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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 \*

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 pro-  
ceedings 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.

\* \* \*  
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:

Colonel John H. King, 9th Infantry.

Colonel Wesley Merritt, 5th Cavalry.

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

Recorder:

1st Lieut. Jesse M. Lee, Adj. 9th Infantry.

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 -

Col. Jno H. King, 9th Infantry.

Col. Wesley Merritt, 5th Cavalry.

Lieut-Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adjt. 9th Infantry.

Major Reno was also present.

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 of 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 re-opened, and the decision of the Court was announced by the Judge Advocate: 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 treeless, 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 bluff 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 tepees 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 come 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 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 wickyups.
- 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.
- 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 is 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.

The 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 -

Col. Jno H. King, 9th Infantry  
 Col. Wesley Merritt, 5th Cavalry.  
 Lt. Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adj. 9th Infty.

Major Reno and his counsel were also present.

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.
- Q. 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, 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. Where was Gen. Custer's column at that time.
- A. The two columns were moving parallel. Maj. 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 report 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 28th 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 big 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 formed 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 teepees, 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. After 50 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.
- Q. 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 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 "M", 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 upon 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 part 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 into 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 when 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: then it would be deep. The stream itself was very crooked.

Q. Where were the first evidences on 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 do 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 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.
- 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. Wier'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. Wier 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. Wier'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 where 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. Wier's company wounded and left by him in his advance. Two men of "X" 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 went 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, Jan. 16, 1879.  
11 o'clock A.M.

The Court met pursuant to adjournment.

Present -

Col. John H. King, 9th Infantry

Col. Wesley Merritt, 5th Cavalry

Lt-Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adjt. 9th Infantry.

Major Reno and his counsel were also present.

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 he 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 <sup>you</sup> 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 need some little reorganizing on the opposite side of the stream.
- A. Yes sir: I never saw it fall.
- 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 Mellargy and Mitchell.
- A. I knew Mellargy 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 "M" were formed left front, into line. They formed in front, and "G" company formed a line in the rear.
- Q. Who commanded Co. "A".
- A. Capt. Moylen.
- Q. Who commanded Co. "G".
- A. Lieut. McIntosh.
- Q. Who commanded Co. "M".
- A. Capt. French.
- Q. What followed them.
- 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. Keough.
- 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 we 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 occupy 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 waived 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. I 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 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, yes sir.

- 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 afterward 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; at 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 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 <sup>firing</sup> 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 28th?
- 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 near where he had been located during the fight. 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.
- 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 or 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 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 rises 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 Maj. 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

Col. John H. King, 9th Infantry  
Col. Wesley Merritt, 5th Cavalry  
Lt. Col. W. B. Royall, 3d Cavalry.

Recorder -

1st Lieut. Jesse M. Lee, Adj't. 9th Infantry.

Major Reno and his counsel were also present.

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 <sup>to</sup> 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 command.
- 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 battle field.

- 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 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. Wier 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. Wier started and don't know who gave the order.
- Q. Describe the position Capt. Wier 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. Wier moved down.
- A. That I don't know.
- Q. Did Capt. Wier 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. Wier'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. Wier's company.
- A. Within 200 yards of it, I guess.
- Q. Was Capt. Wier 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. Wier'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. Wier'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 3,000 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 wickups in which visiting bucks were living.
- Q. You testified that the firing you heard was to your left.
- A. Yee 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, Capt. 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 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 ten 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. Wier'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 halloosed 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 of 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 at 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 Yellow-stone. 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 set 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 halloped 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 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.
- 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, 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 halloed: "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 on to the brow of the hill, and were firing on to the troops, and the Indians on this side -

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

Maj. 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 by 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 skirmisher 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

Col. John H. King, 9th Infantry

Col. Wesley Merritt, 5th Cavalry  
Lt. Col. W. B. Royall, 3d Cavalry

Recorder

1st Lieut. Jesse M. Lee, Adjt., 9th Infantry.

Major Reno and his counsel were also present.

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 on to 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 off. 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 halloed 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 past 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 battle-field; 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 battle-field 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 battle-field. 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 battle-field 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 battle-field.
- 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 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 crossing 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 battle-field 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 villages 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 battle-field 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 put 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 that 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

Col. John H. King, 9th Infantry  
Col. Wesley Merritt, 5th Cavalry  
Lt. Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adj't. 9th Infantry.

Major Reno and his counsel were also present.

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 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 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 a 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 Reynold's 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, 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 26th about 10 o'clock I came from above "A" and passed between that and 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 halloosed "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 may 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 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, DePorter, Herndine 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. A 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 Reynold's 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. Then 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 data.

- 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 that 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 true 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.
- Q. 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 would 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 somebody 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. Wier'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 point 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 re-

opened 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, Jan'y. 21, 1879.

EIGHTH DAY.

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

The court met pursuant to adjournment.

Present

Col. John H. King, 9th Infantry  
Col. Wesley Merritt, 5th Cavalry  
Lt. Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lt. Jesse M. Lee, Adj't., 9th Infantry.

Major Reno and his counsel were also present.

The proceedings of the last session were read and approved.

Witness Girard 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 were 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 of 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 cavalymen.
- 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 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 23d 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. He 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 <sup>on</sup> 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 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~~ 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 get out of 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, 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 a 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 on to 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 supposed there was a detached portion of the village on the other side of the stream, and that is 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 upon 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 onto 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. When 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 <sup>there</sup> - 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 there were all 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 on to 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 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 in 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 on 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 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 traps 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 was 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, may be 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.
- Q. 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

Col. John H. King, 9th Infantry  
Col. Wesley Merritt, 5th Cavalry.  
Lt. Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adj. 9th Infantry.

Major Reno and his counsel were also present.

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 about 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 men, 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 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. "C" 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 the re 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 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 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" in 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 lookout 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 away 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 where 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.
- 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 danger.
- 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 had 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 share 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 <sup>whole</sup> 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 says "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 head 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 these 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. 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 horseholders 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 save 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, Jany. 23d, 1879.

TENTH DAY

Chicago, Illinois,  
Thursday, Jany. 23, 1879.  
11 o'clock A. M.

The Court met pursuant to adjournment.

Present

Col. John H. King, 9th Infantry

Col. Wesley Merritt, 5th Cavalry

Lt. Col. W. B. Royall, 3d Cavalry

Recorder

1st Lieut. Jesse M. Lee, Adj. 9th Infantry.

Major Reno and his counsel were also present.

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. That 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 of 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 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 Arm 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 to 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 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 started 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 place 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 wickyups, which probably contained bucks only.
- Q. Were any of those wickyups 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 wickyups 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 this 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 horse, and I think it bothered him to manage his horse and carry his gun too. He had a pretty fiery
- 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 has 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 Indian 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. Edgely 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 officers. 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 <sup>of</sup> 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 may be 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. to-morrow, Friday, Jan. 24, 1879.

Chicago, Illinois,  
Friday, Jany. 24, 1879,  
11 o'clock A.M.

The court met pursuant to adjournment.

Present

Col. John H. King, 9th Infantry

Col. Wesley Merritt, 5th Cavalry

Lt. Col. W. B. Royall, 3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adj. 9th Infantry.

Major Reno and his counsel were also present.

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, and 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 timber: 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 overruled.

- 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. Hodgeon 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 sometimes 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 I 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 at 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 dialodge 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. Moylen 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 of 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.
- Q. Were you always so cool during that engagement that you could observe matters that were being done on all sides.
- A. I don't suppose I could take in everything.
- Q. 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. Moylen 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 that 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 any body 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 this 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 <sup>the</sup> 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.

Q. 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 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 adjutants 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 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 horseholders 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 as 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 farther 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 on to 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 man 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 man 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 of 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 <sup>the</sup> 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 of 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. I 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 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 were 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

Col. John H. King, 9th Infantry.  
Col. Wesley Merritt, 5th Cavalry.  
Lt. Col. W. B. Royall, 3d Cavalry,

Recorder

1st Lt. Jesse M. Lee, Adj't. 9th Infantry.

Major Reno and his counsel were also present.

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 saddle-bags, 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 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 these 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 has 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

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 overshoot 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 indication 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.

Witness - 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 his 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 these 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

in regard to the column, and where Maj. Reno rode?

The companies moved for a distance in columns of fours 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 a 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 cavalymen 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 on to 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 upon 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 on to 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 on to 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

- 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 cavalymen 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 Maj. 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.

13th DAY

Chicago, Illinois,  
Monday, Jany. 27, 1879,  
11 o'clock A. M.

The Court met pursuant to adjournment.

Present

Col. John H. King,	9th Infantry
Col. Wesley Merritt,	5th Cavalry
Lt. Col. W. B. Royall,	3d Cavalry.

Recorder

1st Lieut. Jesse M. Lee, Adj't, 9th Infantry.

Major Reno and his counsel were also present.

The proceedings of the last session were read and approved.

Capt. Moylan being recalled testified as follows:

Questions by Maj. 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 Rosemain, 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 80 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 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 alope 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 were 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 as 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 end 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 "4".
- 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 these 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 aways. 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, 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 Fier'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 any how: 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 1500 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 <sup>on</sup> 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 these 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 Maj. 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 <sup>made</sup> 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. 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/<sup>you</sup> 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, 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 on to 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 "B" 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 a other 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 "B", 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 "B" 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 now 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 an 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 as 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 Maj. 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 Maj. 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 Maj. Reno.

Q. State what, in your judgment, was the length of time that a column of the size that Gen. Custer had 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 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 sometime 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 saw 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 teepees at the upper part of the village. I saw probably 400 or 500 teepees.
- 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 cover 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 100 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 on to 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.

14TH DAY

Chicago, Illinois,  
Tuesday Jany. 28, 1879,  
11 o'clock, A. M.

The Court met pursuant to adjournment.

Present.

Col. John H. King, 9th Infantry  
Col. Wesley Merritt, 5th Cavalry  
Lt. Col. W. B. Royall, 3d Cavalry.

Recorder.

1st Lieut. Jesse M. Lee, Adjt., 9th Infantry.

Major Reno and his counsel were also present.

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 Maj. 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 Herendeen 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.

Witness - 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 that 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 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 into 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.

Question by Maj. 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 gotten 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 tepees 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 <sup>and</sup> tell Capt. Weir who had 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 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 there 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, 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 order 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 grounds.
- 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 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 one thousand Indians around them.
- 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 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 into 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. I 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 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 there 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 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 bank. The first evidences 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 them 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 Maj. 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.
- 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 the 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 men 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 officers 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 B, 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 battlefield 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 B 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.

15th DAY.

Chicago, Illinois  
Wednesday, January 29, 1879  
11 o'clock a.m.

The Court met pursuant to adjournment.

Present

Col. John H. King, 9th Infantry  
Col. Wesley Merritt, 5th Cavalry  
Lt. Col. W. B. Royall, 3d Cavalry

Recorder

1st Lieut Jesse M. Lee, Adj't., 9th Inf.

Major Reno and his counsel were also present.

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

Lieut. Charles De Radio, 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 Rudis, 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 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 horse 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 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 altogether 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.
- Q. 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 300 or 400 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 go 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 place 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 26 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 stand 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 on to 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 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 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 ones. 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 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 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.
- Q. 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 skilful 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 circle.

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. I 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. Here 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.
- 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 such.
- 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, 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.

16TH DAY

CHICAGO, Illinois, January 30, 1879  
10:30 o'clock A.M.

The Court met pursuant to adjournment.

Present

Colonel John H. King, 9th Infantry  
Colonel Wesley Merritt, 5th Cavalry  
Lieut. Colonel W. B. Royall, 3d Cavalry

Recorder

1st Lieut. Jesse M. Lee, Adjutant, 9th Infantry.

Major Reno and his counsel was also present.

The proceedings as far as written up were read and approved.

Lieut. Charles De Rudio being recalled by the Recorder testifies 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 Maj. 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 believed 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 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 Maj. 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 galoped.
- 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 galoped 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 in 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 it.
- 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 one 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. There 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 a piece 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 under the control of company officers and is not the commanding officer like a major in command of the whole body of men.
- 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 sergeant.
- 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 Maj. 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 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 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 if 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 led 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 H 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 anybody 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 it 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 15 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 considerable 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. "Gerard 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 Kehoe 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. About 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. Where 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 laying 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.

Question 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 Maj. 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 skirmishline 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 get 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, 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 anybody 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<sup>up</sup> 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 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.
- 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. He 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 or 30 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.

A. 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 until 10 o'clock A.M. tomorrow Friday Jan'y. 31, 1879.

17TH DAY.

Chicago, Illinois, January 31, 1879,  
10 o'clock A.M.

The Court met pursuant to adjournment.

Present

Colonel John H. King, 9th Infantry  
Colonel Wesley Merritt, 5th Cavalry  
Lieut. Colonel W. B. Royall, 3d Cavalry

Recorder

1st Lieut. Jesse M. Lee, Adjutant, 9th Infantry.

Maj. Reno and his counsel was also present.

The proceedings as far as written were read and approved.

Lieutenant Charles DeRudio being recalled by Maj. Reno testifies as follows:

Questions by Maj. Reno.

Q. What conversation if any did you have with Mr. Gimard 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.

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The examination of Sergeant Culbertson was then resumed as follows.

Questions by Maj. Reno.

- Q. What commands if any or instructions did you hear Maj. 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 not 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 what 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 there 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 did 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 25.
- 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 hill top 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 25 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, unless 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 25, 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 25 in regard to sending a despatch to Genl. Custer.
- A. Lt. Varnum spoke to Sergt. McDermott in the vicinity of the packmules and asked <sup>him if he would volunteer</sup> 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 25 and 26 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 such 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 26. If so at what hour and where was he.
- A. I saw him about 8 or half past coming from the direction "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 ~~the~~acktrain.
- A. I saw him pass it several times.
- Q. Was that a position of danger exposed to the fire 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 28 and hear 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. <sup>Reno</sup>.
- 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 26.
- 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 has lost his watch and the afternoon of the 25 and through 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 thats all.
- Q. State whether at any time during the advance 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 25 and the 26 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. <sup>Very</sup> A/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 cavalry man 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 their being any order showing what there 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 23th 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 Maj. Reno.

- Q. Was there not an attempt by the whole column on the afternoon of the 25 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 kind 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 recruit.
- 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/ort 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.
- 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 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 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.
- 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.
- Q. Then what 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 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 8).
- 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. It 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 altogether 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. Where 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.