pages 8½ x 13 in
Elite type by direct liquid process, hand sewn,
hand bound).

Despite the large volume of material published
on the Little Big Horn fight in the past years
there has existed several gaps in the information
available to the students of military history,
collectors of western history and those ~~xxxx~~
who have been interested in the story of this
particular bit of fascinating American history.
Col. Graham's publication of the record of the
Court of Inquiry now opens a new source of orig-
inal material. The ^{restricted,} official record of the Court
of Inquiry has been in the ^{AGO Section of the} National Archives for
many years and ^{is now sealed and} ~~has~~ not ~~been~~ available to students
or researchers because of ^{its} ~~the~~ worn and tattered
condition.

A number of copies of the Court of Inquiry ~~record~~ were made prior to the publication of the record ~~by Col. Graham~~. Col. Graham made one manuscript copy of the record in ~~1929~~ 1919-1920 and checked it ~~with~~ the original. Then a second copy (with three carbons) was typed under his supervision in Washington in 1933 and checked by the Judge General's Advocate's Office. One of these copies was double checked with the manuscript copy and was used as the master copy for this book. In ^{Aug. 2} 1934 the late Dr. Francis R. Hagner of Washington transcribed one of the J.A.G. copies in quadruplicate and this was edited by William James Ghent. The Hagner copies were sold by his estate at public auction at prices from \$170.00 to \$90.00. One copy is now in the William Robertson Coe Collection, Yale University Library and two copies are in the and one copy in the Newberry Library, Chicago Manuscript Room, New York Public Library, Mr. H.B. McConnell of Cadiz, Ohio also has a copy of the Graham transcribed record. Lt. Col. Eugene Hart, in Sept. 1938 ~~also typed a copy of the Hagner record~~ made copies of the Hagner record and two of the Hart copies are in the Manuscript Room, New York Public Library.

Only 125 copies of the record were ~~produced~~ published by Col. Graham in one or two volumes. The edition also contains the June 13, 1878 letter

of Fredrick Whittaker and Major Reno's letter of June 22, 1878 which formed the basis of the request for an inquiry in his conduct in the fight. In addition, ~~xxxxxxx~~ the interview of Fredrick Whittaker which appeared in the Chicago Times, Jan. 23, 1879 is also published. The record includes the ~~xxxxx~~ testimony of twenty three survivors of the fight or persons closely connected to the *that* following ~~proceedings~~ proceedings. This constitutes the only part-source of sworn testimony of the men who ~~were~~ participated in the battle.

COL. W. A. GRAHAM, U.S.A., RET'D
555 RADCLIFF AVENUE
PACIFIC PALISADES, CALIFORNIA

5 July 1951

AUTHOR

"THE STORY OF THE LITTLE BIG HORN"
"COME ON, BE QUICK BRING PACKS"
"THE LOST IS FOUND", ETC.

Major Kenneth Hammer,
2022 South Minnesota Ave.,
Sioux Falls, Iowa.

Dear Major Hammer:

It is a distinct privilege to announce that by authority of The Judge Advocate General of the Army speaking through The Adjutant General, and of the Archivist of the United States, I am permitted to offer to reference libraries, historical researchers and students of Western history, the complete and authentic text of the OFFICIAL RECORD of the COURT OF INQUIRY convened by the President during January 1879 upon the request of MAJOR MARCUS A. RENO, 7th Cavalry, to investigate his conduct at the battle of the LITTLE BIG HORN, June 25-26, 1876.

This disastrous combat with the followers of Sitting Bull, popularly known as "CUSTER'S LAST FIGHT", in which General George A. Custer and his entire immediate command were exterminated, has been, for three-quarters of a century, the subject of bitter controversy. Most spectacular and cryptic of the many clashes between our troops and hostile Indians, it has become an almost legendary event, adorned or distorted by myth and fable more than any incident in our history; an event which, despite the efforts of scores of able writers to clarify it, still remains a topic of engrossing interest and of speculation to a considerable section of the American public. Nor is this interest confined to America alone - it even reaches across the seas.

Lack of authentic and reliable source material has been the chief stumbling block of the student and researcher. Only one source exists that contains the sworn testimony of the men who were there and participated in the struggle; a record that sets forth in detail, all that was then known of the battle. Comparatively little has been discovered since. That record - the proceedings of the RENO COURT OF INQUIRY, which since 1879 has reposed in the confidential files of the War Department or in the National Archives, a RESTRICTED DOCUMENT accessible to few except officials, and NEVER PUBLISHED, is now made available.

Two copies of this record have been made which were checked and compared with the original: the first by myself in manuscript during 1919-20; the second under my supervision while on duty in Washington during 1933, of which three carbons were made. The 1933 copies were checked and compared by Messrs. Mould and Hinkle of the Judge Advocate General's Office. One of these copies, made especially for me by authority of The Judge Advocate General, was double-checked with my manuscript copy, and errors overlooked in the original comparison corrected. That copy I have. It constitutes the master copy of the forthcoming volume. The other 1933 copies remain in Washington, in official hands, for official use. No other checked and compared copies exist.

In 1934 the late Dr. Hagner of Washington was permitted to transcribe one of the 1933 copies then in the Judge Advocate General's library. This was done in quadruplicate, the copies so made being edited by Mr. W. J. Ghent. The Hagner copies were sold by his estate at public auction, at prices ranging from \$170.00 for the first copy, to \$90.00 for the last carbon. Three more uncomparared copies are extant, two of which are privately owned, the third being in the Newberry Library at Chicago. There are no other known copies. The limited edition I offer herewith therefore constitutes the only authentic and authorized reproduction of the Official Record of the Reno Inquiry ever made available.

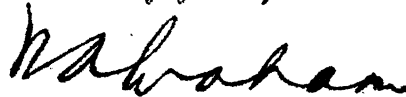
The number to be produced is 125 only. This limitation, while regrettable, was imperative because publishers were unwilling to undertake a six hundred page volume unless their entire cost was underwritten. I therefore became my own publisher, a course taken because there seemed no other way to accomplish this service in the interest of historical truth and accuracy. Each copy will be numbered and certified, and when this edition is exhausted, no more copies will be available.

Some outstanding authorities on CUSTERIANA have permitted me to quote their views as to the worth of this volume. These are Mr. FRED DUSTIN, author of "The Custer Tragedy", an outstanding study of the Sioux Campaign of 1876; Mr. E. A. BRININSTOOL, author of "A trooper with Custer", "Benteen's Story", "Reno Vindicated", and other works on our Indian Wars; and Dr. CHARLES KUHLMAN, long known for his "Custer and the Gall Saga", and for his reconstructive studies of the battle based upon evidence deduced from the battlefields. MAJOR GENERAL FRANK S. ROSS, one of Eisenhower's chief lieutenants in World War II, who throughout the past 25 years has studied the military aspects of the battle of the Little Big Horn, expresses the professional soldier's view as to the historical value of this Record. Excerpts from their letters are enclosed.

The book will contain some 590 pages, including an explanatory and introductory chapter. The pages will be 8½ x 13 inches, done in "Elite" type by the direct liquid process, similar in all respects to this letter. It will be hand-sewed and hand-bound in golden brown buckram, with title embossed in gold: a desirable accession to any library, to say nothing of its value in historical research.

Despite unexpectedly high production costs due to present conditions, I am able to offer this rare volume at little more than one-third the price brought by the last carbon of the Hagner quartet, which was \$90.00. The single volume price is \$35.00 F.O.B. Pacific Palisades, California. If you desire a two volume set, divided as is the original record, add \$5.00 to the above price. The two volume format is recommended because of convenience, and bulk. The book will be sold by subscription only, to which end a blank is furnished herewith, which please detach and return with your remittance. Subscriptions will be filled in the order in which received. Delay of about three weeks may be expected.

Faithfully yours,


W. A. Graham.

WHAT SUBSCRIBERS THINK OF IT

1. THE HISTORICAL SOCIETY OF MONTANA (The Assistant Librarian):

"The book is about the most valuable addition to our Battle of the Little Big Horn collection that we own. * * * a student of the campaign would gain an excellent understanding of the whole story by a careful reading of the report."

2. THE HISTORICAL SOCIETY OF NORTH DAKOTA (The Librarian):

"The Superintendent of the Society is most enthusiastic about it and considers it invaluable in any study of the battle of the Little Big Horn. We are also much pleased with the sturdy binding."

3. THE HUNTINGTON LIBRARY, San Marino, Calif. (The Librarian):

"I have now seen the Reno Inquiry and am glad indeed that we have it for our records."

4. DR. RAYMOND A. BURNSIDE, Des Moines, Iowa: (Charles DeLand's collaborator in his "History of the Sioux Wars").

"This is without a doubt the finest single piece of historical material pertaining to the Custer battle that has ever been produced."

5. DR. CHARLES KUHLMAN: (Author "Custer and the Gall Saga").

"It is more important to historians and students than all other works on the subject combined."

6. FRED DUSTIN: (Author "The Custer Tragedy").

"This work deserves to be ranked with those of Parkman and Bancroft".

7. MR. ROBERT M. UTLEY (Official Guide, Custer Battlefield):

"You are to be congratulated for your fine work in making it possible for historians to have access to this hitherto unattainable document. It is a momentous contribution * * * and should go far toward clearing up many perplexities."

8. DR. LAWRENCE FROST, Monroe, Michigan (Researcher and Collector of "Custeriana"):

"Frankly, I am amazed at the immensity of it, the fineness of arrangement, its binding and the low cost, if one considers all. You really have performed a public service * * *."

9. MR. EARL K. BRIGHAM, Lansing, Michigan (Researcher):

"I am in a position, along with the authorities in the field, to appreciate the immense contribution you're making - I should say - again making, * * *."

10. MR. MICHAEL HARRISON, "The Westerners", Sacramento, Calif: (Researcher & Collector):

"The book gets better the deeper I get into it. Fred Dustin * * * wrote me a personal letter praising the book to the skies. I have written him today telling him the book is everything he said it was."

FRED DUSTIN:

I am pleased to learn that you are to publish the text of the Official Record of the Court of Inquiry demanded by Major Reno. It has long been needed. My own labors in the preparation of "THE CUSTER TRAGEDY" would have been greatly lightened could I have had access to this record. As it was, after completing a carefully written manuscript in which I had relied upon certain supposed authorities, I found that I had built "a house of cards" which fell when I acquired authenticated extracts from the official record. I then secured a photostat copy of the Chicago Times record, reputed to be close to the official record, but soon found that the Times' attitude toward Reno had colored its report, which greatly impaired its usefulness. I was able, however, to secure further extracts from the official record, in consequence of which I rewrote a large part of my manuscript to conform to facts vital to any honest presentation of the story. I am well aware, Colonel, that the only copies ever made and compared with the original were done under your supervision, and that it is doubtful that any living person is as familiar with the record as yourself, or as competent to produce an authentic copy. I say emphatically that no one who attempts a sober study of Custer's last campaign can do justice to the subject without access to your certified work; and I am sure that no large library can afford to be without it.

DR. KUHLMAN:

The announcement that you are to publish the Official Record of the Reno Court of Inquiry is the best news that has come to Custer students since the day of the battle. The few who have been able to consult the Official Record or the Chicago Times report know that here is the bulk of the evidence, and that no really serious study can be made without using one or the other. Nor is it merely a question of bulk; it is the details found in the Record that make it possible to understand and control other sources emanating both from the Indians and the surviving members of the 7th Cavalry. It is a source of deep satisfaction to me that this work has been done by the man who, by all counts, is best qualified to do it. Your long service as a Judge Advocate, making just such records; your studies in the archives of the War Department; your discussions and correspondence with men and officers who were in the fight, among them Godfrey, Edgerly and Varnum; and your own authoritative work, "The Story of the Little Big Horn", constitute a guaranty that it has been done thoroughly and scientifically.

E. A. BRININSTOOL:

To any student of western history, or any person interested in the Sioux campaign of 1876, this reprint of the Reno Court of Inquiry by Col. W. A. Graham, late Judge Advocate, U. S. Army, author of "The Story of the Little Big Horn", is by far the most valuable item it is possible to obtain. Every question, and every answer of each of the many witnesses, is here recorded in thrilling and exciting interest throughout the several hundred pages of testimony. All the details of Custer's ill-fated expedition are here given by the men who took part in the fighting. Any person who acquires a copy of this production of Colonel Graham's will never regret owning it, no matter what the cost, because of the strictly factual character of the evidence. It is absolutely "the last word" on "Custer's last fight".

MAJ. GEN. FRANK S. ROSS:

I am delighted to learn of your intention to reproduce the proceedings of the Reno Court of Inquiry for limited distribution. Since the proceedings contain the testimony of the principal characters who survived the Battle of The Little Big Horn, its value as a source for serious students of that event is far beyond that of any other single document, albeit the court was held a number of years after the occurrence. Certainly no article written could be of much historical value unless the author had read the court proceedings and was familiar with what the participants said when they were under oath. I do hope that the issue will be placed in the principal libraries and historical societies where it will be available to present and future students.

83 [CUSTER]. Graham, Col. W. A. The Official Record of a Court of Inquiry convened at Chicago, Illinois, January 13, 1879, by the President of the United States, upon the request of Major Marcus A. Reno . . . to investigate his conduct at the Battle of the Little Big Horn, June 25-26, 1876. 350-225pp., maps. 2 vols., folio. Pacific Palisades, Calif., 1951.

\$250.00

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